SESSION
LAWS OF MISSOURI

Passed during the

NINETY-EIGHTH GENERAL ASSEMBLY

First Regular Session, which convened at the City of Jefferson,
Wednesday, January 7, 2015, and adjourned Saturday, May 30, 2015.
Veto Session held September 16, 2015.

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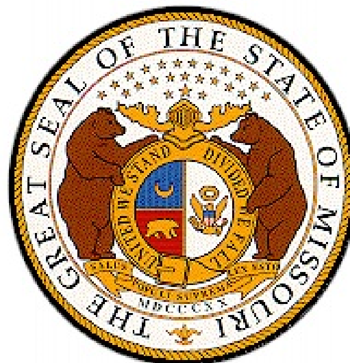

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HOW TO USE THE SESSION LAWS

The first pages contain the *Popular Name Table* and the *Table of Sections Affected by 2015 Legislation* from the First Regular Session of the 98th General Assembly.

The text of all 2015 House and Senate Bills and the Concurrent Resolutions from the First Regular Session appears next. The appropriation bills are presented first, with all others following in numerical order.

A subject index is included at the end of this volume.

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Authority for Publishing Session Laws and Resolutions

Section 2.030, Revised Statutes of Missouri, 2014. — Legislative research, printing and binding of laws. — The joint committee on legislative research shall annually collate and index, and may print and bind and/or produce in a web-based electronic format all laws and resolutions passed or adopted by the general assembly and all measures approved by the people since the last publication of the session laws. Any edition of the session laws published pursuant to this section is a part of the official laws and resolutions of the general assembly at which the laws and resolutions were passed.

Section 2.040, Revised Statutes of Missouri, 2014. — Duties of Legislative Research in printing and binding. — The joint committee on legislative research shall provide copies of all laws, measures and resolutions duly enacted by the general assembly and all amendments to the constitution and all measures approved by the people since the last publication of the session laws pursuant to section 2.030, giving the date of the approval or adoption thereof. The joint committee on legislative research shall headnote, collate, index the laws, resolutions and constitutional amendments, and compare the proof sheets of the printed copies with the original rolls. The revisor of statutes shall insert therein an attestation under the revisor's hand that the revisor has compared the laws, resolutions, constitutional amendments and measures therein contained with the original rolls and copies in the office of the secretary of state and that the same are true copies of such laws, measures, resolutions and constitutional amendments as the same appear in the original rolls in the office of the secretary of state. The joint committee on legislative research shall cause the completed laws, resolutions and constitutional amendments to be printed and bound.

ATTESTATION

STATE OF MISSOURI)
) ss.
City of Jefferson)

I, Russ Hembree, Revisor of Statutes, hereby certify that I have collated carefully the laws and resolutions passed by the Ninety-eighth General Assembly of the State of Missouri, convened in first regular session, as they are contained in the following pages, and have compared them with the original rolls and have corrected them thereby. Headnotes are used for the convenience of the reader and are not part of the laws they precede.

IN TESTIMONY WHEREOF, I have hereunto set my hand at my office in the City of Jefferson this fifth day of August A.D. two thousand fifteen.

RUSS HEMBREE
REVISOR OF STATUTES

EFFECTIVE DATE OF LAWS

Section 29, Article III of the Constitution provides:

"No law passed by the general assembly, except an appropriation act, shall take effect until ninety days after the adjournment of the session in either odd-numbered or even-numbered years at which it was enacted. However, in case of an emergency which must be expressed in the preamble or in the body of the act, the general assembly by a two-thirds vote of the members elected to each house, taken by yeas and nays may otherwise direct; and further except that, if the general assembly recesses for thirty days or more it may prescribe by joint resolution that laws previously passed and not effective shall take effect ninety days from the beginning of the recess."

The Ninety-eighth General Assembly, First Regular Session, convened Wednesday, January 7, 2015, and adjourned Saturday, May 30, 2015. All laws passed by it (other than appropriation acts, those having emergency clauses or different effective dates) became effective ninety days thereafter on August 28, 2015.

JOINT RESOLUTIONS AND INITIATIVE PETITIONS

Section 2(b), Article XII of the Constitution provides:

"All amendments proposed by the general assembly or by the initiative shall be submitted to the electors for their approval or rejection by official ballot title as may be provided by law, on a separate ballot without party designation, at the next general election, or at a special election called by the governor prior thereto, at which he may submit any of the amendments..... If a majority of the votes cast thereon is in favor of any amendment, the same shall take effect at the end of thirty days after the election. More than one amendment at the same election shall be so submitted as to enable the electors to vote on each amendment separately."

The Ninety-eighth General Assembly, First Regular Session, passed no Joint Resolutions. Resolutions are to be published as provided in Section 116.340, RSMo 2000, which reads:

"**116.340. Publication of approved measures.** — When a statewide ballot measure is approved by the voters, the secretary of state* shall publish it with the laws enacted by the following session of the general assembly, and the revisor of statutes shall include it in the next edition or supplement of the revised statutes of Missouri. Each of the measures printed above shall include the date of the proclamation or statement of approval under section 116.330."

*The publication of session laws was delegated to the Joint Committee on Legislative Research in 1997 by Senate Bill 459, section 2.040.

The headnotes used to describe sections printed in this volume may not be identical with the headnotes which appear in the 2015 Noncumulative Supplement to the Revised Statutes of Missouri. Every attempt has been made to develop headnotes which adequately describe the textual material contained in the section.

POPULAR NAME TABLE

2015 LEGISLATION

ABLE program, SB 174
Direct primary care agreements, HB 769

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TABLE OF SECTIONS AFFECTED BY 2015 LEGISLATION, FIRST REGULAR SESSION

SECTION	ACTION	BILL
1.010	Amended	SB 239
8.597	Repealed	SB 58
9.042	New	HB 859
9.045	New	HB 861
9.120	Amended	HB 404
9.144	New	HB 361
9.145	New	HB 402
9.151	New	HB 1116
9.157	New	HB 88
9.162	New	HB 567
9.183	New	HB 400
9.185	New	HB 1119
9.220	New	HB 874
9.230	New	HB 778
21.440	Repealed	SB 58
21.445	Repealed	SB 58
21.450	Repealed	SB 58
21.455	Repealed	SB 58
21.460	Repealed	SB 58
21.465	Repealed	SB 58
21.530	Repealed	SB 58
21.535	Repealed	SB 58
21.537	Repealed	SB 58
21.830	Repealed	SB 58
21.835	Repealed	SB 58
21.850	Repealed	SB 58
21.920	Repealed	SB 58
29.230	Amended	SB 87
29.380	Amended	HB 92
29.380	Amended	SB 445
30.953	Repealed	SB 58
30.954	Repealed	SB 58
30.956	Repealed	SB 58
30.959	Repealed	SB 58
30.962	Repealed	SB 58
30.965	Repealed	SB 58
30.968	Repealed	SB 58
30.971	Repealed	SB 58
32.069	Amended	HB 517
32.096	New	HB 524
32.383	New	HB 384
32.385	New	HB 384
33.150	Amended	SB 58
33.710	Amended	SB 58
33.850	Repealed	SB 58
34.040	Amended	HB 137

TABLE OF SECTIONS AFFECTED BY 2015 LEGISLATION, FIRST REGULAR SESSION

SECTION	ACTION	BILL
37.250	Repealed	SB 58
37.650	New	HB 384
37.719	New	SB 341
41.1012	New	HB 1070
42.045	New	HB 403
43.518	Amended	SB 58
49.130	New	SB 539
52.260	Amended	HB 613
52.260	Amended	SB 405
65.620	Amended	HB 517
65.620	Amended	HB 613
67.287	New	SB 5
67.320	Vetoed	HB 799
67.320	Vetoed	SB 67
67.617	Amended	HB 137
67.950	Amended	SB 497
67.955	Amended	SB 497
72.401	Amended	HB 511
86.200	Amended	HB 515
86.207	Amended	HB 515
86.213	Amended	HB 515
86.237	Amended	HB 515
86.250	Amended	HB 515
86.251	Amended	HB 515
86.257	Amended	HB 515
86.263	Amended	HB 515
86.270	Amended	HB 515
86.320	Amended	HB 515
86.1110	Amended	HB 515
86.1270	Amended	HB 515
86.1270	Vetoed	HB 629
86.1500	Amended	HB 515
86.1630	Amended	HB 515
86.1630	Vetoed	HB 629
92.402	Amended	SB 190
94.579	Amended	HB 517
99.845	Amended	HB 514
99.863	Repealed	SB 58
99.866	New	HB 514
99.971	Repealed	SB 58
99.1057	Repealed	SB 58
105.666	Vetoed	HB 326
105.955	Repealed	SB 58
115.135	Amended	SB 34
115.275	Amended	SB 34
115.277	Amended	SB 34

TABLE OF SECTIONS AFFECTED BY 2015 LEGISLATION, FIRST REGULAR SESSION

SECTION	ACTION	BILL
115.279	Amended	SB 34
115.283	Amended	SB 34
115.287	Amended	SB 34
115.291	Amended	SB 34
115.306	New	SB 104
115.308	Overridden	HB 63
115.308	New	SB 104
115.342	Repealed	SB 104
115.348	Repealed	SB 104
115.350	Repealed	SB 104
115.912	Amended	SB 34
115.940	Repealed	SB 34
116.190	Amended	SB 104
135.155	Amended	SB 194
135.1150	Amended	SB 463
135.1180	Amended	SB 463
136.055	Amended	HB 137
136.110	Amended	HB 517
136.375	New	HB 384
136.380	Amended	HB 384
136.450	New	HB 384
137.018	New	HB 613
137.018	New	HB 616
137.076	Amended	HB 613
137.081	New	HB 616
140.170	Amended	HB 613
140.195	New	HB 613
140.310	Amended	HB 613
140.340	Amended	HB 613
140.350	Amended	HB 613
140.405	Amended	HB 613
140.410	Amended	HB 613
140.420	Amended	HB 613
142.815	Amended	SB 231
143.161	Amended	HB 517
143.191	Amended	HB 517
143.191	Amended	SB 336
143.451	Amended	SB 19
143.801	Amended	HB 517
143.811	Amended	HB 517
144.020	Amended	HB 517
144.021	Amended	SB 18
144.030	Amended	HB 517
144.030	Amended	SB 231
144.044	Amended	HB 111
144.049	Amended	HB 517

TABLE OF SECTIONS AFFECTED BY 2015 LEGISLATION, FIRST REGULAR SESSION

SECTION	ACTION	BILL
144.054	Overridden	SB 20
144.080	Amended	HB 517
144.450	Amended	HB 869
144.810	New	SB 149
160.011	Vetoed	HB 42
160.400	Vetoed	HB 42
160.403	Vetoed	HB 42
160.405	Vetoed	HB 42
160.408	Vetoed	HB 42
160.410	Vetoed	HB 42
160.415	Vetoed	HB 42
160.417	Vetoed	HB 42
160.425	Vetoed	HB 42
160.530	Amended	SB 58
160.545	Overridden	SB 224
160.975	New	SB 341
161.084	Vetoed	HB 42
161.087	Vetoed	HB 42
161.238	Vetoed	HB 42
161.1000	Vetoed	HB 42
161.1005	Vetoed	HB 42
162.025	Overridden	HB 63
162.025	Repealed	SB 104
162.081	Vetoed	HB 42
162.481	Overridden	HB 63
162.481	Amended	SB 104
162.491	Overridden	HB 63
162.491	Amended	SB 104
162.1250	Vetoed	HB 42
162.1303	Vetoed	HB 42
162.1305	Vetoed	HB 42
162.1310	Vetoed	HB 42
162.1313	Vetoed	HB 42
163.011	Amended	HB 41
163.011	Vetoed	HB 42
163.018	Vetoed	HB 42
163.021	Amended	HB 41
163.031	Amended	HB 41
163.031	Vetoed	HB 42
163.036	Vetoed	HB 42
165.011	Amended	HB 41
166.421	New	SB 366
166.435	Amended	SB 366
166.600	New	SB 174
166.605	New	SB 174
166.610	New	SB 174

TABLE OF SECTIONS AFFECTED BY 2015 LEGISLATION, FIRST REGULAR SESSION

SECTION	ACTION	BILL
166.615	New	SB 174
166.620	New	SB 174
166.625	New	SB 174
166.630	New	SB 174
166.635	New	SB 174
166.640	New	SB 174
166.645	New	SB 174
167.020	Amended	SB 116
167.121	Vetoed	HB 42
167.127	Vetoed	HB 42
167.131	Vetoed	HB 42
167.132	Vetoed	HB 42
167.195	Repealed	SB 58
167.642	Vetoed	HB 42
167.685	Vetoed	HB 42
167.688	Vetoed	HB 42
167.730	Vetoed	HB 42
167.825	Vetoed	HB 42
167.826	Vetoed	HB 42
167.827	Vetoed	HB 42
167.830	Vetoed	HB 42
167.833	Vetoed	HB 42
167.836	Vetoed	HB 42
167.839	Vetoed	HB 42
167.842	Vetoed	HB 42
167.845	Vetoed	HB 42
167.848	Vetoed	HB 42
167.890	Vetoed	HB 42
169.291	Vetoed	HB 629
169.450	Vetoed	HB 629
170.015	Amended	HB 501
170.215	Vetoed	HB 42
170.320	Vetoed	HB 42
171.031	Vetoed	HB 42
173.1550	New	SB 93
174.030	Amended	SB 334
174.310	Amended	SB 334
174.332	Amended	SB 334
177.015	Vetoed	HB 42
178.820	Amended	SB 104
190.839	Amended	SB 210
191.828	Amended	SB 58
191.934	Repealed	SB 58
192.390	New	SB 354
192.632	Repealed	SB 58
192.926	New	HB 343

TABLE OF SECTIONS AFFECTED BY 2015 LEGISLATION, FIRST REGULAR SESSION

SECTION	ACTION	BILL
193.015	Overridden	HB 618
193.145	Overridden	HB 618
194.119	Overridden	HB 618
195.070	Amended	HB 709
198.439	Amended	SB 210
208.026	Overridden	SB 24
208.040	Overridden	SB 24
208.067	Overridden	SB 24
208.152	Amended	SB 210
208.244	Overridden	SB 24
208.437	Amended	SB 210
208.480	Amended	SB 210
208.482	New	SB 210
210.003	Amended	SB 341
210.148	New	SB 341
210.221	Amended	SB 341
210.223	New	SB 341
210.861	Vetoed	HB 42
210.861	Amended	SB 341
211.393	Vetoed	HB 799
214.208	Overridden	HB 618
215.261	Repealed	SB 58
215.262	Repealed	SB 58
217.550	Amended	SB 58
217.567	Amended	SB 58
219.011	Amended	HB 1149
219.021	Amended	HB 1149
219.091	Amended	HB 1149
219.095	New	HB 1149
227.297	Amended	HB 522
227.297	Amended	SB 474
227.380	New	HB 522
227.380	New	SB 156
227.417	New	HB 522
227.417	New	SB 156
227.419	New	HB 522
227.423	New	SB 156
227.428	New	HB 522
227.428	New	SB 156
227.428	New	SB 318
227.523	New	HB 522
227.523	New	SB 156
227.524	New	HB 522
227.524	New	SB 156
227.524	New	SB 318
227.525	New	HB 522

TABLE OF SECTIONS AFFECTED BY 2015 LEGISLATION, FIRST REGULAR SESSION

SECTION	ACTION	BILL	SECTION	ACTION	BILL
227.525	New	SB 156	260.283	Overridden	HB 722
227.525	New	SB 318	260.320	Amended	HB 92
227.526	New	HB 522	260.320	Amended	SB 445
227.526	New	SB 156	260.324	New	HB 92
227.527	New	HB 522	260.324	New	SB 445
231.444	Amended	HB 613	260.325	Amended	HB 92
259.010	Amended	HB 92	260.325	Amended	SB 445
259.020	Amended	HB 92	260.330	Amended	HB 92
259.030	Amended	HB 92	260.330	Amended	SB 445
259.050	Amended	HB 92	260.335	Amended	HB 92
259.052	New	HB 92	260.335	Amended	SB 445
259.070	Amended	HB 92	260.345	Amended	HB 92
259.080	Amended	HB 92	260.345	Amended	SB 445
259.100	Amended	HB 92	260.395	Amended	HB 92
259.190	Amended	HB 92	260.500	Amended	HB 92
259.210	Amended	HB 92	261.241	Amended	SB 500
260.200	Amended	HB 92	261.270	New	HB 259
260.200	Amended	SB 445	261.275	New	HB 259
260.225	Amended	HB 92	261.280	New	HB 259
260.225	Amended	SB 445	261.285	New	HB 259
260.235	Amended	HB 92	261.290	New	HB 259
260.250	Amended	HB 92	261.295	New	HB 259
260.250	Amended	SB 445	262.900	Amended	SB 12

TABLE OF SECTIONS AFFECTED BY 2015 LEGISLATION, FIRST REGULAR SESSION

SECTION	ACTION	BILL	SECTION	ACTION	BILL
275.352	Amended	SB 12	301.640	Amended	HB 524
277.040	Amended	SB 12	301.644	New	SB 456
281.065	Amended	SB 12	301.3097	Amended	SB 254
285.055	Overridden	HB 722	301.3165	Amended	SB 166
288.036	Overridden	HB 150	302.010	Amended	SB 254
288.060	Overridden	HB 150	302.060	Amended	SB 254
288.120	Overridden	HB 150	302.188	Amended	HB 179
288.122	Overridden	HB 150	302.304	Amended	SB 254
288.330	Overridden	HB 150	302.309	Amended	SB 254
290.590	Vetoed	HB 116	302.341	Amended	SB 5
301.010	Amended	HB 686	302.525	Amended	SB 254
301.130	Amended	SB 254	302.574	Amended	SB 254
301.140	Amended	SB 456	304.180	Amended	SB 12
301.142	Amended	SB 254	304.190	Amended	SB 272
301.190	Amended	SB 456	306.100	Amended	HB 269
301.196	Amended	HB 686	306.100	Amended	SB 231
301.196	Amended	SB 254	306.420	Amended	HB 524
301.213	New	SB 456	306.910	New	SB 231
301.227	Amended	HB 686	307.128	Amended	HB 650
301.280	Amended	HB 686	311.730	Amended	SB 373
301.451	Amended	HB 403	311.735	New	SB 373
301.474	New	SB 254	313.001	Repealed	SB 58
301.562	Amended	SB 456	320.092	Amended	SB 58

TABLE OF SECTIONS AFFECTED BY 2015 LEGISLATION, FIRST REGULAR SESSION

SECTION	ACTION	BILL
324.023	New	HB 709
324.023	New	SB 107
327.272	Amended	HB 1052
334.037	Amended	HB 709
334.104	Amended	HB 709
334.747	Amended	HB 709
338.321	Repealed	SB 58
338.550	Amended	SB 210
339.010	Amended	HB 385
345.015	Amended	SB 107
345.020	Amended	SB 107
345.022	Repealed	SB 107
345.025	Amended	SB 107
345.040	Amended	SB 107
345.050	Amended	SB 107
345.051	Amended	SB 107
345.065	Amended	SB 107
345.080	Amended	SB 107
348.439	Amended	SB 58
349.045	Amended	HB 125
349.045	Amended	SB 68
361.120	Amended	SB 58
361.707	Amended	HB 587
361.707	Overridden	SB 345
361.715	Amended	HB 587
361.715	Overridden	SB 345
362.111	Amended	SB 524
362.600	Overridden	HB 1098
364.030	Amended	HB 587
364.030	Overridden	SB 345
364.105	Amended	HB 587
364.105	Overridden	SB 345
365.030	Amended	HB 587
365.030	Overridden	SB 345
367.140	Amended	HB 587
367.140	Overridden	SB 345
369.159	Amended	SB 524
370.073	Amended	SB 524
374.015	New	HB 709
374.018	New	HB 709
375.534	Amended	SB 164
375.1070	Amended	SB 164
375.1072	Amended	SB 164
375.1074	New	SB 164
375.1078	New	SB 164
376.365	New	SB 164

TABLE OF SECTIONS AFFECTED BY 2015 LEGISLATION, FIRST REGULAR SESSION

SECTION	ACTION	BILL
376.370	Amended	SB 164
376.380	Amended	SB 164
376.670	Amended	SB 164
376.791	New	HB 709
376.845	New	SB 145
376.1800	New	HB 769
378.633	Amended	SB 392
379.118	Amended	HB 391
379.120	Amended	HB 391
379.470	Overridden	HB 1022
382.010	Amended	HB 50
382.040	Amended	HB 50
382.050	Amended	HB 50
382.060	Amended	HB 50
382.080	Amended	HB 50
382.095	Amended	HB 50
382.110	Amended	HB 50
382.160	Amended	HB 50
382.170	Amended	HB 50
382.175	New	HB 50
382.180	Amended	HB 50
382.190	Amended	HB 50
382.195	Amended	HB 50
382.220	Amended	HB 50
382.225	New	HB 50
382.230	Amended	HB 50
382.277	New	HB 50
382.278	New	HB 50
382.500	New	HB 50
382.505	New	HB 50
382.510	New	HB 50
382.515	New	HB 50
382.520	New	HB 50
382.525	New	HB 50
382.530	New	HB 50
382.535	New	HB 50
382.540	New	HB 50
382.545	New	HB 50
382.550	New	HB 50
393.015	Amended	SB 497
407.581	Repealed	SB 456
407.640	Amended	HB 587
407.640	Overridden	SB 345
407.926	Amended	HB 531
408.140	Overridden	SB 345
408.500	Amended	HB 587

TABLE OF SECTIONS AFFECTED BY 2015 LEGISLATION, FIRST REGULAR SESSION

SECTION	ACTION	BILL	SECTION	ACTION	BILL
408.500	Overridden	SB 345	455.045	Amended	SB 341
409.600	New	SB 244	455.050	Amended	SB 321
409.605	New	SB 244	455.050	Amended	SB 341
409.610	New	SB 244	455.080	Amended	SB 321
409.615	New	SB 244	455.080	Amended	SB 341
409.620	New	SB 244	455.085	Amended	SB 321
409.625	New	SB 244	455.085	Amended	SB 341
409.630	New	SB 244	455.503	Amended	SB 321
414.300	New	SB 12	455.503	Amended	SB 341
442.571	Amended	SB 12	455.505	Amended	SB 321
443.719	Overridden	SB 345	455.505	Amended	SB 341
444.600	Amended	HB 92	455.513	Amended	SB 321
444.773	Amended	HB 92	455.513	Amended	SB 341
444.980	New	HB 92	455.520	Amended	SB 321
455.010	Amended	SB 321	455.520	Amended	SB 341
455.010	Amended	SB 341	455.523	Amended	SB 321
455.020	Amended	SB 321	455.523	Amended	SB 341
455.020	Amended	SB 341	455.538	Amended	SB 321
455.032	Amended	SB 321	455.538	Amended	SB 341
455.032	Amended	SB 341	456.950	Amended	SB 164
455.040	Amended	SB 321	456.1.113	New	SB 164
455.040	Amended	SB 341	473.663	Amended	SB 340
455.045	Amended	SB 321	476.083	Vetoed	HB 799

TABLE OF SECTIONS AFFECTED BY 2015 LEGISLATION, FIRST REGULAR SESSION

SECTION	ACTION	BILL
476.083	Vetoed	SB 67
478.007	Amended	SB 254
478.011	Vetoed	HB 799
478.170	Vetoed	HB 799
478.188	Vetoed	HB 799
478.191	Vetoed	HB 799
478.330	Vetoed	HB 799
478.430	Vetoed	HB 799
478.433	Vetoed	HB 799
478.463	Vetoed	HB 799
478.740	Vetoed	HB 799
479.155	Vetoed	HB 799
479.155	New	SB 5
479.155	Vetoed	SB 67
479.350	New	SB 5
479.353	New	SB 5
479.356	New	SB 5
479.359	New	SB 5
479.360	New	SB 5
479.362	New	SB 5
479.368	New	SB 5
479.372	New	SB 5
479.375	New	SB 5
488.2206	Vetoed	HB 799
488.2244	Vetoed	HB 799
488.2244	Vetoed	SB 67
488.2257	Vetoed	HB 799
488.2257	Vetoed	SB 67
488.2258	Vetoed	SB 67
488.2265	Vetoed	HB 799
513.430	Amended	SB 164
534.350	Vetoed	SB 67
534.360	Vetoed	SB 67
535.030	Vetoed	SB 67
535.110	Vetoed	SB 67
535.160	Vetoed	SB 67
537.325	Amended	SB 12
538.205	Amended	SB 239
538.210	Amended	SB 239
577.001	Amended	SB 254
577.010	Amended	SB 254
577.012	Amended	SB 254
577.013	Amended	SB 254
577.014	Amended	SB 254
590.750	Overridden	HB 878
595.030	Amended	SB 141

600.042	Vetoed	HB 799
621.250	Amended	HB 92
630.010	Amended	SB 58
630.140	Amended	SB 426
633.401	Amended	SB 210
633.420	Vetoed	HB 42
640.090	Overridden	SB 142
640.115	Amended	HB 92
643.075	Amended	HB 92
643.078	Amended	HB 92
643.650	New	HB 92
643.650	New	SB 445
644.011	Amended	HB 92
644.016	Amended	HB 92
644.051	Amended	HB 92
644.056	Amended	HB 92
644.145	Amended	HB 92
644.145	Amended	SB 497
700.370	Amended	HB 524
1	Vetoed	HB 42
1	New	HB 947
1	New	SB 104
1	New	SB 317
1	New	SB 435
1	New	SB 497
2	Vetoed	HB 42
2	New	HB 947
2	New	SB 317
3	New	HB 947
3	New	SB 317
4	New	HB 947
4	New	SB 317
5	New	HB 947
5	New	SB 317
6	New	HB 947
7	New	HB 947
8	New	HB 947
9	New	HB 947
10	New	HB 947
11	New	HB 947
12	New	HB 947
B	New	SB 366

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HB 1 [SCS HCS HB 1]

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

Appropriates money to the Board of Fund Commissioners

AN ACT to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, and Fourth State Building Bond and Interest Fund, and to transfer money among certain funds for the period beginning July 1, 2015 and ending June 30, 2016; provided that no funds from these sections shall be expended for the purpose of costs associated with the travel or staffing of the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28, of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2015 and ending June 30, 2016 as follows:

SECTION 1.005.—To the Board of Fund Commissioners
For annual fees, arbitrage rebate, refunding, defeasance, and related expenses
From General Revenue Fund (0101). $20,002

SECTION 1.010.—There is transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Fourth State Building Bond and Interest Fund for currently outstanding general obligations
From General Revenue Fund (0101). $30,025,900

SECTION 1.015.—To the Board of Fund Commissioners
For payment of interest and sinking fund requirements on fourth state building bonds currently outstanding as provided by law
From Fourth State Building Bond and Interest Fund. $24,878,900

SECTION 1.020.—There is transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Water Pollution Control Bond and Interest Fund for currently outstanding general obligations
From General Revenue Fund (0101). $27,364,873

There is transferred out of the State Treasury, chargeable to the Water and Wastewater Loan Revolving Fund pursuant to Title 33, Chapter 26, Subchapter VI, Section 1383, U.S. Code, to the Water Pollution Control Bond and Interest Fund for currently outstanding general obligations
From Water and Wastewater Loan Revolving Fund (0602). 2,748,834
Total. $30,113,707

SECTION 1.025.—To the Board of Fund Commissioners

For payment of issuance costs, interest, and sinking fund requirements on water pollution control bonds currently outstanding as provided by law
From Water Pollution Control Bond and Interest Fund. $37,242,676

SECTION 1.030.—There is transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Stormwater Control Bond and Interest Fund for currently outstanding general obligations
From General Revenue Fund (0101). $1,789,125

SECTION 1.035.—To the Board of Fund Commissioners
For payment of issuance costs, interest, and sinking fund requirements on stormwater control bonds currently outstanding as provided by law
From Stormwater Control Bond and Interest Fund. $5,690,400

Bill Totals

General Revenue Fund.	$59,199,900
Other Funds.	2,748,834
Total.	$61,948,734

Approved May 8, 2015

HB 2 [CCS SCS HCS HB 2]

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

Appropriates money for the expenses, grants, refunds, and distributions of the State Board of Education and Department of Elementary and Secondary Education

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2015 and ending June 30, 2016; provided that no funds from these sections shall be expended for the purpose of costs associated with the travel or staffing of the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General, and further provided that no funds from these sections shall be expended for the purpose of aerial travel within the state of Missouri.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2015 and ending June 30, 2016 as follows:

SECTION 2.005.—To the Department of Elementary and Secondary Education
For the Division of Financial and Administrative Services
Personal Service. $1,826,384
Expense and Equipment. 115,600

From General Revenue Fund (0101) 1,941,984

Personal Service. 1,909,771
Expense and Equipment.. 691,084
From Elementary and Secondary Education - Federal Fund (0105). 2,600,855
Total (Not to exceed 72.80 F.T.E.). $4,542,839

SECTION 2.010.—To the Department of Elementary and Secondary Education
For refunds
From Elementary and Secondary Education - Federal Fund (0105). $50,000
From Vocational Rehabilitation Fund (0104). 20,000
Total. $70,000

SECTION 2.015.—To the Department of Elementary and Secondary Education
For distributions to the free public schools of $3,591,811,900 under the School Foundation Program as provided in Chapter 163, RSMo, provided that no funds are used to support the distribution or sharing of any individually identifiable student data for non-educational purposes, marketing or advertising, as follows:
For the Foundation Formula. $3,274,322,533
For Transportation 100,297,713
For Early Childhood Special Education 149,660,376
For Vocational Education, provided that no funds are used for advertising.. . . . 50,069,028
For Early Childhood Development 17,462,250
From General Revenue Fund (0101) 2,077,623,840
From Outstanding Schools Trust Fund (0287) 836,800,062
From State School Moneys Fund (0616) 184,499,735
From Lottery Proceeds Fund (0291). 127,018,453
From Classroom Trust Fund (0784) 343,456,910
From Early Childhood Development, Education and Care Fund (0859) 22,412,900

For the Small Schools Program
From General Revenue Fund (0101) 15,000,000

For the Virtual Schools Program
From General Revenue Fund (0101) 200,000
From Lottery Proceeds Fund (0291). 389,778

For distribution to a metropolitan school district for the purpose of paying the costs of intra-district student transportation provided that these funds are subject to a sixty percent (60%) local match from the metropolitan school district
From General Revenue Fund (0101) 200,000

For distribution to a school district in any home rule city with more than four hundred thousand inhabitants and located in more than one county for the purpose of paying the costs of intra-district transportation provided that these funds are subject to a sixty percent (60%) local match from said school district
From General Revenue Fund (0101) 100,000

For State Board of Education operated school programs, provided that not more than twenty-five percent (25%) flexibility is allowed between

personal service and expense and equipment
Personal Service. 26,176,907
Expense and Equipment. 14,884,395
From General Revenue Fund (0101) 41,061,302

Personal Service. 708,519
Expense and Equipment. 5,001,668
From Elementary and Secondary Education - Federal Fund (0105). 5,710,187
Expense and Equipment
From Bingo Proceeds for Education Fund (0289).. 1,876,355
Total (Not to exceed 716.90 F.T.E.). $3,656,349,522

Section 2.017.—To the Department of Elementary and Secondary Education
For the Bright Futures Program
From General Revenue Fund (0101). $150,000

Section 2.025.—To the Department of Elementary and Secondary Education
For a program to recruit, train and/or develop teachers to teach in academically struggling school districts
From General Revenue Fund (0101). $3,000,000

Section 2.026.—To the Department of Elementary and Secondary Education
For a math and science tutoring program in St. Louis City
From General Revenue Fund (0101). $300,000

Section 2.027.—To the Department of Elementary and Secondary Education
For the purpose of funding educational programs for students who reside in the Kansas City Public School District. Seventy percent (70%) of the funds will be used to support a research-based scientifically proven extended learning program
From Lottery Proceeds Fund (0291). $100,000

Section 2.030.—To the Department of Elementary and Secondary Education
For the purpose of funding the Missouri Scholars and Fine Arts Academies
From General Revenue Fund (0101). $750,000

Section 2.031.—To the Department of Elementary and Secondary Education
For a statewide association organized to support school board members whose board of directors consists exclusively of elected or appointed school board members to provide school board member training
From General Revenue Fund (0101). $136,326

For grants to establish safe schools programs addressing active shooter response training, school safety coordinators, school bus safety, crisis management, and other similar school safety measures. Grants to be distributed by a statewide education organization whose directors consists entirely of public school board members
From General Revenue Fund (0101) 650,000

For the development of curriculum, programming, and teacher training materials to meet the state's mandated personal finance coursework requirement
From General Revenue Fund (0101). 100,000

Total. $886,326

SECTION 2.035.—To the Department of Elementary and Secondary Education
For the School Nutrition Services Program to reimburse schools for school
food programs
From General Revenue Fund (0101). $3,412,151
From Elementary and Secondary Education - Federal Fund (0105). 293,925,900
Total. $297,338,051

SECTION 2.040.—To the Department of Elementary and Secondary Education
For distributions to the public elementary and secondary schools in this state,
pursuant to Chapters 144, 163, and 164, RSMo, pertaining to the School
District Trust Fund
From School District Trust Fund (0688). $848,739,000

SECTION 2.041.—To the Department of Elementary and Secondary Education
For Early Grade Literacy Programs offered at Southeast Missouri State University
From General Revenue Fund (0101). $100,000

SECTION 2.045.—To the Department of Elementary and Secondary Education
For costs associated with school district bonds
From School District Bond Fund (0248). $492,000

SECTION 2.050.—To the Department of Elementary and Secondary Education
For the purpose of receiving and expending grants, donations, contracts, and
payments from private, federal, and other governmental agencies which may
become available between sessions of the General Assembly provided that
the General Assembly shall be notified of the source of any new funds and
the purpose for which they shall be expended, in writing, prior to the use of
said funds and further provided that no funds shall be used to implement or
support the Common Core Standards
Personal Service. $3,500
Expense and Equipment.. 46,500
From Vocational Rehabilitation Fund (0104) 50,000
Expense and Equipment
From Elementary and Secondary Education - Federal Fund (0105). 9,950,000
Total. $10,000,000

SECTION 2.055.—To the Department of Elementary and Secondary Education
For the Division of Learning Services, provided that no funds are used to support
the collection, distribution, or sharing of any individually identifiable student
data with the federal government; with the exception of the reporting
requirements of the Migrant Education Program funds in Section 2.085,
the Vocational Rehabilitation funds in Section 2.135, and the Disability
Determination funds in Section 2.140
Personal Service. $3,548,388
Expense and Equipment.. 266,784
From General Revenue Fund (0101) 3,815,172

Personal Service. 6,556,017
Expense and Equipment.. 3,679,393
From Elementary and Secondary Education - Federal Fund (0105). 10,235,410

Personal Service	627,277
Expense and Equipment	2,308,067
From Excellence in Education Fund (0651)	2,935,344

Personal Service	
From Early Childhood Development, Education and Care Fund (0859)	60,890

For the Office of Adult Learning and Rehabilitative Services	
Personal Service	27,925,903
Expense and Equipment	3,015,474
From Vocational Rehabilitation Fund (0104)	30,941,377
Total (Not to exceed 885.06 F.T.E.)	$47,988,193

SECTION 2.060.—To the Department of Elementary and Secondary Education

For reimbursements to school districts for the Early Childhood Program, Hard-to-Reach Incentives, and Parent Education in conjunction with the Early Childhood Education and Screening Program	
From General Revenue Fund (0101)	$198,200
From Elementary and Secondary Education - Federal Fund (0105)	500,000

For grants to higher education institutions or area vocational technical schools for the Child Development Associate Certificate Program in collaboration with the Coordinating Board for Higher Education	
From Elementary and Secondary Education - Federal Fund (0105)	399,500

For the purpose of funding the Missouri Preschool Program and Early Childhood Program administration and assessment, provided that no annual grant award under the Missouri Preschool Program exceed $250,000	
From Early Childhood Development, Education and Care Fund (0859)	10,694,141

For the purpose of funding the Missouri Preschool Program and Early Childhood Program administration and assessment in provisionally accredited or unaccredited school districts	
From General Revenue Fund (0101)	1,000,000
From Early Childhood Development, Education and Care Fund (0859)	1,000,000
Total	$13,791,841

SECTION 2.065.—To the Department of Elementary and Secondary Education

For the School Age Afterschool Program	
From Elementary and Secondary Education - Federal Fund (0105)	$21,908,383

SECTION 2.070.—To the Department of Elementary and Secondary Education

For the Performance Based Assessment Program, provided that no funds are used to support the collection, distribution, or sharing of any individually identifiable student data with the federal government; with the exception of the reporting requirements of the Migrant Education Program funds in Section 2.085, the Vocational Rehabilitation funds in Section 2.135, and the Disability Determination funds in Section 2.140, and further provided that no funds from this section shall be used for license fees or membership dues for the Smarter Balanced Assessment Consortium and further provided that no later than February 1, 2016 the Department of Elementary and

Secondary Education shall submit a plan for the development and implementation of a new, Missouri-based state assessment plan for review and approval by the House Budget Committee and Senate Appropriations Committee, and further provided that $7,000,000 be used solely for development of a Missouri-based state assessment plan, and further provided that no funds from this section shall be used for assessments which generate results used to lower a public school district's accreditation or a teacher's evaluation

From General Revenue Fund (0101). $9,472,213
From Elementary and Secondary Education - Federal Fund (0105). 8,800,000
From Lottery Proceeds Fund (0291). 4,311,255
Total. $22,583,468

SECTION 2.075.—To the Department of Elementary and Secondary Education
For distributions to providers of vocational education programs
From Elementary and Secondary Education - Federal Fund (0105). $23,500,000

SECTION 2.080.—To the Department of Elementary and Secondary Education
For the Missouri History Teachers Program
From Elementary and Secondary Education - Federal Fund (0105). $543

SECTION 2.085.—To the Department of Elementary and Secondary Education
For improving basic programs operated by local education agencies under Title I of the No Child Left Behind Act
From Elementary and Secondary Education - Federal Fund (0105). $250,000,000

SECTION 2.090.—To the Department of Elementary and Secondary Education
For innovative educational program strategies under Title V of the No Child Left Behind Act
From Elementary and Secondary Education - Federal Fund (0105). $1,500,000

SECTION 2.095.—To the Department of Elementary and Secondary Education
For programs for the gifted from interest earnings accruing in the Stephen Morgan Ferman Memorial for Education of the Gifted
From State School Moneys Fund (0616). $9,027

SECTION 2.100.—To the Department of Elementary and Secondary Education
For courses, exams, and other expenses that lead to high school students receiving college credit and Advanced Placement examination fees for low-income families and for science and mathematics exams
From General Revenue Fund (0101). $100,000
From Elementary and Secondary Education - Federal Fund (0105). 315,875
Total. $415,875

SECTION 2.110.—To the Department of Elementary and Secondary Education
For the Instructional Improvement Grants Program pursuant to Title II Improving Teacher Quality
From Elementary and Secondary Education - Federal Fund (0105). $52,000,000

SECTION 2.115.—To the Department of Elementary and Secondary Education
For the Public Charter Schools Program
From Elementary and Secondary Education - Federal Fund (0105). $2,432,000

SECTION 2.120.—To the Department of Elementary and Secondary Education
For grants to rural and low-income schools
From Elementary and Secondary Education - Federal Fund (0105). $3,500,000

SECTION 2.125.—To the Department of Elementary and Secondary Education
For language acquisition pursuant to Title III of the No Child Left Behind Act
From Elementary and Secondary Education - Federal Fund (0105). $5,200,000

SECTION 2.130.—To the Department of Elementary and Secondary Education
For the Refugee Children School Impact Grants Program
From Elementary and Secondary Education - Federal Fund (0105). $300,000

SECTION 2.135.—To the Department of Elementary and Secondary Education
For the Vocational Rehabilitation Program
From General Revenue Fund (0101). $13,589,689
From Vocational Rehabilitation Fund (0104) 42,660,946
From Payments by the Department of Mental Health (0104). 1,000,000
From Lottery Proceeds Fund (0291). 1,400,000
Total. $58,650,635

SECTION 2.136.—To the Department of Elementary and Secondary Education
For character education initiatives
From General Revenue Fund (0101). $10,000

SECTION 2.140.—To the Department of Elementary and Secondary Education
For the Disability Determination Program
From Vocational Rehabilitation Fund (0104). $21,000,000

SECTION 2.145.—To the Department of Elementary and Secondary Education
For Independent Living Centers
From General Revenue Fund (0101). $2,961,486
From Vocational Rehabilitation Fund (0104) 1,292,546
From Independent Living Center Fund (0284). 390,556
Total. $4,644,588

SECTION 2.150.—To the Department of Elementary and Secondary Education
For distributions to educational institutions for the Adult Basic Education Program
From General Revenue Fund (0101). $5,324,868
From Elementary and Secondary Education - Federal Fund (0105). 9,999,155
Total. $15,324,023

SECTION 2.155.—To the Department of Elementary and Secondary Education
For the Troops to Teachers Program
From Elementary and Secondary Education - Federal Fund (0105). $153,610

SECTION 2.160.—To the Department of Elementary and Secondary Education
For the Special Education Program
From Elementary and Secondary Education - Federal Fund (0105). $274,873,391

SECTION 2.165.—To the Department of Elementary and Secondary Education
For special education excess costs
From General Revenue Fund (0101). $26,965,141

From Lottery Proceeds Fund (0291). 19,590,000
Total. $46,555,141

SECTION 2.170.—To the Department of Elementary and Secondary Education
For the First Steps Program
From General Revenue Fund (0101). $28,740,309
From Elementary and Secondary Education - Federal Fund (0105). 10,993,757
From Early Childhood Development, Education and Care Fund (0859) 578,644
From Part C Early Intervention Fund (0788). 13,000,000
Total. $53,312,710

SECTION 2.175.—To the Department of Elementary and Secondary Education
For payments to school districts for children in residential placements
through the Department of Mental Health or the Department of
Social Services pursuant to Section 167.126, RSMo
From General Revenue Fund (0101). $3,330,731
From Lottery Proceeds Fund (0291). 7,768,606
Total. $11,099,337

SECTION 2.180.—To the Department of Elementary and Secondary Education
For the Sheltered Workshops Program
From General Revenue Fund (0101). $25,283,457

SECTION 2.185.—To the Department of Elementary and Secondary Education
For payments to readers for blind or visually-disabled students in elementary and
secondary schools
From General Revenue Fund (0101). $25,000

SECTION 2.190.—To the Department of Elementary and Secondary Education
For a task force on blind student academic and vocational performance
From General Revenue Fund (0101). $231,953

SECTION 2.195.—To the Department of Elementary and Secondary Education
For the Missouri School for the Deaf
From School for the Deaf Trust Fund (0922). $49,500

SECTION 2.200.—To the Department of Elementary and Secondary Education
For the Missouri School for the Blind
From School for the Blind Trust Fund (0920). $1,500,000

SECTION 2.205.—To the Department of Elementary and Secondary Education
For the Missouri Special Olympics Program
From General Revenue Fund (0101). $100,000

SECTION 2.210.—To the Department of Elementary and Secondary Education
For the Missouri Schools for the Severely Disabled
From Handicapped Children's Trust Fund (0618). $200,000

SECTION 2.215.—To the Department of Elementary and Secondary Education
For the Missouri Charter Public School Commission
Personal Service and/or Expense and Equipment provided that no more than
one hundred percent (100%) flexibility is allowed between Personal Service

and Expense and Equipment for all funds in this section
From General Revenue Fund (0101). $200,000

From Charter Public School Federal Fund (0175) 500,000
From Charter Public School Revolving Fund (0860) 750,000
From Charter Public School Trust Fund (0862). 2,000,000
Total (Not to exceed 2.00 F.T.E.). $3,450,000

SECTION 2.220.—To the Department of Elementary and Secondary Education
For the Missouri Commission for the Deaf and Hard of Hearing
Personal Service. $306,349
Expense and Equipment. 83,191
From General Revenue Fund (0101) 389,540

Personal Service. 33,762
Expense and Equipment. 119,000
From Missouri Commission for the Deaf and Hard of Hearing Fund (0743). 152,762

Expense and Equipment
From Missouri Commission for the Deaf and Hard of Hearing Board of
Certification of Interpreters Fund (0264). 150,000
Total (Not to exceed 7.00 F.T.E.). $692,302

SECTION 2.225.—To the Department of Elementary and Secondary Education
For the Missouri Assistive Technology Council
Personal Service. $233,671
Expense and Equipment. 570,138
From Assistive Technology Federal Fund (0188). 803,809

Personal Service. 224,774
Expense and Equipment. 1,639,703
From Deaf Relay Service and Equipment Distribution Program Fund (0559) . . . 1,864,477

Personal Service. 51,426
Expense and Equipment. 575,000
From Assistive Technology Loan Revolving Fund (0889) 626,426

Expense and Equipment
From Assistive Technology Trust Fund (0781). 1,080,000
From Debt Offset Escrow Fund (0753). 1,000
Total (Not to exceed 10.00 F.T.E.). $4,375,712

SECTION 2.230.—To the Department of Elementary and Secondary Education
For the Children's Services Commission
From Missouri Children's Services Commission Fund (0601). $8,000

SECTION 2.235.—To the Department of Elementary and Secondary
Education
Funds are to be transferred out of the State Treasury, chargeable to the General
Revenue Fund-County Foreign Tax Distribution, to the State School
Moneys Fund
From General Revenue Fund (0101). $117,469,228

SECTION 2.240.—To the Department of Elementary and Secondary Education
Funds are to be transferred out of the State Treasury, chargeable to The Fair Share Fund, to the State School Moneys Fund
From The Fair Share Fund (0687). $18,593,648

SECTION 2.245.—To the Department of Elementary and Secondary Education
Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Outstanding Schools Trust Fund
From General Revenue Fund (0101). $836,600,000

SECTION 2.250.—To the Department of Elementary and Secondary Education
Funds are to be transferred out of the State Treasury, chargeable to the Gaming Proceeds for Education Fund, to the Classroom Trust Fund
From Gaming Proceeds for Education Fund (0285). $329,252,613

SECTION 2.255.—To the Department of Elementary and Secondary Education
Funds are to be transferred out of the State Treasury, chargeable to the Lottery Proceeds Fund, to the Classroom Trust
Fund From Lottery Proceeds Fund (0291).. . . . . $14,204,297

SECTION 2.260.—To the Department of Elementary and Secondary Education
Funds are to be transferred out of the State Treasury, chargeable to the Gaming Proceeds for Education Fund, to the School District Bond Fund
From Gaming Proceeds for Education Fund (0285). $392,000

SECTION 2.265.—To the Department of Elementary and Secondary Education
Funds are to be transferred out of the State Treasury, chargeable to the School Building Revolving Fund, to the State School Moneys Fund
From School Building Revolving Fund (0279). $1,500,000

Bill Totals

General Revenue Fund	$3,220,532,590
Federal Funds	1,087,047,244
Other Funds	1,481,835,593
Total	$5,789,415,427

Approved May 8, 2015

HB 3 [CCS SCS HCS HB 3]

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

Appropriates money for the expenses, grants, refunds, and distributions of the Department of Higher Education

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2015 and ending June 30, 2016; provided that no funds from these

sections shall be expended for the purpose of costs associated with the travel or staffing of the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General, and further provided that no funds shall be expended at public institutions of higher education that offer a tuition rate to any student with an unlawful immigration status in the United States that is less than the tuition rate charged to international students, and further provided that no scholarship funds shall be expended on behalf of students with an unlawful immigration status in the United States.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2015 and ending June 30, 2016 as follows:

SECTION 3.005.—To the Department of Higher Education
For Higher Education Coordination and for grant and scholarship program administration, provided that not more than five percent (5%) flexibility is allowed between personal service and expense and equipment

Personal Service	$482,873
Expense and Equipment	170,878
From General Revenue Fund (0101)	653,751
Personal Service	239,204
Expense and Equipment	45,354
From Guaranty Agency Operating Fund (0880)	284,558
Personal Service	37,875
Expense and Equipment	16,850
From Department of Higher Education Out-of-State Program Fund (0420)	54,725

For workshops and conferences sponsored by the Department of Higher Education, and for distribution of federal funds to higher education institutions, to be paid for on a cost-recovery basis and for returning unspent grant funds to the original grantor organization

From Quality Improvement Revolving Fund (0537)	166,869
Total (Not to exceed 20.61 F.T.E.)	$1,159,903

SECTION 3.010.—To the Department of Higher Education
For regulation of proprietary schools as provided in Section 173.600, RSMo

Personal Service	$191,788
Expense and Equipment	112,148
From Proprietary School Certification Fund (0729) (Not to exceed 5.00 F.T.E.)	$303,936

SECTION 3.015.—To the Department of Higher Education
For indemnifying individuals as a result of improper actions on the part of proprietary schools as provided in Section 173.612, RSMo

From Proprietary School Bond Fund (0760)	$400,000

SECTION 3.020.—To the Department of Higher Education

For annual membership in the Midwestern Higher Education Compact
From General Revenue Fund (0101). $115,000

SECTION 3.025.—To the Department of Higher Education
For the Eisenhower Science and Mathematics Program and the Improving
Teacher Quality State Grants Program
Personal Service. $38,045
Expense and Equipment 10,000
For federal Education Programs.. 1,735,954
From Department of Higher Education Federal Fund (0116)
(Not to exceed 1.50 F.T.E.). $1,783,999

SECTION 3.030.—To the Department of Higher Education
For receiving and expending donations and federal funds, provided that the
General Assembly shall be notified of the source of any new funds and
the purpose for which they shall be expended, in writing, prior to the
expenditure of said funds and further provided that no funds shall be
used to implement or support the Common Core Standards
Personal Service. $28,000
Expense and Equipment.. 1,848,000
From Department of Higher Education Federal Fund (0116). $1,876,000

SECTION 3.035.—To the Department of Higher Education
For receiving and expending Multi-State Collaborative to Advance
Learning Outcomes Assessment grant funds, provided that not
more than twenty-five percent (25%) flexibility is allowed between
personal service and expense and equipment
Personal Service. $22,900
Expense and Equipment 65,000

For receiving and expending Multi-State Collaborative on Military Credit grant
funds, provided that not more than twenty-five percent (25%) flexibility is
allowed between personal service and expense and equipment
Expense and Equipment 10,000
From State Institutions Gift Trust Fund (0925) (Not to exceed 1.00 F.T.E.). $97,900

SECTION 3.040.—To the Department of Higher Education
Funds are to be transferred out of the State Treasury, chargeable to the
funds listed below, to the Academic Scholarship Fund
From General Revenue Fund (0101). $15,676,666
From State Institutions Gift Trust Fund (0925). 2,000,000
Total. $17,676,666

SECTION 3.045.—To the Department of Higher Education
For the Higher Education Academic Scholarship Program pursuant to
Chapter 173, RSMo, provided that funds are expended solely at
institutions headquartered in Missouri for purposes of accreditation
From Academic Scholarship Fund (0840).. . . . . $18,676,666

SECTION 3.050.—To the Department of Higher Education
Funds are to be transferred out of the State Treasury, chargeable to the
funds listed below, to the Access Missouri Financial Assistance Fund

From General Revenue Fund (0101). $47,665,640
From Lottery Proceeds Fund (0291). 11,916,667
From Missouri Student Grant Program Gift Fund (0272) 50,000
From Advantage Missouri Trust Fund (0856). 50,000
From Clark and Lewis Discovery Fund (0982) 100
From Missouri Prospective Teachers Loan Fund (0655). 100
Total. $59,682,507

SECTION 3.055.—To the Department of Higher Education
For the Access Missouri Financial Assistance Program pursuant to Chapter 173, RSMo, provided that funds are expended solely at institutions headquartered in Missouri for purposes of accreditation
From Access Missouri Financial Assistance Fund (0791). $69,500,000

SECTION 3.060.—To the Department of Higher Education
Funds are to be transferred out of the State Treasury, chargeable to the funds listed below, to the A+ Schools Fund
From General Revenue Fund (0101). $13,453,878
From Lottery Proceeds Fund (0291). 21,659,448
Total. $35,113,326

SECTION 3.065.—To the Department of Higher Education
For the A+ Schools Program
From A+ Schools Fund (0955).. . . . . $37,000,000

SECTION 3.070.—To the Department of Higher Education
Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Marguerite Ross Barnett Scholarship Fund
From General Revenue Fund (0101). $363,375

SECTION 3.075.—To the Department of Higher Education
For Advanced Placement grants for Access Missouri Financial Assistance Program and A+ Schools Program recipients, the Public Service Officer or Employee Survivor Grant Program pursuant to Section 173.260, RSMo, the Vietnam Veterans Survivors Scholarship Program pursuant to Section 173.236, RSMo, the Veteran's Survivors Grant Program pursuant to Section 173.234, RSMo, minority teaching student scholarships pursuant to Section 161.415, RSMo, and the Marguerite Ross Barnett Scholarship Program pursuant to Section 173.262, RSMo, provided that the Advanced Placement grants for Access Missouri Financial Assistance Program and A+ Schools Program recipients, the Public Service Officer or Employee Survivor Grant Program pursuant to Section 173.260, RSMo, the Vietnam Veterans Survivors Scholarship Program pursuant to Section 173.236, RSMo, the Veteran's Survivors Grant Program pursuant to Section 173.234, RSMo, and minority teaching student scholarships pursuant to Section 161.415, RSMo are funded at a level sufficient to make awards to all eligible students and that sufficient resources are reserved for students who may become eligible during the school year

From AP Incentive Grant Fund (0983). $100,000
From General Revenue Fund (0101) 431,250

From Lottery Proceeds Fund (0291). 169,000

For the Marguerite Ross Barnett Scholarship Program pursuant to Section 173.262, RSMo
From Marguerite Ross Barnett Scholarship Fund (0131). 500,000
Total. $1,200,250

SECTION 3.080.—To the Department of Higher Education
For the Kids' Chance Scholarship Program pursuant to Chapter 173, RSMo
From Kids' Chance Scholarship Fund (0878). $15,000

SECTION 3.085.—To the Department of Higher Education
For the Minority and Underrepresented Environmental Literacy Program pursuant to Section 640.240, RSMo
From General Revenue Fund (0101). $32,964

SECTION 3.090.—To the Department of Higher Education
For the Advantage Missouri Program pursuant to Chapter 173, RSMo
From Advantage Missouri Trust Fund (0856). $15,000

SECTION 3.095.—To the Department of Higher Education
For return of funds to the U.S. Department of Education
From GEAR-UP Scholarship Fund (0737). $4,000,000

SECTION 3.100.—To the Department of Higher Education
For the Missouri Guaranteed Student Loan Program, provided that not more than twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment
Personal Service $2,272,307
Expense and Equipment 7,325,693
For default prevention activities. 890,000
For payment of fees for collection of defaulted loans. 8,000,000
For payment of penalties to the federal government associated with late deposit of default collections. 500,000
From Guaranty Agency Operating Fund (0880) (Not to exceed 52.09 F.T.E.). $18,988,000

SECTION 3.105.—To the Department of Higher Education
Funds are to be transferred out of the State Treasury, chargeable to the funds listed below, to the Guaranty Agency Operating Fund
From Federal Student Loan Reserve Fund (0881). $15,000,000
From U.S. Department of Education/Coordinating Board for Higher Education P.L. 105-33 Interest Account Fund (0851). 100
Total. $15,000,100

SECTION 3.110.—To the Department of Higher Education
For purchase of defaulted loans, payment of default aversion fees, reimbursement to the federal government, and investment of funds in the Federal Student Loan Reserve Fund
From Federal Student Loan Reserve Fund (0881). $170,000,000

SECTION 3.115.—To the Department of Higher Education
For payment of refunds set off against debt as required by Section

143.786, RSMo
From Debt Offset Escrow Fund (0753). $750,000

SECTION 3.120.—To the Department of Higher Education
Funds are to be transferred out of the State Treasury, chargeable to the Guaranty Agency Operating Fund, to the Federal Student Loan Reserve Fund
From Guaranty Agency Operating Fund (0880). $1,000,000

SECTION 3.125.—To the University of Missouri
For the purpose of funding the Pharmacy Doctorate Program at Missouri State University in collaboration with the University of Missouri-Kansas City School of Pharmacy
All Expenditures
From General Revenue Fund (0101). $2,000,000

SECTION 3.130.—To Missouri State University
For the purpose of funding an Occupational Therapy program at Missouri State University-Springfield and Missouri State University-West Plains
From General Revenue Fund (0101). $1,325,000

SECTION 3.135.—To the State Technical College of Missouri, the University of Central Missouri, Southeast Missouri State University, Missouri State University, Lincoln University, Truman State University, Northwest Missouri State University, Missouri Southern State University, Missouri Western State University, Harris-Stowe State University, the University of Missouri, and the Department of Higher Education for distribution to the community colleges

For funding based on improved outcomes, with the funding amount for each two- and four-year public higher education institution based on improvement on specified performance measures, and for funding equity adjustments
From General Revenue Fund (0101). $12,000,000

SECTION 3.140.—To the University of Missouri
For the purpose of increasing the medical student class size at the University of Missouri in Columbia and to create a Springfield clinic campus in a public-private partnership with two (2) hospitals
From General Revenue Fund (0101). $10,000,000

SECTION 3.200.—To the Department of Higher Education
For distribution to community colleges as provided in Section 163.191, RSMo
From General Revenue Fund (0101). $125,100,914
From Lottery Proceeds Fund (0291). 10,489,991

For distribution to community colleges for the purpose of equity adjustments
From General Revenue Fund (0101) 5,540,000

For maintenance and repair at community colleges, local matching funds must be provided on a 50/50 state/local match rate in order to be eligible for state funds
From General Revenue Fund (0101) 4,396,718

For the payment of refunds set off against debt as required by Section 143.786, RSMo
From Debt Offset Escrow Fund (0753). 2,556,000
Total. $148,083,623

SECTION 3.205.—To the State Technical College of Missouri
All Expenditures
From General Revenue Fund (0101). $4,882,480
From Lottery Proceeds Fund (0291). 536,217

For the payment of refunds set off against debt as required by Section 143.786, RSMo
From Debt Offset Escrow Fund (0753). 30,000
Total. $5,448,697

SECTION 3.210.—To the University of Central Missouri
All Expenditures
From General Revenue Fund (0101). $50,672,034
From Lottery Proceeds Fund (0291). 6,050,959

For the payment of refunds set off against debt as required by Section 143.786, RSMo
From Debt Offset Escrow Fund (0753). 200,000
Total. $56,922,993

SECTION 3.215.—To Southeast Missouri State University
All Expenditures
From General Revenue Fund (0101). $41,702,875
From Lottery Proceeds Fund (0291). 4,935,757

For the payment of refunds set off against debt as required by Section 143.786, RSMo
From Debt Offset Escrow Fund (0753). 200,000
Total. $46,838,632

SECTION 3.220.—To Missouri State University
All Expenditures
From General Revenue Fund (0101). $75,548,387
From Lottery Proceeds Fund (0291). 9,670,119

For the payment of refunds set off against debt as required by Section 143.786, RSMo
From Debt Offset Escrow Fund (0753). 300,000
Total. $85,518,506

SECTION 3.225.—To Lincoln University
All Expenditures
From General Revenue Fund (0101). $16,369,863
From Lottery Proceeds Fund (0291). 1,814,072

For the purpose of funding the federal match requirement in the areas of agriculture extension and/or research

From General Revenue Fund (0101) 500,000

For the payment of refunds set off against debt as required by Section 143.786, RSMo
From Debt Offset Escrow Fund (0753). 200,000
Total. $18,883,935

SECTION 3.230.—To Truman State University
All Expenditures
From General Revenue Fund (0101). $38,025,898
From Lottery Proceeds Fund (0291). 4,576,165

For the payment of refunds set off against debt as required by Section 143.786, RSMo
From Debt Offset Escrow Fund (0753). 200,000
Total. $42,802,063

SECTION 3.235.—To Northwest Missouri State University
All Expenditures
From General Revenue Fund (0101). $28,501,302
From Lottery Proceeds Fund (0291). 3,342,740

For the payment of refunds set off against debt as required by Section 143.786, RSMo
From Debt Offset Escrow Fund (0753). 200,000
Total. $32,044,042

SECTION 3.240.—To Missouri Southern State University
All Expenditures
From General Revenue Fund (0101). $21,753,710
From Lottery Proceeds Fund (0291). 2,431,511

For the payment of refunds set off against debt as required by Section 143.786, RSMo
From Debt Offset Escrow Fund (0753). 200,000
Total. $24,385,221

SECTION 3.245.—To Missouri Western State University
All Expenditures
From General Revenue Fund (0101). $19,859,787
From Lottery Proceeds Fund (0291). 2,394,327

For the payment of refunds set off against debt as required by Section 143.786, RSMo
From Debt Offset Escrow Fund (0753). 200,000
Total. $22,454,114

SECTION 3.250.—To Harris-Stowe State University
All Expenditures
From General Revenue Fund (0101). $9,048,793
From Lottery Proceeds Fund (0291). 1,148,979

For the payment of refunds set off against debt as required by Section 143.786, RSMo
From Debt Offset Escrow Fund (0753). 200,000
Total. $10,397,772

SECTION 3.255.—To the University of Missouri
For operation of its various campuses and programs
All Expenditures
From General Revenue Fund (0101). $381,682,768
From Lottery Proceeds Fund (0291). 46,842,748

For the payment of refunds set off against debt as required by Section 143.786, RSMo
From Debt Offset Escrow Fund (0753). 200,000

For the publication of the 2015-2016 Official Manual of Missouri by the University of Missouri Press
From General Revenue Fund (0101). 75,000
Total. $428,800,516

SECTION 3.256.—To the University of Missouri
To the Office of the Provost of the University of Missouri, Kansas City for the Department of Architecture, Urban Planning, and Design (AUPD) under the College of Arts and Sciences for The Center for the Neighborhoods Initiative. To actively engage with the city and region to conduct collaborative outreach and research programs reflecting community-identified priorities in the areas of education and training, family and community health, and economic development. To work with local governments, other political subdivisions, higher education institutions, and community organizations. To support academic service-learning by providing a support infrastructure that facilitates the placement of university students in the community. And to compile data on the service-learning placements and identify learning outcomes
From General Revenue Fund (0101). $500,000

SECTION 3.260.—To the University of Missouri
For the Missouri Telehealth Network
All Expenditures
From Healthy Families Trust Fund (0625). $437,640

For the purpose of creating and implementing up to eight (8) Extension for Community Healthcare Outcomes Programs. Four of the programs shall focus on Hepatitis, Diabetes, Chronic Pain Management, and Childhood Asthma
From General Revenue Fund (0101). 1,500,000
Total. $1,937,640

SECTION 3.261.—To the University of Missouri
For a program designed to increase international collaboration and economic opportunity located at the University of Missouri-St. Louis
From General Revenue Fund (0101). $300,000

SECTION 3.265.—To the University of Missouri
For a program of research into spinal cord injuries
All Expenditures
From Spinal Cord Injury Fund (0578). $1,500,000

SECTION 3.270.—To the University of Missouri
For the treatment of renal disease in a statewide program
All Expenditures
From General Revenue Fund (0101). $1,750,000

SECTION 3.275.—To the University of Missouri
For the State Historical Society
All Expenditures
From General Revenue Fund (0101). $2,210,855

SECTION 3.280.—To the Board of Curators of the University of Missouri
For investment in registered federal, state, county, municipal, or school district bonds as provided by law
From The Seminary Fund (0872). $3,000,000

SECTION 3.285.—To the Board of Curators of the University of Missouri
For use by the University of Missouri pursuant to Sections 172.610 through 172.720, RSMo
From State Seminary Moneys Fund (0623). $275,000

Bill Totals

General Revenue Fund	$933,638,908
Federal Funds	3,659,999
Other Funds	329,520,659
Total	$1,266,819,566

Approved May 8, 2015

HB 4 [CCS SCS HCS HB 4]

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

Appropriates money for the expenses, grants, refunds, and distributions of the Department of Revenue and Department of Transportation

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2015 and ending June 30, 2016; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General, and further provided that no funds shall be used to pay the costs of conferences or meetings held by the American Association of Motor Vehicle Administrators (AAMVA), travel to attend such conferences or meetings, participation with

boards, committees, or administration of AAMVA, or for the collection or retention of individual data by AAMVA that violates any state law.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2015 and ending June 30, 2016, as follows:

SECTION 4.005.—To the Department of Revenue
For the purpose of collecting highway related fees and taxes, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between Sections 4.005, 4.010, 4.015, 4.020, and 4.025

Personal Service	$7,352,255
Annual salary adjustment in accordance with Section 105.005, RSMo	169
Expense and Equipment	3,248,483
From General Revenue Fund (0101)	10,600,907
Personal Service	7,080,430
Annual salary adjustment in accordance with Section 105.005, RSMo	180
Expense and Equipment	6,509,647
From State Highways and Transportation Department Fund (0644)	13,590,257

For a new motor vehicle and driver licensing computer system, including design and procurement analysis

Personal Service	175,000
Expense and Equipment	25,000
From General Revenue Fund (0101)	200,000
Total (Not to exceed 445.79 F.T.E.)	$24,391,164

SECTION 4.010.—To the Department of Revenue
For the Division of Taxation, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between Sections 4.005, 4.010, 4.015, 4.020, and 4.025

Personal Service	$18,919,686
Expense and Equipment	2,042,265
From General Revenue Fund (0101)	20,961,951
Personal Service	27,834
Expense and Equipment	1,071
From Petroleum Storage Tank Insurance Fund (0585)	28,905
Personal Service	34,020
Expense and Equipment	2,818
From Petroleum Inspection Fund (0662)	36,838

Personal Service. 51,835
Expense and Equipment. 4,163
From Health Initiatives Fund (0275). 55,998

Personal Service. 566,076
Expense and Equipment. 8,277
From Conservation Commission Fund (0609) 574,353

For Organizational Dues
From General Revenue Fund (0101) 212,401

For the integrated tax system
Expense and Equipment
From General Revenue Fund (0101) 13,000,000

For the purpose of funding a department data feed with the Missouri Law Enforcement Data Exchange (MoDEx)
From General Revenue Fund (0101) 250,000

For the collection of taxes for which amnesty has been granted under Senate Substitute for House Bill No. 384 (2015)
Personal Service. 200,000
Expense and Equipment. 550,000
From General Revenue Fund (0101). 750,000
Total (Not to exceed 551.30 F.T.E.). $35,870,446

SECTION 4.015.—To the Department of Revenue
For the Division of Motor Vehicle and Driver Licensing, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between Sections 4.005, 4.010, 4.015, 4.020, and 4.025
Personal Service. $368,851
Expense and Equipment. 280,232
From General Revenue Fund (0101) 649,083

Personal Service. 2,695
Expense and Equipment. 160,776
From Department of Revenue - Federal Fund (0132) 163,471

Personal Service. 194,853
Expense and Equipment. 245,840
From Motor Vehicle Commission Fund (0588). 440,693

Personal Service. 6,796
Expense and Equipment. 9,953
From Department of Revenue Specialty Plate Fund (0775)... 16,749
Total (Not to exceed 32.05 F.T.E.). $1,269,996

SECTION 4.020.—To the Department of Revenue
For the Division of Legal Services, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and

equipment and not more than ten percent (10%) flexibility is allowed between Sections 4.005, 4.010, 4.015, 4.020, and 4.025

Personal Service	$1,501,832
Expense and Equipment	155,533
From General Revenue Fund (0101)	1,657,365
Personal Service	208,484
Expense and Equipment	211,154
From Department of Revenue - Federal Fund (0132)	419,638
Personal Service	452,814
Expense and Equipment	28,118
From Motor Vehicle Commission Fund (0588)	480,932
Personal Service	41,450
Expense and Equipment	3,323
From Tobacco Control Special Fund (0984)	44,773
Total (Not to exceed 56.75 F.T.E.)	$2,602,708

SECTION 4.025.—To the Department of Revenue
For the Division of Administration, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between Sections 4.005, 4.010, 4.015, 4.020, and 4.025

Personal Service	$1,121,971
Annual salary adjustment in accordance with Section 105.005, RSMo	248
Expense and Equipment	211,326
From General Revenue Fund (0101)	1,333,545
Personal Service	53,170
Expense and Equipment	3,470,006
From Department of Revenue - Federal Fund (0132)	3,523,176
Personal Service	25,552
Expense and Equipment	2,089,841
From Child Support Enforcement Fund (0169)	2,115,393
For postage	
Expense and Equipment	
From General Revenue Fund (0101)	3,993,011
From Health Initiatives Fund (0275)	5,373
From Motor Vehicle Commission Fund (0588)	44,029
From Conservation Commission Fund (0609)	1,343
Total (Not to exceed 38.66 F.T.E.)	$11,015,870

SECTION 4.030.—To the Department of Revenue
For the State Tax Commission, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment

Personal Service	$1,996,616
Annual salary adjustment in accordance with Section 105.005, RSMo	1,716
Expense and Equipment	166,977
From General Revenue Fund (0101)	2,165,309

For the Productive Capability of Agricultural and Horticultural Land Use Study
Expense and Equipment
From General Revenue Fund (0101). 3,798
Total (Not to exceed 40.00 F.T.E.). $2,169,107

SECTION 4.035.—To the Department of Revenue
For the state's share of the costs and expenses incurred pursuant to an
approved assessment and equalization maintenance plan as provided
by Chapter 137, RSMo
From General Revenue Fund (0101). $10,376,876

SECTION 4.036.—To the Department of Revenue
For distribution to any political subdivision(s) to offset tax credits
awarded by the state of Missouri for property taxes levied on
qualified rolling stock. $300,000

For the Wood Energy Tax Credit Program
For the redemption of tax credits issued on or after July 1, 2015, under
Sections 135.300 through 135.311, RSMo. 1,000,000

For the Alternative Fuel Infrastructure Tax Credit Program
For the redemption of tax credits issued on or after July 1, 2015, under
Section 135.710, RSMo.. 100,000
From General Revenue Fund (0101). $1,400,000

SECTION 4.040.—To the Department of Revenue
For payment of fees to counties as a result of delinquent collections made
by circuit attorneys or prosecuting attorneys and payment of collection
agency fees
From General Revenue Fund (0101). $3,300,000

SECTION 4.045.—To the Department of Revenue
For payment of fees to counties for the filing of lien notices and lien releases
From General Revenue Fund (0101). $465,000

SECTION 4.050.—To the Department of Revenue
For distribution to cities and counties of all funds accruing to the Motor
Fuel Tax Fund under the provisions of Sections 30(a) and 30(b),
Article IV, of the Constitution of Missouri
From Motor Fuel Tax Fund (0673). $188,000,000

SECTION 4.055.—To the Department of Revenue
For distribution of emblem use fee contributions collected for specialty plates
From General Revenue Fund (0101). $1,000

SECTION 4.060.—To the Department of Revenue
For refunds for overpayment or erroneous payment of any tax or any
payment credited to the General Revenue Fund
From General Revenue Fund (0101). $1,394,400,000E

SECTION 4.065.—To the Department of Revenue
For refunds for overpayment or erroneous payment of any tax or any

payment credited to Federal and Other Funds
From Federal and Other Funds (Various). $50,000

SECTION 4.070.—To the Department of Revenue
For the purpose of refunding any tax or fee credited to the State
Highways and Transportation Department Fund
From State Highways and Transportation Department Fund (0644).. . . . . $2,290,564E

SECTION 4.075.—To the Department of Revenue
For the purpose of refunding any overpayment or erroneous payment of
any amount credited to the Aviation Trust Fund
From Aviation Trust Fund (0952). $50,000

SECTION 4.080.—To the Department of Revenue
For refunds and distributions of motor fuel taxes
From State Highways and Transportation Department Fund (0644).. . . . . $10,914,000E

SECTION 4.085.—To the Department of Revenue
For refunds for overpayment or erroneous payment of any tax or any
payment credited to the Workers' Compensation Fund
From Workers' Compensation Fund (0652). $2,000,000

SECTION 4.090.—To the Department of Revenue
For refunds for overpayment or erroneous payment of any tax or any
payment for tobacco taxes

From Health Initiatives Fund (0275).	$125,000
From State School Moneys Fund (0616)	25,000
From The Fair Share Fund (0687).	11,000
Total.	$161,000

SECTION 4.095.—To the Department of Revenue
For apportionments to the several counties and the City of St. Louis to
offset credits taken against the County Stock Insurance Tax
From General Revenue Fund (0101). $660,700

SECTION 4.100.—To the Department of Revenue
For the payment of tax delinquencies set off by tax credits
From General Revenue Fund (0101). $260,000

SECTION 4.105.—To the Department of Revenue
Funds are to be transferred out of the State Treasury, chargeable to the
General Revenue Fund, such amounts as may be necessary to
make payments of refunds set off against debts as required by
Section 143.786, RSMo, to the Debt Offset Escrow Fund
From General Revenue Fund (0101). $13,797,384

SECTION 4.110.—To the Department of Revenue
Funds are to be transferred out of the State Treasury, chargeable to the
General Revenue Fund, such amounts as may be necessary to
make payments of refunds set off against debts as required by
Section 488.020(3), RSMo, to the Circuit Courts Escrow Fund
From General Revenue Fund (0101). $2,000,000

SECTION 4.115.—For the payment of refunds set off against debts as required by Section 143.786, RSMo
From Debt Offset Escrow Fund (0753). $1,164,119

SECTION 4.120.—To the Department of Revenue
Funds are to be transferred out of the State Treasury, chargeable to the School District Trust Fund, to the General Revenue Fund
From School District Trust Fund (0688). $2,500,000

SECTION 4.125.—To the Department of Revenue
Funds are to be transferred out of the State Treasury, chargeable to the Parks Sales Tax Fund, sixty-six hundredths percent of the funds received, to the General Revenue Fund
From Parks Sales Tax Fund (0613). $300,000

SECTION 4.130.—To the Department of Revenue
Funds are to be transferred out of the State Treasury, chargeable to the Soil and Water Sales Tax Fund, sixty-six hundredths percent of the funds received, to the General Revenue Fund
From Soil and Water Sales Tax Fund (0614). $300,000

SECTION 4.135.—To the Department of Revenue
Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, amounts from income tax refunds designated by taxpayers for deposit in various income tax check-off funds
From General Revenue Fund (0101). $396,000

SECTION 4.140.—To the Department of Revenue
Funds are to be transferred out of the State Treasury, chargeable to various income tax check-off funds, amounts from income tax refunds erroneously deposited to said funds, to the General Revenue Fund
From Other Funds (Various). $13,669

SECTION 4.145.—For distribution from the various income tax check-off charitable trust funds
From Other Funds (Various). $50,000

SECTION 4.150.—To the Department of Revenue
Funds are to be transferred out of the State Treasury, chargeable to the Department of Revenue Information Fund, to the State Highways and Transportation Department Fund
From Department of Revenue Information Fund (0619). $3,750,000

SECTION 4.155.—To the Department of Revenue
Funds are to be transferred out of the State Treasury, chargeable to the Motor Fuel Tax Fund, to the State Highways and Transportation Department Fund
From Motor Fuel Tax Fund (0673). $560,178,001

SECTION 4.160.—To the Department of Revenue
Funds are to be transferred out of the State Treasury, chargeable to the Department of Revenue Specialty Plate Fund, to the State Highways

and Transportation Department Fund
From Department of Revenue Specialty Plate Fund (0775).. . . . . $20,000

SECTION 4.165.—To the Department of Revenue
For the State Lottery Commission, provided that not more than twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment
Personal Service. $6,936,517
Expense and Equipment, excluding any purposes for which appropriations have been made elsewhere in this section. 8,847,515

For payments to vendors for costs of the design, manufacture, licensing, leasing, processing, and delivery of games administered by the Lottery Commission. 27,371,477

For advertising expenses. 16,000,000
From Lottery Enterprise Fund (0657) (Not to exceed 153.50 F.T.E.). $59,155,509

SECTION 4.170.—To the Department of Revenue
For the State Lottery Commission
For the payment of prizes
From Lottery Enterprise Fund (0657). $153,000,000E

SECTION 4.175.—To the Department of Revenue
Funds are to be transferred out of the State Treasury, chargeable to the Lottery Enterprise Fund, to the Lottery Proceeds Fund
From Lottery Enterprise Fund (0657). $299,000,000E

SECTION 4.400.—To the Department of Transportation
For the Highways and Transportation Commission and Highway Program Administration
Personal Service. $18,362,108
Expense and Equipment.. 7,347,562
From State Road Fund (0320). 25,709,670

For Organizational Dues
From Multimodal Operations Federal Fund (0126) 5,000
From State Road Fund (0320). 70,000
From Railroad Expense Fund (0659). 5,000
Total (Not to exceed 350.57 F.T.E.). $25,789,670

SECTION 4.405.—To the Department of Transportation
For department-wide fringe expenses
For Administration fringe benefits
Personal Service. $13,850,867E
Expense and Equipment.. . . . . 15,797,243E
From State Road Fund (0320). 29,648,110

For Construction Program fringe benefits
Personal Service. 50,128,728E
Expense and Equipment.. . . . . 527,107E
From State Road Fund (0320). 50,655,835

For Maintenance Program fringe benefits
Personal Service
From Department of Transportation - Highway Safety Fund (0149) 230,885

Personal Service. 112,811,871E
Expense and Equipment. 6,633,778E
From State Road Fund (0320). 119,445,649

For Fleet, Facilities, and Information Systems fringe benefits
Personal Service. 10,298,358E
Expense and Equipment. 244,493E
From State Road Fund (0320). 10,542,851

For Multimodal Operations fringe benefits
Personal Service
From Multimodal Operations Federal Fund (0126) 230,220
From State Road Fund (0320). 326,456E
From Railroad Expense Fund (0659). 343,661
From State Transportation Fund (0675). 116,357
From Aviation Trust Fund (0952). 369,551
Total. $211,909,575

SECTION 4.410.—To the Department of Transportation
For the Construction Program
For the costs of constructing highway safety access in municipalities of the fourth classification with more than three thousand inhabitants and located in any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants
From General Revenue Fund (0101). $250,000

To pay the costs of reimbursing counties and other political subdivisions for the acquisition of roads and bridges taken over by the state as permanent parts of the state highway system, and for the costs of locating, relocating, establishing, acquiring, constructing, reconstructing, widening, and improving those highways, bridges, tunnels, parkways, travelways, tourways, and coordinated facilities authorized under Article IV, Section 30(b) of the Constitution of Missouri; of acquiring materials, equipment, and buildings necessary for such purposes and for other purposes and contingencies relating to the location and construction of highways and bridges; and to expend funds from the United States Government for like purposes
Personal Service. 65,972,745E
Expense and Equipment 19,558,170E
Construction. 933,811,500E
From State Road Fund (0320). 1,019,342,415

For all expenditures associated with paying outstanding state road bond debt, provided that not more than fifty percent (50%) flexibility is allowed between the State Road Fund and State Road Bond Fund
From State Road Fund (0320). 161,699,889E
From State Road Bond Fund (0319). 146,760,972E
Total (Not to exceed 1,326.44 F.T.E.). $1,328,053,276

SECTION 4.415.—To the Department of Transportation
For the Maintenance Program
To pay the costs of preserving and maintaining the state system of roads and bridges and coordinated facilities authorized under Article IV, Section 30(b) of the Constitution of Missouri; of acquiring materials, equipment, and buildings necessary for such purposes and for other purposes and contingencies related to the preservation, maintenance, and safety of highways and bridges

Personal Service	$312,943
Expense and Equipment	54,393
From Department of Transportation - Highway Safety Fund (0149)	367,336
Personal Service	140,243,966E
Expense and Equipment	223,906,284E
From State Road Fund (0320)	364,150,250
Expense and Equipment	
From Motorcycle Safety Trust Fund (0246)	425,000

For all allotments, grants, and contributions from federal sources that may be deposited in the State Treasury for grants of National Highway Safety Act moneys

From Department of Transportation - Highway Safety Fund (0149)	18,977,120

For the Motor Carrier Safety Assistance Program

From Motor Carrier Safety Assistance Program/Division of Transportation - Federal Fund (0185)	1,999,725
Total (Not to exceed 3,643.93 F.T.E.)	$385,919,431

SECTION 4.420.—To the Department of Transportation
For the Maintenance Program
Funds from grants of National Highway Safety Acts are to be transferred out of the State Treasury, chargeable to the Department of Transportation Highway Safety Fund, to the State Road Fund, for expenditures associated with hazard elimination roadway projects as required by federal guidelines

From Department of Transportation - Highway Safety Fund (0149)	$7,000,000

SECTION 4.425.—To the Department of Transportation
For Fleet, Facilities, and Information Systems
To pay the costs of constructing, preserving, and maintaining the state system of roads and bridges and coordinated facilities authorized under Article IV, Section 30(b) of the Constitution of Missouri; of acquiring materials, equipment, and buildings necessary for such purposes and for other purposes and contingencies related to the construction, preservation, and maintenance of highways and bridges

Personal Service	$14,039,533
Expense and Equipment	61,000,000
From State Road Fund (0320) (Not to exceed 299.25 F.T.E.)	$75,039,533

SECTION 4.430.—To the Department of Transportation
For the purpose of refunding any tax or fee credited to the State Highways

and Transportation Department Fund. $35,240E

For refunds and distributions of motor fuel taxes. 30,000,000E
From State Highways and Transportation Department Fund (0644). $30,035,240

SECTION 4.435.—To the Department of Transportation
Funds are to be transferred out of the State Treasury, chargeable to the State Highways and Transportation Department Fund, to the State Road Fund
From State Highways and Transportation Department Fund (0644) $528,000,000E

SECTION 4.440.—To the Department of Transportation
For Multimodal Operations Administration
Personal Service. $310,513
Expense and Equipment. 269,600
From Multimodal Operations Federal Fund (0126) 580,113

Personal Service. 462,873
Expense and Equipment. 39,852
From State Road Fund (0320). 502,725

Personal Service. 457,787
Expense and Equipment. 145,000
From Railroad Expense Fund (0659). 602,787

Personal Service 159,323
Expense and Equipment. 26,220
From State Transportation Fund (0675). 185,543

Personal Service. 494,332
Expense and Equipment. 24,827
From Aviation Trust Fund (0952). 519,159
Total (Not to exceed 35.68 F.T.E.). $2,390,327

SECTION 4.445.—To the Department of Transportation
For Multimodal Operations
For reimbursements to the State Road Fund for providing professional and technical services and administrative support of the multimodal program
From Multimodal Operations Federal Fund (0126). $83,500
From Railroad Expense Fund (0659). 135,000
From State Transportation Fund (0675). 35,000
From Aviation Trust Fund (0952). 75,567
Total. $329,067

SECTION 4.450.—To the Department of Transportation
For Multimodal Operations
For loans from the State Transportation Assistance Revolving Fund to political subdivisions of the state or to public or private not-for-profit organizations or entities in accordance with Section 226.191, RSMo
From State Transportation Assistance Revolving Fund (0841). $1,000,000

SECTION 4.455.—To the Department of Transportation
For the Transit Program

For distributing funds to urban, small urban, and rural transportation systems
From General Revenue Fund (0101). $500,000
From State Transportation Fund (0675). 560,875
Total. $1,060,875

SECTION 4.460.—To the Department of Transportation
For the Transit Program
For locally matched capital improvement grants under Sections 5310 and 5317, Title 49, United States Code to assist private, non-profit organizations in improving public transportation for the state's elderly and people with disabilities and to assist disabled persons with transportation services beyond those required by the Americans with Disabilities Act
From Multimodal Operations Federal Fund (0126). $10,600,000

SECTION 4.465.—To the Department of Transportation
For the Transit Program
For an operating subsidy for not-for-profit transporters of the elderly, people with disabilities, and low-income individuals
From General Revenue Fund (0101). $1,194,129
From State Transportation Fund (0675). 1,274,478
Total. $2,468,607

SECTION 4.470.—To the Department of Transportation
For the Transit Program
For locally matched grants to small urban and rural areas under Sections 5311 and 5316, Title 49, United States Code
From Multimodal Operations Federal Fund (0126). $17,995,000

SECTION 4.475.—To the Department of Transportation
For the Transit Program
For grants under Section 5309, Title 49, United States Code to assist private, non-profit organizations providing public transportation services
From Multimodal Operations Federal Fund (0126). $1,400,000

SECTION 4.480.—To the Department of Transportation
For the Transit Program
For grants to metropolitan areas under Section 5305, Title 49, United States Code
From Multimodal Operations Federal Fund (0126). $11,000,000

SECTION 4.485.—To the Department of Transportation
For the Transit Program
For grants to public transit providers to replace, rehabilitate, and purchase vehicles and related equipment and to construct vehicle-related facilities under the Moving Ahead for Progress in the 21st Century Act
From Multimodal Operations Federal Fund (0126). $4,400,000

SECTION 4.490.—To the Department of Transportation
For the Rail Program
For infrastructure improvements and preliminary engineering evaluations on the existing rail corridor between St. Louis and Kansas City
From Multimodal Operations Federal Fund (0126). $13,000,000

SECTION 4.495.—To the Department of Transportation
Funds are to be transferred out of the State Treasury, chargeable to the Federal Stimulus-Missouri Department of Transportation Fund, to the Multimodal Operations Federal Fund, for expenditures associated with passenger rail projects
From Federal Stimulus-Missouri Department of Transportation Fund (2268). . $13,000,000

SECTION 4.500.—To the Department of Transportation
For the Light Rail Safety Program
From Multimodal Operations Federal Fund (0126). $505,962
From State Transportation Fund (0675). 126,491
Total. $632,453

SECTION 4.505.—To the Department of Transportation
For the Rail Program
For passenger rail service in Missouri
From General Revenue Fund (0101). $9,600,000

SECTION 4.510.—To the Department of Transportation
For station repairs and improvements at Missouri Amtrak stations
From State Transportation Fund (0675). $25,000

SECTION 4.515.—To the Department of Transportation
For protection of the public against hazards existing at railroad crossings pursuant to Chapter 389, RSMo
From Grade Crossing Safety Account (0290).. . . . . $4,000,000

SECTION 4.520.—To the Department of Transportation
For the Aviation Program
For construction, capital improvements, and maintenance of publicly owned airfields, including land acquisition, and for printing charts and directories
From Aviation Trust Fund (0952). $10,000,000

For the purpose of funding improvements to the levee system that surrounds an airport in a county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a home rule city with more than seventy-six thousand but fewer than ninety-one thousand inhabitants as the county seat
From General Revenue Fund (0101). 2,000,000
Total. $12,000,000

SECTION 4.525.—To the Department of Transportation
For the purpose of funding airport master-planning in accordance with Chapter 305.230 RSMo, at airports located in Mid-Missouri
From Aviation Trust Fund (0952). $350,000

SECTION 4.530.—To the Department of Transportation
For the Aviation Program
For construction, capital improvements, or planning of publicly owned airfields by cities or other political subdivisions, including land acquisition, pursuant to the provisions of the State Block Grant Program administered through the Federal Airport Improvement Program

From Multimodal Operations Federal Fund (0126). $35,000,000

Section 4.535.—To the Department of Transportation
For the Waterways Program
For grants to port authorities for assistance in port planning, acquisition,
or construction within the port districts as follows:
Jefferson County Port Authority for property acquisition. $488,281
New Madrid County Port Authority for property acquisition 561,524
Southeast Missouri Regional Port Authority for rail construction. 424,000
St. Louis City Port Authority for warehouse rehabilitation. 327,149
Pemiscot County Port Authority for property acquisition 601,446
Kansas City Port Authority. 597,600
Any port authority. 400,000

From General Revenue Fund (0101) 3,000,000
From State Transportation Fund (0675). 400,000

For infrastructure enhancements of a port authority located in a home rule
city with more than four hundred thousand inhabitants and located
in more than one county for long-term cargo shipping with
offloading capabilities and a rail-spur, provided that funds are
acquired from the Missouri Transportation Finance Board
From General Revenue Fund (0101). 3,000,000
Total. $6,400,000

Section 4.540.—To the Department of Transportation
For the Federal Rail, Port and Freight Assistance Program
From Multimodal Operations Federal Fund (0126). $1,000,000

Section 4.545.—To the Department of Transportation
For the Freight Enhancement Program
For projects to improve connectors for ports, rail, and other non-highway
transportation systems
From State Transportation Fund (0675). $850,000

Department of Revenue Totals
General Revenue Fund. $88,434,330
Federal Funds. 4,106,285
Other Funds.. 417,591,145
Total. $510,131,760

Department of Transportation Totals
General Revenue Fund. $19,544,129
Federal Funds. 117,374,861
Other Funds.. 2,025,293,824
Total. $2,162,212,814

Approved May 8, 2015

HB 5 [CCS SCS HCS HB 5]

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

Appropriates money for the expenses, grants, refunds, and distributions of the Office of Administration, Department of Transportation, and Department of Public Safety

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Conservation, the Department of Public Safety, the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2015 and ending June 30, 2016; provided that no funds from these sections shall be expended for the purpose of costs associated with the travel or staffing of the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2015 and ending June 30, 2016, as follows:

SECTION 5.005. — To the Office of Administration
For the Commissioner's Office
Personal Service. $635,865
Annual salary adjustment in accordance with Section 105.005, RSMo. 674
Expense and Equipment. 72,368
From General Revenue Fund (0101) 708,907

For the Office of Equal Opportunity
Provided that no more than five percent (5%) flexibility is allowed between personal service and expense and equipment
Personal Service. 221,808
Expense and Equipment. 78,222
From General Revenue Fund (0101) 300,030

For the purpose of receiving and expending funds for a disparity study for the State of Missouri
From Office of Administration-Donated Fund (0722). 80,000
Total (Not to exceed 14.50 F.T.E.). $1,088,937

SECTION 5.010. — To the Office of Administration
For the Division of Accounting
Personal Service. $2,109,586
Expense and Equipment. 116,895
From General Revenue Fund (0101) (Not to exceed 49.00 F.T.E.). $2,226,481

SECTION 5.015. — To the Office of Administration

For the Division of Budget and Planning

Personal Service	$1,611,943
Expense and Equipment	71,921
From General Revenue Fund (0101) (Not to exceed 26.00 F.T.E.)	$1,683,864

SECTION 5.020.—To the Office of Administration
For the Information Technology Services Division
Provided that not more than twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment provided that no funds shall be expended or flexed for the scanning and retention of source documents in the course of issuing driver licenses and other non-driver identification documents except any document required to be retained under federal motor carrier regulations in Title 49, Code of Federal Regulations, and further provided that no funds shall be expended or flexed for the purchase or use of any photo validation system including funds used exclusively to support the information technology needs of the Department of Revenue in performance of its duties to collect highway revenue pursuant to Article IV, Section 30(b) of the Missouri Constitution

Personal Service	$21,193,888
Expense and Equipment	25,050,466
From General Revenue Fund (0101)	46,244,354

Provided that not more than twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment, provided that no funds shall be expended or flexed for the scanning and retention of source documents in the course of issuing driver licenses and other non-driver identification documents except any document required to be retained under federal motor carrier regulations in Title 49, Code of Federal Regulations, and further provided that no funds shall be expended or flexed for the purchase or use of any photo validation system and not more than twenty percent (20%) flexibility is allowed between federal funds and between other funds

Personal Service	3,516,734
Expense and Equipment	419,981
From DOLIR Administrative Fund (0122)	3,936,715

Personal Service	14,880,356
Expense and Equipment	55,958,077
From OA Information Technology Federal Fund (0165)	70,838,433

Personal Service and/or Expense and Equipment, provided that not more than twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment, also provided that no funds shall be expended or flexed for the scanning and retention of source documents in the course of issuing driver licenses and other non-driver identification documents except any document required to be retained under federal motor carrier regulations in Title 49, Code of Federal Regulations, and further provided that no funds shall be expended or flexed for the purchase or use of any photo validation system and not more than twenty percent (20%) flexibility is allowed between federal funds and between other funds

From Agriculture Business Development Fund (0683). 2,491
From Agriculture Development Fund (0904) 880
From Agriculture Protection Fund (0970). 137,659
From Animal Care Reserve Fund (0295) 9,407
From Animal Health Laboratory Fee Fund (0292) 5,925
From Boiler and Pressure Vessels Safety Fund (0744). 14,520
From Chemical Emergency Preparedness Fund (0587) 11,425
From Child Labor Enforcement Fund (0826) 14,995
From Child Support Enforcement Fund (0169) 1,720,974
From Childhood Lead Testing Fund (0899). 13,032
From Children's Trust Fund (0694). 1,100
From Commodity Council Merchandising Fund (0406) 876
From Conservation Commission Fund (0609) 33,198
From Crime Victims Compensation Fund (0681). 29,141
From Deaf Relay Service and Equipment Distribution Program Fund (0559) 12,990
From DED Administrative Fund (0547). 1,301,994
From Department of Health Donated Fund (0658). 20,563
From Department of Health and Senior Services Document Services Fund (0646). 108,323
From DOSS Administrative Trust Fund (0545) 400,649
From DIFP Administrative Fund (0503) 129,217
From Division of Credit Unions Fund (0548) 6,606
From Division of Finance Fund (0550) 178,593
From Division of Tourism Supplemental Revenue Fund (0274). 55,478
From Early Childhood Development, Education and Care Fund (0859) 23,850
From Elderly Home-Delivered Meals Trust Fund (0296). 10,970
From Elevator Safety Fund (0257) 10,190
From Energy Set-Aside Program Fund (0667). 84,243
From Environmental Radiation Monitoring Fund (0656).. 1,300
From Excellence In Education Fund (0651) 181,549
From Federal Surplus Property Fund (0407). 112,639
From Grain Inspection Fees Fund (0647) 33,845
From Guaranty Agency Operating Fund (0880) 839,504
From Hazardous Waste Fund (0676) 8,700
From Health Access Incentive Fund (0276) 7,690
From Health Initiatives Fund (0275). 53,071
From Inmate Revolving Fund (0540). 15,200
From Insurance Dedicated Fund (0566) 918,615
From Insurance Examiners Fund (0552) 121,328
From International Promotions Revolving Fund (0567).. 2,762
From Livestock Brands Fund (0299).. 2,998
From Livestock Dealer Law Enforcement and Administration Fund (0624) 95
From Livestock Sales and Markets Fees Fund (0581). 260
From Lottery Proceeds Fund (0291). 97,124
From Mammography Fund (0293) 4,637
From Missouri Arts Council Trust Fund (0262) 22,660
From Missouri Commission for the Deaf Board of Certification of
Interpreters Fund (0264) 9,049
From Missouri Commission for the Deaf and Hard of Hearing Fund (0743). 2,006
From Missouri Land Survey Fund (0668). 178,285
From Missouri Public Health Services Fund (0298) 973,518
From Missouri RX Plan Fund (0779). 15,000
From Missouri Veteran's Homes Fund (0460). 1,290,191

From Missouri Wine and Grape Fund (0787) 10,117
From Missouri Works Job Development Fund (0600). 7,000
From Motor Vehicle Commission Fund (0588). 109,482
From DNR Cost Allocation Fund (0500) 6,526,236
From Nursing Facility Quality of Care Fund (0271). 419,551
From OA Revolving Administrative Trust Fund (0505) 35,100
From Organ Donor Program Fund (0824) 22,000
From Professional and Practical Nursing Student Loan and Nurse Loan
Repayment Fund (0565).. 7,110
From Professional Registration Fees Fund (0689). 1,229,281
From Proprietary School Certification Fund (0729). 50,140
From Putative Father Registry Fund (0780).. 12,300
From Safe Drinking Water Fund (0679) 1,305
From Single-Purpose Animal Facilities Loan Program Fund (0408) 1,155
From Special Employment Security Fund (0949) 109,999
From State Facility Maintenance and Operation Fund (0501). 235,464
From State Fair Fee Fund (0410). 9,624
From State Highways and Transportation Department Fund (0644).. 2,778,120
From State Institutions Gift Trust Fund (0925) 90
From State Milk Inspection Fees Fund (0645). 4,961
From Unemployment Automation Fund (0953) 13,104,717
From Veteran's Commission Capital Improvement Trust Fund (0304). 76,828
From Workers Compensation Fund (0652).. 324,460
From Working Capital Revolving Fund (0510) 229,724

Provided that not more than fifty percent (25%) flexibility is allowed
between personal service and expense and equipment, provided
that no funds shall be expended or flexed for the scanning and
retention of source documents in the course of issuing driver
licenses and other non-driver identification documents except any
document required to be retained under federal motor carrier
regulations Title 49, Code of Federal Regulations, and further
provided that no funds shall be expended or flexed for the
purchase or use of any photo validation system
Personal Service. 7,440,862
Expense and Equipment.. 38,732,527
From Missouri Revolving Information Technology Trust Fund (0980) 46,173,389

For the purpose of funding information technology security enhancements
Provided that not more than twenty-five percent (25%) flexibility is
allowed between personal service and expense and equipment,
provided that no funds shall be expended or flexed for the
scanning and retention of source documents in the course of
issuing driver licenses and other non-driver identification
documents except any document required to be retained under
federal motor carrier regulations Title 49, Code of Federal
Regulations, and further provided that no funds shall be expended
or flexed for the purchase or use of any photo validation system
From General Revenue Fund (0101). 6,000,000
Total (Not to exceed 985.00 F.T.E.). $207,728,970

SECTION 5.025.—To the Office of Administration

For the Information Technology Services Division
For the centralized telephone billing system
Expense and Equipment
From Missouri Revolving Information Technology Trust Fund (0980). $44,700,697

SECTION 5.030.—To the Office of Administration
Funds are to be transferred out of the State Treasury, chargeable to the
Missouri Revolving Information Technology Trust Fund, to the
eProcurement and State Technology Fund
From Missouri Revolving Information Technology Trust Fund (0980). $2,000,000

For the purpose of receiving and expending funds for eProcurement activities
From eProcurement and State Technology Fund (0495). 2,000,000
Total. $4,000,000

SECTION 5.035.—To the Office of Administration
For the Division of Personnel
Personal Service.. . . . . $2,750,851
Expense and Equipment. 91,646
From General Revenue Fund (0101) 2,842,497

Personal Service.. 175,913
Expense and Equipment. 471,489
From Office of Administration Revolving Administrative Trust Fund (0505). 647,402

Personal Service.. 91,199
Expense and Equipment. 3,600
From Missouri Revolving Information Technology Trust Fund (0980) 94,799

For the purpose of funding a salary commission study
From General Revenue Fund (0101).. 300,000
Total (Not to exceed 72.97 F.T.E.). $3,884,698

SECTION 5.040.—To the Office of Administration
For the Division of Purchasing and Materials Management
Personal Service.. . . . . $1,768,985
Expense and Equipment. 77,203
From General Revenue Fund (0101) (Not to exceed 35.00 F.T.E.).. . . . . $1,846,188

SECTION 5.045.—To the Office of Administration
For the Division of Purchasing and Materials Management
For refunding bid and performance bonds
From Office of Administration Revolving Administrative Trust Fund (0505). . . $3,000,000

SECTION 5.050.—To the Office of Administration
For the Division of Purchasing and Materials Management
For the operation of the State Agency for Surplus Property
Personal Service.. . . . . $778,706
Expense and Equipment 595,698

For the Fixed Price Vehicle Program
Expense and Equipment. 1,495,994

From Federal Surplus Property Fund (0407) (Not to exceed 20.00 F.T.E.). $2,870,398

SECTION 5.055.—To the Office of Administration
For the Division of Purchasing and Materials Management
For Surplus Property recycling activities
Personal Service. $47,876
Expense and Equipment.. 50,322
From Federal Surplus Property Fund (0407) (Not to exceed 1.00 F.T.E.). $98,198

SECTION 5.060.—To the Office of Administration
Funds are to be transferred out of the State Treasury, chargeable to the Federal Surplus Property Fund, to the Department of Social Services for the heating assistance program, as provided by Section 34.032, RSMo
From Federal Surplus Property Fund (0407). $30,000

SECTION 5.065.—To the Office of Administration
For the Division of Purchasing and Materials Management
For the disbursement of surplus property sales receipts
From Proceeds of Surplus Property Sales Fund (0710).. $299,894

SECTION 5.070.—To the Office of Administration
Funds are to be transferred out of the State Treasury, chargeable to the Proceeds of Surplus Property Sales Fund, to various state agency funds
From Proceeds of Surplus Property Sales Fund (0710).. . . . . $2,000,000

SECTION 5.075.—To the Office of Administration
For the Division of Facilities Management, Design and Construction
Asset Management
For authority to spend donated funds to support renovations and operations of the Governor's Mansion
From State Facility Maintenance and Operation Fund (0501). $60,000

SECTION 5.080.—To the Office of Administration
For the Division of Facilities Management, Design and Construction
Asset Management
For any and all expenditures necessary for the purpose of funding the operations of the Board of Public Buildings, state-owned and leased office buildings, institutional facilities, laboratories, and support facilities
Provided that not more than five percent (5%) flexibility is allowed between personal service and expense and equipment
Personal Service. $19,077,521
Expense and Equipment.. 34,152,987
From State Facility Maintenance and Operation Fund (0501)
(Not to exceed 513.50 F.T.E.).. . . . . $53,230,508

SECTION 5.085.—To the Office of Administration
For the Division of Facilities Management, Design and Construction Asset Management
For the purpose of funding expenditures associated with the State Capitol Commission

Expense and Equipment
From State Capitol Commission Fund (0745). $25,000

SECTION 5.090.—To the Board of Public Buildings
For the Office of Administration
For the Division of Facilities Management, Design and Construction
Asset Management
For modifications, replacement, repair costs, and other support services at state-operated facilities or institutions when recovery is obtained from a third party including energy rebates or disaster recovery
From State Facility Maintenance and Operation Fund (0501). $2,000,000

SECTION 5.095.—To the Office of Administration
For the Division of General Services
Personal Service. $872,166
Expense and Equipment. 75,353
From General Revenue Fund (0101) 947,519

Personal Service. 2,849,404
Expense and Equipment. 979,728
From Office of Administration Revolving Administrative Trust Fund (0505). . . 3,829,132
Total (Not to exceed 106.00 F.T.E.). $4,776,651

SECTION 5.100.—To the Office of Administration
Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the State Property Preservation Fund
From General Revenue Fund (0101). $1E

SECTION 5.105.—To the Office of Administration
For the Division of General Services
For the repair or replacement of state-owned or leased facilities that have suffered damage from natural or man-made events or for the defeasance of outstanding debt secured by the damaged facilities when a notice of coverage has been issued by the Commissioner of Administration, as provided by Sections 37.410 through 37.413, RSMo
From State Property Preservation Fund (0128). $1E

SECTION 5.110.—To the Office of Administration
For the Division of General Services
For rebillable expenses and for the replacement or repair of damaged equipment when recovery is obtained from a third party
Expense and Equipment
From Office of Administration Revolving Administrative Trust Fund (0505) .. $16,000,000

SECTION 5.115.—To the Office of Administration
Funds are to be transferred out of the State Treasury, for the payment of claims, premiums, and expenses as provided by Sections 105.711 through 105.726, RSMo, to the State Legal Expense Fund
From General Revenue Fund (0101). $6,000,000E
From Conservation Commission Fund (0609) 130,000E
From Office of Administration Revolving Administrative Trust Fund (0505) 17,435E
From Parks Sales Tax Fund (0613) 100,000E

From Soil and Water Sales Tax Fund (0614). 10,000E
From State Highways and Transportation Department Fund (0644).. . . . . 500,000E
Total. $6,757,435

SECTION 5.120.—To the Office of Administration
For the Division of General Services
For the payment of claims and expenses as provided by Section 105.711
et seq., RSMo, and for purchasing insurance against any or all liability
of the State of Missouri or any agency, officer, or employee thereof
From State Legal Expense Fund (0692). $6,757,435E

SECTION 5.125.—To the Office of Administration
For the Administrative Hearing Commission
Provided that not more than twenty percent (20%) flexibility is allowed
between personal service and expense and equipment
Personal Service. $963,524
Annual salary adjustment in accordance with Section 105.005, RSMo. 1,825
Expense and Equipment.. 82,552
From General Revenue Fund (0101) 1,047,901

Personal Service. 75,056
Annual salary adjustment in accordance with Section 105.005, RSMo. 404
Expense and Equipment.. 56,715
From Administrative Hearing Commission Educational Due Process
Hearing Fund (0818). 132,175
Total (Not to exceed 16.50 F.T.E.). $1,180,076

SECTION 5.130.—To the Office of Administration
For the purpose of funding the Office of Child Advocate
Provided that not more than five percent (5%) flexibility is allowed
between personal service and expense and equipment
Personal Service. $171,875
Expense and Equipment.. 8,103
From General Revenue Fund (0101) 179,978

Personal Service. 125,675
Expense and Equipment.. 14,825
From Office of Administration - Federal Fund (0135). 140,500
Total (Not to exceed 5.00 F.T.E.).. . . . . $320,478

SECTION 5.135.—To the Office of Administration
For the administrative, promotional, and programmatic costs of the Children's
Trust Fund Board as provided by Section 210.173, RSMo
Personal Service. $218,624
Expense and Equipment 119,104
For Program Disbursements. 3,360,000
From Children's Trust Fund (0694) (Not to exceed 5.00 F.T.E.). $3,697,728

SECTION 5.140.—To the Office of Administration
For the purpose of funding the Governor's Council on Disability, provided
that no more than five percent (5%) flexibility is allowed between
personal service and expense and equipment

Personal Service. $175,483
Expense and Equipment. 19,618
From General Revenue Fund (0101) (Not to exceed 4.00 F.T.E.). $195,101

SECTION 5.145.—To the Office of Administration
For those services provided through the Office of Administration that are contracted with and reimbursed by the Board of Trustees of the Missouri Public Entity Risk Management Fund as provided by Chapter 537, RSMo
Personal Service. $670,077
Expense and Equipment. 47,500
From Office of Administration Revolving Administrative Trust Fund (0505) (Not to exceed 14.00 F.T.E.). $717,577

SECTION 5.150.—To the Office of Administration
For the Missouri Ethics Commission
Provided that not more than five percent (5%) flexibility is allowed between personal service and expense and equipment
Personal Service. $1,101,033
Expense and Equipment. 289,852
From General Revenue Fund (0101) (Not to exceed 22.00 F.T.E.). $1,390,885

SECTION 5.155.—To the Office of Administration
For the purpose of funding alternatives to abortion services
From General Revenue Fund (0101). $2,033,561
From Department of Health and Senior Services - Federal Fund (0143). 50,000

For the alternative to abortion public awareness program
From General Revenue Fund (0101). 75,000
Total. $2,158,561

SECTION 5.160.—To the Office of Administration
For the Division of Accounting
For payment of rent by the state for state agencies occupying Board of Public Buildings revenue bond financed buildings. Funds are to be used for principal, interest, bond issuance costs, and reserve fund requirements of Board of Public Buildings bonds
From General Revenue Fund (0101). $49,513,188
From Facilities Maintenance Reserve Fund. 9,000,000
Total. $58,513,188

SECTION 5.165.—To the Office of Administration
For the Division of Accounting
For annual fees, arbitrage rebate, refunding, defeasance, and related expenses of House Bill 5 debt
From General Revenue Fund (0101). $30,654

SECTION 5.170.—To the Office of Administration
For the Division of Accounting
For payment of the state's lease/purchase debt requirements
From General Revenue Fund (0101). $13,665,732
From State Facility Maintenance and Operation Fund (0501). 2,427,407
Total. $16,093,139

SECTION 5.175.—To the Office of Administration
For the Division of Accounting
For MOHEFA debt service and all related expenses associated with the
Series 2011 MU-Columbia Arena project bonds
From General Revenue Fund (0101). $2,532,400

SECTION 5.180.—To the Office of Administration
For transferring funds to the Fulton State Hospital Bond Fund for debt
payments on bonds issued by the Missouri Development Finance
Board pursuant to a finance agreement between the Missouri
Development Finance Board, Office of Administration, and
Department of Mental Health for a project to replace Fulton State
Hospital not to exceed $220 million in total bonding principal and
for related expenses
From General Revenue Fund (0101). $14,200,000

SECTION 5.185.—To the Office of Administration
For the Division of Accounting
For debt service and issuance costs related to the Fulton State Hospital Bonds
From Fulton State Hospital Bond Fund. $14,200,000

SECTION 5.190.—To the Office of Administration
For the Information Technology Services Division
For debt service related to Unified Communications
From Missouri Revolving Information Technology Trust Fund (0980). $3,419,186

SECTION 5.195.—To the Office of Administration
For the Division of Facilities Management, Design and Construction
For debt service related to guaranteed energy cost savings contracts
From Facilities Maintenance Reserve Fund (0124). $5,535,815

SECTION 5.200.—To the Office of Administration
For the Division of Accounting
For Debt Management
Expense and Equipment
From General Revenue Fund (0101). $83,300

SECTION 5.205.—To the Office of Administration
For the Division of Accounting
For debt service contingency for the New Jobs and Jobs Retention
Training Certificates Program
From General Revenue Fund (0101). $1

SECTION 5.210.—To the Office of Administration
For the Division of Accounting
For the Bartle Hall Convention Center expansion, operations, development,
or maintenance in Kansas City pursuant to Sections 67.638 through
67.641, RSMo
From General Revenue Fund (0101). $2,000,000

SECTION 5.212.—To the Office of Administration
For the Division of Accounting

For the maintenance of the Jackson County Sports Complex pursuant to Sections 67.638 through 67.641, RSMo
From General Revenue Fund (0101). $3,000,000

SECTION 5.215.—To the Office of Administration
For the Division of Accounting
For debt service and maintenance on the Edward Jones Dome project in St. Louis
From General Revenue Fund (0101). $12,000,000

SECTION 5.220.—To the Office of Administration
For the Division of Accounting
For interest payments on federal grant monies in accordance with the Cash Management Improvement Act of 1990 and 1992, and any other interest or penalties due to the federal government
From General Revenue Fund (0101). $300,000
From Federal Funds (Various) 20,000
From Other Funds (Various). 20,000
Total. $340,000

SECTION 5.225.—To the Office of Administration
Funds are to be transferred out of the State Treasury, chargeable to the Budget Reserve Fund and Other Funds, such amounts as may be necessary for cash-flow assistance to various funds, provided, however, that funds other than the Budget Reserve Fund will not be used without prior notification to the Commissioner of the Office of Administration, the Chair of the Senate Appropriations Committee, and the Chair of the House Budget Committee. Cash-flow assistance from funds other than the Budget Reserve Fund shall only be transferred from May 15 to June 30 in any fiscal year, and an amount equal to the transfer received, plus interest, shall be transferred back to the appropriate Other Funds prior to June 30 of the fiscal year in which the transfer was made
From Budget Reserve Fund and Other Funds to General Revenue Fund (Various). $500,000,000
From Budget Reserve Fund and Other Funds to Other Funds (Various).. . . . 75,000,000
Total. $575,000,000

SECTION 5.230.—To the Office of Administration
Funds are to be transferred out of the State Treasury, such amounts as may be necessary for repayment of cash-flow assistance to the Budget Reserve Fund and Other Funds, provided, however, that the Commissioner of the Office of Administration, the Chair of the Senate Appropriations Committee, and the Chair of the House Budget Committee shall be notified when repayment to funds, other than the Budget Reserve Fund, has been made
From General Revenue Fund (0101). $500,000,000
From Other Funds (Various). 75,000,000
Total. $575,000,000

SECTION 5.235.—To the Office of Administration
Funds are to be transferred out of the State Treasury, such amounts as may

be necessary for interest payments on cash-flow assistance, to the Budget Reserve Fund and Other Funds
From General Revenue Fund (0101) $3,000,000
From Other Funds (Various) 500,000
Total $3,500,000

SECTION 5.240.—To the Office of Administration
Funds are to be transferred out of the State Treasury, such amounts as may be necessary for constitutional requirements of the Budget Reserve Fund
From General Revenue Fund (0101) $1E
From Budget Reserve Fund (0100) 1E
Total $2

SECTION 5.245.—To the Office of Administration
Funds are to be transferred out of the State Treasury, such amounts as may be necessary for corrections to fund balances
From General Revenue Fund (0101) $50,000
From Federal and Other Funds (Various) 750,000
Total $800,000

SECTION 5.250.—To the Office of Administration
Funds are to be transferred out of the State Treasury, chargeable to various funds such amounts as are necessary for allocation of costs to other funds in support of the state's central services performed by the Office of Administration, the Department of Revenue, the Capitol Police, the Elected Officials, and the General Assembly, to the General Revenue Fund
From Other Funds (Various) $6,989,497

SECTION 5.255.—To the Office of Administration
For funding statewide membership dues
From General Revenue Fund (0101) $114,200

SECTION 5.260.—To the Office of Administration
For the Division of Accounting
For paying the several counties of Missouri the amount that has been paid into the State Treasury by the United States Treasury as a refund from the leases of flood control lands, under the provisions of an Act of Congress approved June 28, 1938, to be distributed to certain counties in Missouri in accordance with the provisions of state law
From Office of Administration - Federal Fund (0135) $1,800,000

SECTION 5.265.—To the Office of Administration
For the Division of Accounting
For paying the several counties of Missouri the amount that has been paid into the State Treasury by the United States Treasury as a refund from the National Forest Reserve, under the provisions of an Act of Congress approved June 28, 1938, to be distributed to certain counties in Missouri
From Office of Administration - Federal Fund (0135) $8,000,000

SECTION 5.270.—To the Office of Administration

For the Division of Accounting
For payments to counties for county correctional prosecution
reimbursements pursuant to Sections 50.850 and 50.853, RSMo
From General Revenue Fund (0101). $30,000

SECTION 5.280.—To the Office of Administration
For the Commissioner's Office
For distribution of state grants to regional planning commissions and
local governments as provided by Chapter 251, RSMo
From General Revenue Fund (0101). $100,000

SECTION 5.450.—To the Office of Administration
For transferring funds for state employees and participating political
subdivisions to the OASDHI Contributions Fund
From General Revenue Fund (0101). $73,990,729E
From Federal Funds (Various) 31,360,026E
From Other Funds (Various). 45,279,870E
Total. $150,630,625

SECTION 5.455.—To the Office of Administration
For the Department of Public Safety
For transferring funds for employees of the State Highway Patrol to the
OASDHI Contributions Fund, said transfers to be administered by
the Office of Administration
From State Highways and Transportation Department Fund (0644). $8,165,349E

SECTION 5.460.—To the Office of Administration
For the Division of Accounting
For the payment of OASDHI taxes for all state employees and for
participating political subdivisions within the state to the Treasurer
of the United States for compliance with current provisions of
Title 2 of the Federal Social Security Act, as amended, in
accordance with the agreement between the State Social Security
Administrator and the Secretary of the Department of Health and
Human Services; and for administration of the agreement under
Section 218 of the Social Security Act which extends Social
Security benefits to state and local public employees
From OASDHI Contributions Fund (0702). $158,795,974E

SECTION 5.465.—To the Office of Administration
For transferring funds for the state's contribution to the Missouri State
Employees' Retirement System to the State Retirement Contributions
Fund, provided that no more than $9,725,723 shall be expended on
administration of the system, excluding investment expenses
From General Revenue Fund (0101). $202,877,204E
From Federal Funds (Various) 73,828,647E
From Other Funds (Various). 62,001,069E
Total. $338,706,920

SECTION 5.470.—To the Office of Administration
For the Division of Accounting
For payment of the state's contribution to the Missouri State Employees'

Retirement System, provided that no more than $9,725,723 shall be expended on administration of the system, excluding investment expenses
From State Retirement Contributions Fund (0701). $338,706,920E

SECTION 5.475.—To the Office of Administration
For the Division of Accounting
For payment of retirement benefits to the Public School Retirement System pursuant to Section 104.342, RSMo

From General Revenue Fund (0101)	$600,000E
From DOSS Federal and Other Sources Fund (0610)	7,000E
From DESE - Federal Fund (0105)	53,000E
From DOSS Educational Improvement Fund (0620)	1,500E
From Health Initiatives Fund (0275)	500E
Total	$662,000

SECTION 5.480.—To the Office of Administration
For the Division of Accounting
For reimbursing the Division of Employment Security benefit account for claims paid to former state employees for unemployment insurance coverage and for related professional services

From General Revenue Fund (0101)	$1,636,058E
From Federal Funds (Various)	560,776E
From Other Funds (Various)	1,609,800E
Total	$3,806,634

SECTION 5.485.—To the Office of Administration
For the Division of Accounting
For reimbursing the Division of Employment Security benefit account for claims paid to former state employees of the Department of Public Safety for unemployment insurance coverage and for related professional services
From State Highways and Transportation Department Fund (0644). $169,942E

SECTION 5.490.—To the Office of Administration
For transferring funds for the state's contribution to the Missouri Consolidated Health Care Plan to the Missouri Consolidated Health Care Plan Benefit Fund, provided that no more than $7,897,860 shall be expended on administration of the plan, excluding third-party administrator fees

From General Revenue Fund (0101)	$238,261,156E
From Federal Funds (Various)	97,444,948E
From Other Funds (Various)	55,844,455E
Total	$391,550,559

SECTION 5.495.—To the Office of Administration
For the Division of Accounting
For payment of the state's contribution to the Missouri Consolidated Health Care Plan, provided that no more than $7,897,860 shall be expended on administration of the plan, excluding third-party administrator fees
From Missouri Consolidated Health Care Plan Benefit Fund (0765). $391,550,559E

SECTION 5.500.—To the Office of Administration
For the Division of Accounting
For paying refunds for overpayment or erroneous payment of employee withholding taxes
From General Revenue Fund (0101). $36,000E

SECTION 5.505.—To the Office of Administration
For the Division of Accounting
For providing voluntary life insurance
From Missouri State Employees Voluntary Life Insurance Fund (0910). $3,900,000E

SECTION 5.510.—To the Office of Administration
For the Division of Accounting
For employee medical expense reimbursements reserve
From General Revenue Fund (0101). $1

SECTION 5.515.—To the Office of Administration
For the Division of Accounting
Personal Service for state payroll contingency
From General Revenue Fund (0101). $36,000

SECTION 5.520.—To the Office of Administration
For the Division of General Services
For the provision of workers' compensation benefits to state employees through either a self-insurance program administered by the Office of Administration and/or by contractual agreement with a private carrier and for administrative and legal expenses authorized, in part, by Section 105.810, RSMo
From General Revenue Fund (0101). $32,180,396E
From Conservation Commission Fund (0609). 1,200,000E
Total. $33,380,396

SECTION 5.525.—To the Office of Administration
Funds are to be transferred out of the State Treasury, chargeable to various funds, amounts paid from the General Revenue Fund for workers' compensation benefits provided to employees paid from these other funds, to the General Revenue Fund
From Federal Funds (Various). $4,174,971E
From Other Funds (Various). 3,186,057E
Total. $7,361,028

SECTION 5.530.—To the Office of Administration
For the Division of General Services
For workers' compensation tax payments pursuant to Section 287.690, RSMo
From General Revenue Fund (0101). $2,665,000E
From Conservation Commission Fund (0609). 65,000E
Total. $2,730,000

Office of Administration Totals
General Revenue Fund. $174,641,743
Federal Funds. 80,848,933

Other Funds.. 47,828,178
Total.. $303,318,854

Employee Benefits Totals
General Revenue Fund.. $552,246,544
Federal Funds. 203,254,397
Other Funds.. 178,237,485
Total.. $933,738,426

Approved May 8, 2015

HB 6 [CCS SCS HCS HB 6]

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

Appropriates money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, and Department of Conservation

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2015 and ending June 30, 2016; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2015 and ending June 30, 2016 as follows:

SECTION 6.005.—To the Department of Agriculture
For the Office of the Director, provided that seventy-five percent (75%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment
Personal Service.. $753,928
Annual salary adjustment in accordance with Section 105.005, RSMo 543
Expense and Equipment.. 130,225
From Agriculture Protection Fund (0970).............................. 884,696

Personal Service.. 22,718
Annual salary adjustment in accordance with Section 105.005, RSMo 49

Expense and Equipment	2,494
From Animal Care Reserve Fund (0295)	25,261
Personal Service	22,826
Expense and Equipment	2,500
From Animal Health Laboratory Fee Fund (0292)	25,326
Personal Service	18,095
Expense and Equipment	1,982
From Grain Inspection Fees Fund (0647)	20,077
Personal Service	8,231
Expense and Equipment	901
From Missouri Land Survey Fund (0668)	9,132
Personal Service	13,683
Expense and Equipment	1,499
From Missouri Wine and Grape Fund (0787)	15,182
Personal Service	26,848
Expense and Equipment	2,940
From Petroleum Inspection Fund (0662)	29,788
Personal Service	32,779
Annual salary adjustment in accordance with Section 105.005, RSMo	62
Expense and Equipment	3,597
From State Fair Fees Fund (0410)	36,438
Personal Service	195,386
Expense and Equipment	684,124
From Department of Agriculture Federal Fund (0133)	879,510

For refunds of erroneous receipts due to errors in application for licenses, registrations, permits, certificates, subscriptions, or other fees
From Agriculture Protection Fund (0970) . . . 13,500

For the purpose of receiving and expending grants, donations, contracts, and payments from private, federal, and other governmental agencies which may become available between sessions of the General Assembly provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the use of said funds
Expense and Equipment
From Department of Agriculture Federal Fund (0133) . . . 284,883
Total (Not to exceed 21.00 F.T.E.) . . . $2,223,793

SECTION 6.010.—To the Department of Agriculture
There is hereby transferred out of the State Treasury, chargeable to the Lottery Proceeds Fund, to the Veterinary Student Loan Payment Fund
From Lottery Proceeds Fund (0291) . . . $120,000

SECTION 6.015.—To the Department of Agriculture

For the purpose of providing large animal veterinary student loans in accordance with the provisions of Sections 340.375 to 340.396, RSMo
From Veterinary Student Loan Payment Fund (0803). $180,000

SECTION 6.020.—To the Department of Agriculture
There is hereby transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Missouri Qualified Biodiesel Producer Incentive Fund
From General Revenue Fund (0101). $5,975,000

SECTION 6.025.—To the Department of Agriculture
For Missouri Biodiesel Producer Incentive Payments
From Missouri Qualified Biodiesel Producer Incentive Fund (0777). $5,975,000

SECTION 6.030.—To the Department of Agriculture
For the Agriculture Business Development Division, provided that seventy-five percent (75%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment

Personal Service	$17,931
Expense and Equipment	216,735
From Agriculture Business Development Fund (0683)	234,666
Personal Service	1,181,975
Expense and Equipment	513,371
From Agriculture Protection Fund (0970)	1,695,346
Personal Service	22,986
Expense and Equipment	175,000
From Department of Agriculture Federal Fund (0133)	197,986

For Governor's Conference on Agriculture
From Agriculture Business Development Fund (0683). 210,638

For Urban Agriculture Program
From Agriculture Protection Fund (0970). 25,000

For an Agriculture Business Program that is located within non-traditional agricultural areas
From Agriculture Business Development Fund (0683). 10,000
From Agriculture Protection Fund (0970). 40,000

For Delta Regional Authority Organizational Dues
From Agriculture Protection Fund (0970). 76,501

For the purpose of funding a Farmers Market located within any home rule city with more than forty-one thousand but fewer than forty-seven thousand inhabitants and partially located in any county of the first classification with more than seventy thousand but fewer than eighty-three thousand inhabitants
From General Revenue Fund (0101). 250,000
Total (Not to exceed 27.51 F.T.E.). $2,740,137

SECTION 6.035.—To the Department of Agriculture
For the Agriculture Business Development Division
For the Agri Missouri Marketing Program
Personal Service. $36,428
Expense and Equipment. 218,756
From Agriculture Protection Fund (0970) (Not to exceed 0.97 F.T.E.). $255,184

SECTION 6.040.—To the Department of Agriculture
For the Agriculture Business Development Division
For the Abattoir Program
From General Revenue Fund (0101). $10,000

For the Wine and Grape Program
Personal Service. 263,952
Expense and Equipment. 1,598,695
From Missouri Wine and Grape Fund (0787). 1,862,647
Total (Not to exceed 5.00 F.T.E.). $1,872,647

SECTION 6.045.—To the Department of Agriculture
For the Agriculture Business Development Division
For the Agriculture and Small Business Development Authority, provided that seventy-five percent (75%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment
Personal Service. $111,628
Expense and Equipment. 46,006
From Single-Purpose Animal Facilities Loan Program (0408). 157,634

Personal Service. 11,211
Expense and Equipment. 2,000
From Livestock Feed Crop Loan Program Fund (0978). 13,211

Expense and Equipment
From Agriculture Utilization Grant Fund (0413). 100
Total (Not to exceed 3.20 F.T.E.). $170,945

SECTION 6.050.—To the Department of Agriculture
There is hereby transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Single-Purpose Animal Facilities Loan Guarantee Fund; Single Purpose Animal Facility Loan Transfer
From General Revenue Fund (0101). $5,000

SECTION 6.055.—To the Department of Agriculture
For the purpose of funding loan guarantees as provided in Sections 348.190 and 348.200, RSMo; Single Purpose Animal Facility Loan Program
From Single-Purpose Animal Facilities Loan Guarantee Fund (0409). $201,046

SECTION 6.060.—To the Department of Agriculture
There is hereby transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Agricultural Product Utilization and Business Development Loan Guarantee Fund; Missouri Value Added Loan Transfer
From General Revenue Fund (0101). $15,000

SECTION 6.065.—To the Department of Agriculture
For the purpose of funding loan guarantees as provided in Sections 348.403, 348.408, and 348.409, RSMo; Missouri Value Added Loan Program
From Agricultural Product Utilization and Business Development Loan Guarantee Fund (0411). $624,501

SECTION 6.070.—To the Department of Agriculture
There is hereby transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Livestock Feed and Crop Input Loan Guarantee Fund
From General Revenue Fund (0101). $5,000

SECTION 6.075.—To the Department of Agriculture
For the purpose of funding loan guarantees for loans administered by the Missouri Agricultural and Small Business Development Authority for the purpose of financing the purchase of livestock feed used to produce livestock and input used to produce crops for the feeding of livestock, provided that the appropriation may not exceed $2,000,000
From Livestock Feed Crop Input Loan Fund (0914). $50,000

SECTION 6.080.—To the Department of Agriculture
For the Agriculture Business Development Division
For the Agriculture Development Program

Personal Service.	$75,419
Expense and Equipment..	41,744
From Agriculture Development Fund (0904)	117,163

For all monies in the Agriculture Development Fund for investments, reinvestments, and for emergency agricultural relief and rehabilitation as provided by law

From Agriculture Development Fund (0904).	100,000
Total (Not to exceed 1.60 F.T.E.).	$217,163

SECTION 6.085.—To the Department of Agriculture
For the Division of Animal Health

Personal Service.	$2,578,235
Expense and Equipment..	907,293
From General Revenue Fund (0101)	3,485,528

For the Division of Animal Health, provided that seventy- five percent (75%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment

Personal Service.	105,370
Expense and Equipment..	717,050
From Animal Health Laboratory Fee Fund (0292).	822,420
Personal Service.	455,752
Expense and Equipment..	189,956
From Animal Care Reserve Fund (0295)	645,708
Personal Service.	791,905
Expense and Equipment..	566,383

From Department of Agriculture Federal Fund (0133) 1,358,288

Personal Service
From Livestock Brands (0299) 109

Expense and Equipment
From Agriculture Protection Fund (0970). 2,462

Expense and Equipment
From Puppy Protection Trust Fund (0985).. 1,000

Expense and Equipment
From Large Carnivore Fund (0988) 5,000

To support local efforts to spay and neuter cats and dogs
From Missouri Pet Spay/Neuter Fund (0747). 50,000

To support the Livestock Brands Program
Expense and Equipment
From Live Stock Brands Fund (0299) 30,698

For Expenses incurred in regulating Missouri livestock Markets
Expense and Equipment
From Livestock Sales and Markets Fee Fund (0581) 30,690

For processing livestock market bankruptcy claims
From Agriculture Bond Trustee Fund (0756). 129,000

For the expenditures of contributions, gifts, and grants in support of relief
efforts to reduce the suffering of abandoned animals
From Institution Gift Trust Fund (0925).. 5,000
Total (Not to exceed 86.42 F.T.E.). $6,565,903

Section 6.090.—To the Department of Agriculture
For the Division of Animal Health
For funding indemnity payments and for indemnifying producers and
owners of livestock and poultry for preventing the spread of
disease during emergencies declared by the State Veterinarian,
subject to the approval by the Department of Agriculture of a state
match rate up to fifty percent (50%)
From General Revenue Fund (0101). $10,000

Section 6.095.—To the Department of Agriculture
For the Division of Grain Inspection and Warehousing, provided that not
more than five percent (5%) flexibility is allowed between
personal service and expense and equipment
Personal Service.. . . . . $693,601
Expense and Equipment. 85,928
From General Revenue Fund (0101) 779,529

For the Division of Grain Inspection and Warehousing, provided that
seventy-five percent (75%) flexibility is allowed between funds

and not more than five percent (5%) flexibility is allowed between personal service and expense and equipment
Personal Service. 78,511
Expense and Equipment.. 15,651
From Commodity Council Merchandising Fund (0406) 94,162

Personal Service. 1,676,271
Expense and Equipment.. 569,770
From Grain Inspection Fees Fund (0647) 2,246,041

Expense and Equipment
From Agriculture Protection Fund (0970). 44,170

Personal Service. 35,624
Expense and Equipment.. 36,211
From Department of Agriculture Federal Fund (0133) 71,835

For Payment of Federal User Fee
From Grain Inspection Fees Fund (0647). 100,000
Total (Not to exceed 73.75 F.T.E.). $3,335,737

SECTION 6.100.—To the Department of Agriculture
For the Division of Grain Inspection and Warehousing
For the Missouri Aquaculture Council
From Aquaculture Marketing Development Fund (0573). $11,000
For research, promotion, and market development of apples
From Apple Merchandising Fund (0615) 11,000

For the Missouri Wine Marketing and Research Council
From Missouri Wine Marketing and Research Development Fund (0855). 111,000
Total. $133,000

SECTION 6.105.—To the Department of Agriculture
For the Division of Plant Industries, provided that seventy-five percent (75%) flexibility is allowed between funds in this section and no flexibility is allowed between personal service and expense and equipment
Personal Service. $464,532
Expense and Equipment.. 720,918
From Department of Agriculture Federal Fund (0133) 1,185,450

Personal Service. 1,763,324
Expense and Equipment.. 585,038
From Agriculture Protection Fund (0970). 2,348,362

For the Invasive Pest Control Program, provided that seventy-five percent (75%) flexibility is allowed between funds in this section and no flexibility is allowed between personal service and expense and equipment
Personal Service. 30,344
Expense and Equipment.. 71,388
From Department of Agriculture Federal Fund (0133) 101,732

Personal Service. 131,262

Expense and Equipment.	58,000
From Agriculture Protection Fund (0970).	189,262
For the Boll Weevil Eradication Program, provided that seventy-five percent (75%) flexibility is allowed between funds in this section and no flexibility is allowed between personal service and expense and equipment	
Personal Service.	39,875
Expense and Equipment.	24,657
From Boll Weevil Suppression and Eradication Fund (0823).	64,532
Total (Not to exceed 62.46 F.T.E.).	$3,889,338

SECTION 6.110.—To the Department of Agriculture

For the Division of Weights, Measures and Consumer Protection, provided that not more than five percent (5%) flexibility is allowed between personal service and expense and equipment	
Personal Service.	$439,771
Expense and Equipment.	100,396
From General Revenue Fund (0101)	540,167
For the Division of Weights, Measures and Consumer Protection, provided that seventy-five percent (75%) flexibility is allowed between funds and not more than five percent (5%) flexibility is allowed between personal service and expense and equipment	
Personal Service.	37,539
Expense and Equipment.	50,000
From Department of Agriculture Federal Fund (0133)	87,539
Personal Service.	524,704
Expense and Equipment.	304,271
From Agriculture Protection Fund (0970).	828,975
Personal Service.	1,568,666
Expense and Equipment.	1,508,565
From Petroleum Inspection Fund (0662).	3,077,231
Total (Not to exceed 70.11 F.T.E.).	$4,533,912

SECTION 6.115.—To the Department of Agriculture

For the Missouri Land Survey Program, provided that seventy-five percent (75%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment	
Land Survey Operations	
Personal Service.	$887,514
Expense and Equipment.	206,830
From Missouri Land Survey Fund (0668).	1,094,344
Expense and Equipment	
From Agriculture Land Survey Revolving Services Fund (0426).	80,000
For Surveying Corners and for Record Restorations, provided that seventy-five percent (75%) flexibility is allowed between funds	
Expense and Equipment	
From Department of Agriculture Federal Fund (0133)	60,000

From Missouri Land Survey Fund (0668). 90,000
Total (Not to exceed 14.68 F.T.E.). $1,324,344

Section 6.120.—To the Department of Agriculture
For the Missouri State Fair, provided that seventy-five percent (75%) flexibility is allowed between funds and not more than five percent (5%) flexibility is allowed between personal service and expense and equipment
Personal Service. $1,333,411
Expense and Equipment.. 2,599,740
From State Fair Fees Fund (0410) 3,933,151

Personal Service
From Agriculture Protection Fund (0970). 521,000
Total (Not to exceed 59.38 F.T.E.). $4,454,151

Section 6.123.—To the Department of Agriculture
For the Fisher Delta Research Center in Southeast Missouri with the purpose of funding a public private partnership for the control of Asian Carp in Missouri
From General Revenue Fund (0101). $250,000

Section 6.125.—To the Department of Agriculture
For cash to start the Missouri State Fair
Expense and Equipment
From State Fair Fees Fund (0410). $74,250
From State Fair Trust Fund (0951). 9,900
Total. $84,150

Section 6.130.—To the Department of Agriculture
For the Missouri State Fair
For equipment replacement
Expense and Equipment
From State Fair Fees Fund (0410). $165,962

Section 6.135.—To the Department of Agriculture
For the State Milk Board provided that not more than five percent (5%) flexibility is allowed between personal service and expense and equipment
Personal Service. $103,871
Expense and Equipment.. 852
From General Revenue Fund (0101) 104,723

For the State Milk Board, provided that seventy-five percent (75%) flexibility is allowed between the State Milk Board, Milk Board Local Health, and Dairy Plant Inspections, and not more than five percent (5%) flexibility is allowed between personal service and expense and equipment
Personal Service. 441,261
Expense and Equipment.. 212,407
From Milk Inspection Fees Fund (0645). 653,668

For Milk Board Local Health
Expense and Equipment
From Milk Inspection Fees Fund (0645). 736,022

For Dairy Plant Inspections
Expense and Equipment
From Dairy Plant Inspection and Grading Fee Fund (0661). 4,552
Total (Not to exceed 11.93 F.T.E.). $1,498,965

SECTION 6.140.—To the Department of Agriculture
For the purpose of funding the Missouri Dairy Revitalization Act of 2015
administered by the Agriculture and Small Business Development Authority
Expense and Equipment
From Missouri Dairy Industry Revitalization Fund (0414). $2,500,000

SECTION 6.200.—To the Department of Natural Resources
For department operations, administration, and support
Personal Service.. . . . . $196,038
Annual salary adjustment in accordance with Section 105.005, RSMo 32
Expense and Equipment. 109,485
From General Revenue Fund (0101) 305,555

For department operations, administration, and support, provided that
seventy-five percent (75%) flexibility is allowed between funds and no
flexibility is allowed between personal service and expense and equipment
Personal Service.. 1,398,999
Annual salary adjustment in accordance with Section 105.005, RSMo 233
Expense and Equipment. 413,142
From Department of Natural Resources Federal Fund (0140) 1,812,374

Personal Service.. 2,324,896
Annual salary adjustment in accordance with Section 105.005, RSMo 388
Expense and Equipment. 534,389
From DNR Cost Allocation Fund (0500) 2,859,673

Personal Service.. 41,894
Expense and Equipment. 5,129
From Natural Resources Revolving Services Fund (0425).. 47,023

Expense and Equipment
From Water & Wastewater Loan Fund (0649) 27,000

For Contractual Audits
From State Park Earnings Fund (0415) 100,000
From Solid Waste Management Fund (0570).. 150,000
From Soil and Water Sales Tax Fund (0614). 250,000
Total (Not to exceed 85.19 F.T.E.). $5,551,625

SECTION 6.205.—To the Department of Natural Resources
For the Water Resources Center
Personal Service.. . . . . $1,415,387
Expense and Equipment. 1,569,772
From General Revenue Fund (0101) 2,985,159

For Water Resources Center, provided that seventy-five percent (75%)
flexibility is allowed between funds and no flexibility is allowed

between personal service and expense and equipment
Personal Service. 408,334
Expense and Equipment.. 184,570
From Department of Natural Resources Federal Fund (0140). 592,904
Total (Not to exceed 32.80 F.T.E.). $3,578,063

SECTION 6.210.—To the Department of Natural Resources
There is hereby transferred out of the State Treasury, chargeable to the
General Revenue Fund, to the Missouri Water Development Fund
From General Revenue Fund (0101). $423,328

SECTION 6.215.—To the Department of Natural Resources
For the payment of interest, operations, and maintenance in accordance
with the Cannon Water Contract
From Missouri Water Development Fund (0174). $423,328

SECTION 6.220.—To the Department of Natural Resources
For the Soil and Water Conservation Program, provided that seventy-five
percent (75%) flexibility is allowed between funds and no flexibility is
allowed between personal service and expense and equipment
For Personal Service. $1,374,443
For Expense and Equipment.. 629,982
From Soil and Water Sales Tax Fund (0614). 2,004,425

For demonstration projects and technical assistance related to soil and
water conservation
Expense and Equipment
From Department of Natural Resources Federal Fund (0140) 1,000,000

For grants to local soil and water conservation districts
Expense and Equipment 11,680,570
For soil and water conservation cost-share grants.. 31,000,000
For a conservation monitoring program. 650,000
For a special area land treatment program.. 200,000
For grants to colleges and universities for research projects on soil erosion
and conservation. 400,000
From Soil and Water Sales Tax Fund (0614). 43,930,570
Total (Not to exceed 32.86 F.T.E.). $46,934,995

SECTION 6.225.—To the Department of Natural Resources
For the Division of Environmental Quality, provided that not more than
twenty-five percent (25%) flexibility is allowed between programs
and/or regional offices and that not more than twenty-five percent
(25%) flexibility is allowed between personal service and expense
and equipment
Personal Service. $3,687,073
Expense and Equipment.. 672,267
From General Revenue Fund (0101) 4,359,340

For the Division of Environmental Quality, provided that seventy-five
percent (75%) flexibility is allowed between funds and no flexibility
is allowed between personal service and expense and equipment

Personal Service	13,906,843
Expense and Equipment	4,654,856
From Department of Natural Resources Federal Fund (0140)	18,561,699
Personal Service	656,231
Expense and Equipment	151,837
From DNR Cost Allocation Fund (0500)	808,068
Personal Service	88,862
Expense and Equipment	6,845
From Dry-Cleaning Environmental Response Trust Fund (0898)	95,707
Personal Service	57,031
Expense and Equipment	215,502
From Environmental Radiation Monitoring Fund (0656).	272,533
Personal Service	1,854,257
Expense and Equipment	222,624
From Hazardous Waste Fund (0676)	2,076,881
Personal Service	61,635
Expense and Equipment	13,761
From Metallic Minerals Waste Management Fund (0575).	75,396
Personal Service	447,866
Expense and Equipment	211,776
From Mined Land Reclamation Fund (0906).	659,642
Personal Service	959,892
Expense and Equipment	488,475
From Missouri Air Emission Reduction Fund (0267)	1,448,367
Personal Service	411,838
Expense and Equipment	121,829
From Natural Resources Protection Fund (0555).	533,667
Personal Service	215,734
Expense and Equipment	36,691
From Natural Resources Protection Fund-Air Pollution Asbestos Fee Subaccount (0584).	252,425
Personal Service	4,118,181
Expense and Equipment	1,085,195
From Natural Resources Protection Fund-Air Pollution Permit Fee Subaccount (0594).	5,203,376
Personal Service	3,732,508
Expense and Equipment	993,856
From Natural Resources Protection Fund-Water Pollution Permit Fee Subaccount (0568).	4,726,364
Personal Service	1,885,510

Expense and Equipment. 951,777
From Safe Drinking Water Fund (0679) 2,837,287

Expense and Equipment
From Soil and Water Sales Tax Fund (0614). 19,436

Expense and Equipment
From Abandoned Mine Reclamation Fund (0697). 13

Personal Service. 1,960,949
Expense and Equipment. 594,776
From Solid Waste Management Fund (0570). 2,555,725

Personal Service. 511,095
Expense and Equipment. 122,249
From Solid Waste Management - Scrap Tire Subaccount (0569) 633,344

Personal Service. 92,041
Expense and Equipment. 11,166
From Underground Storage Tank Regulation Program Fund (0586) 103,207

Personal Service. 939,753
Expense and Equipment. 81,676
From Water and Wastewater Loan Fund (0649) 1,021,429

For funding environmental education and studies, demonstration projects,
and technical assistance grants, provided that seventy-five percent
(75%) is allowed between funds and no flexibility is allowed
between personal service and expense and equipment
From Department of Natural Resources Federal Fund (0140) 999,812

From Natural Resources Protection Fund-Water
Pollution Permit Fee Subaccount (0568). 750,000

For water infrastructure grants and loans, provided that $333,529,824 be used
solely to encumber funds for future fiscal year expenditures, provided
that seventy-five percent (75%) flexibility is allowed between funds
From Water and Wastewater Loan Fund (0649) 190,528,640
From Water and Wastewater Loan Revolving Fund (0602) 448,015,896
From Water Pollution Control (37E) Fund (0330) 20,000
From Water Pollution Control (37G) Fund (0329) 10,000
From Storm Water Control (37H) Fund (0302) 10,000
From Storm Water Loan Revolving Fund (0754). 6,514,141
From Rural Water and Sewer Loan Revolving Fund (0755). 1,800,000
From Natural Resources Protection Fund-Water
Pollution Permit Fee Subaccount (0568). 10,839,999

For grants and contracts to study or reduce water pollution, improve ground
water and/or surface water quality, provided that $26,000,000 be used
solely to encumber funds for future fiscal year expenditures, provided that
seventy-five percent (75%) flexibility is allowed between funds
From Department of Natural Resources Federal Fund (0140) 37,500,000

From Natural Resources Protection Fund-Water
Pollution Permit Fee Subaccount (0568). 2,700,000

For drinking water sampling, analysis, and public drinking water quality
and treatment studies
From Safe Drinking Water Fund (0679) 599,852

For closure of concentrated animal feeding operations
From Concentrated Animal Feeding Operation Indemnity Fund (0834) 60,000

For grants and contracts for air pollution control activities, provided that
$4,400,000 be used solely to encumber funds for future fiscal
year expenditures, provided that seventy-five percent (75%) flexibility
is allowed between funds
From Department of Natural Resources Federal Fund (0140) 7,000,000
From Natural Resources Protection Fund-Air Pollution Permit Fee
Subaccount (0594). 1,272,621

For the cleanup of leaking underground storage tanks
From Department of Natural Resources Federal Fund (0140) 420,000

There is hereby transferred out of the State Treasury, chargeable to the
General Revenue Fund, to the Hazardous Waste Fund
From General Revenue Fund (0101) 961,176

For the cleanup of hazardous waste or substances
From Department of Natural Resources Federal Fund (0140) 975,000
From Hazardous Waste Fund (0676) 2,803,944
From Dry-Cleaning Environmental Response Trust Fund (0898) 350,000

For implementation provisions of the Solid Waste Management Law in
accordance with Sections 260.250 through 260.345, RSMo
From Solid Waste Management Fund (0570).. 9,998,820
From Solid Waste Management Fund-Scrap Tire Subaccount (0569).. 3,000,000

For Grants to Solid Waste Management Districts for funding of
community-based reduce, reuse, and recycle grants
Expense and Equipment
From Solid Waste Management Fund (0570).. 6,500,000

For funding all expenditures of forfeited financial assurance instruments
to ensure proper closure and post closure of solid waste landfills,
with general revenue expenditures not to exceed collections
pursuant to Section 260.228, RSMo
Personal Service.. . . . . 927E
Expense and Equipment. 15,192E
From General Revenue Fund (0101) 16,119

For funding all expenditures of forfeited financial assurance instruments to
ensure proper closure and post closure of solid waste landfills, with
general revenue expenditures not to exceed collections pursuant to Section
260.228, RSMo, provided that ten percent (10%) flexibility is allowed

between personal service and expense and equipment
Personal Service. 100
Expense and Equipment.. 423,973
From Post-Closure Fund (0198).. 424,073

For the receipt and expenditure of bond forfeiture funds for the reclamation of mined land
From Mined Land Reclamation Fund (0906). 700,000

For the reclamation of abandoned mined lands
From Department of Natural Resources Federal Fund (0140) 3,732,500

For contracts for hydrologic studies to assist small coal operators to meet permit requirements
From Department of Natural Resources Federal Fund (0140) 10,000

For environmental emergency response
From Department of Natural Resources Federal Fund (0140) 50,000
From Hazardous Waste Fund (0676) 150,000

For cleanup of controlled substances
From Department of Natural Resources Federal Fund (0140). 150,000
Total (Not to exceed 791.24 F.T.E.). $785,106,499

SECTION 6.230.—To the Department of Natural Resources
For petroleum related activities and environmental emergency response
Personal Service. $711,006
Expense and Equipment.. 68,354
From Petroleum Storage Tank Insurance Fund (0585) (Not to exceed 16.20 F.T.E.).. . . . . $779,360

SECTION 6.260.—To the Department of Natural Resources
For the Missouri Geological Survey
Personal Service. $835,546
Expense and Equipment.. 223,280
From General Revenue Fund (0101) 1,058,826

For the Missouri Geological Survey, provided that seventy-five percent (75%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment
Personal Service. 796,440
Expense and Equipment.. 307,108
From Department of Natural Resources Federal Fund (0140) 1,103,548

Personal Service
From Natural Resources Revolving Services Fund (0425). 16,056

Personal Service. 501,148
Expense and Equipment.. 97,405
From Groundwater Protection Fund (0660).. 598,553

Personal Service. 14,233

Expense and Equipment.	5,072
From Natural Resources Protection Fund-Water Pollution Permit Fee Subaccount (0568)	19,305
Personal Service..	129,381
Expense and Equipment.	9,480
From Solid Waste Management Fund (0570)..	138,861
Personal Service..	152,368
Expense and Equipment.	31,010
From Hazardous Waste Fund (0676)	183,378
Personal Service..	18,716
Expense and Equipment.	1,384
From Dry-Cleaning Environmental Response Trust Fund (0898)	20,100
Personal Service..	16,418
Expense and Equipment.	4,105
From DNR Cost Allocation Fund (0500)	20,523
Personal Service..	115,986
Expense and Equipment.	18,270
From Geologic Resources Fund (0801).	134,256
Personal Service..	7,298
Expense and Equipment.	7,625
From Oil and Gas Remedial Fund (0699).	14,923
Personal Service..	10,000
Expense and Equipment.	2,000
From Natural Resources Protection Fund (0555).	12,000
For expense and equipment in accordance with the provisions of Section 259.190, RSMo	
From Oil and Gas Remedial Fund (0699).	150,000
Total (Not to exceed 61.37 F.T.E.).	$3,470,329

SECTION 6.280.—To the Department of Natural Resources
For the Board of Trustees for the Petroleum Storage Tank Insurance Fund
For the general administration and operation of the fund

For Personal Service..	$125,049
For Expense and Equipment.	2,095,354
From Petroleum Storage Tank Insurance Fund (0585).	2,220,403
For the purpose of investigating and paying claims obligations of the Petroleum Storage Tank Insurance Fund	
From Petroleum Storage Tank Insurance Fund (0585).	20,000,000
For the purpose of funding the refunds of erroneously collected receipts	
From Petroleum Storage Tank Insurance Fund (0585).	70,000
Total (Not to exceed 2.00 F.T.E.).	$22,290,403

SECTION 6.285.—To the Department of Natural Resources
For Missouri State Parks
For State Parks operations, provided that seventy-five percent (75%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment

Personal Service	$174,197
Expense and Equipment	31,306
From Department of Natural Resources Federal Fund (0140)	205,503
Personal Service	1,296,835
Expense and Equipment	1,702,740
From State Park Earnings Fund (0415)	2,999,575
Personal Service	890,143
Expense and Equipment	68,159
From DNR Cost Allocation Fund (0500)	958,302
Personal Service	19,882,916
Expense and Equipment	9,978,722
From Parks Sales Tax Fund (0613)	29,861,638
Personal Service	55,082
Expense and Equipment	75,000
From Doctor Edmund A. Babler Memorial State Park Fund (0911)	130,082
Expense and Equipment	
From Meramec-Onondaga State Parks Fund (0698)	85,000

For state park support activities and grants and/or loans for recreational purposes, provided that $7,900,000 be used solely to encumber funds for future fiscal year expenditures

From Department of Natural Resources Federal Fund (0140)	11,750,000
Levy District Payments	15,000
Payment in Lieu of Taxes	30,000
Bruce R. Watkins Center Expense and Equipment	100,000
From Parks Sales Tax Fund (0613)	145,000
Parks Concession Personal Services	51,914
Parks Concession Expense and Equipment	199,350
Gifts to Parks Expense and Equipment	1,250,000
Parks Resale Expense and Equipment	1,750,000
State Park Grants Expense and Equipment	250,000
From State Park Earning Fund (0415)	3,501,264

For operation and Maintenance of the Ozark National Scenic Riverway, in the event the U.S. Department of the Interior National Park Service transfers the Ozark National Scenic Riverway to the State of Missouri

From Park Sales Tax Fund (0613)	$1E

For the restoration of the Missouri Monument located at the Vicksburg National Military Park in Vicksburg Mississippi

From State Parks Earning Fund (0415)	375,000
Total (Not to exceed 661.21 F.T.E.)	$50,011,365

SECTION 6.290.—To the Department of Natural Resources

For Historic Preservation Operations, provided that seventy-five percent (75%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment

Personal Service	$399,334
Expense and Equipment	50,026
From Department of Natural Resources Federal Fund (0140)	449,360
Personal Service	198,954
Expense and Equipment	31,314
From Historic Preservation Revolving Fund (0430)	230,268
Personal Service	100,936
Expense and Equipment	10,853
From Economic Development Advancement Fund (0783)	111,789

For historic preservation grants and contracts, provided that seventy-five percent (75%) flexibility is allowed between funds

Expense and Equipment	
From Department of Natural Resources Federal Fund (0140)	600,000
Expense and Equipment	
From Historic Preservation Revolving Fund (0430)	1,807,243
Total (Not to exceed 17.25 F.T.E.)	$3,198,660

SECTION 6.295.—To the Department of Natural Resources

There is hereby transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Historic Preservation Revolving Fund

From General Revenue Fund (0101)	$720,000

SECTION 6.300.—To the Department of Natural Resources

For implementation of an integrated data system to manage and share environmental and regulatory data, provided that fifty percent (50%) flexibility is allowed between funds

From Department of Natural Resources Federal Fund (0140)	$383,980
From Missouri Air Emission Reduction Fund (0267)	35,843
From NRP Fund-Water Pollution Permit Fee Subaccount (0568)	194,412
From Solid Waste Management - Scrap Tire Subaccount (0569)	555
From Solid Waste Management Fund (0570)	10,420
From Metallic Minerals Waste Management Fund (0575)	320
From Petroleum Storage Tank Insurance Fund (0585)	47,396
From Underground Storage Tank Regulation Program Fund (0586)	3,091
From NRP Fund-Air Pollution Permit Fee Subaccount (0594)	112,469
From Environmental Radiation Monitoring Fund (0656)	16,696
From Groundwater Protection Fund (0600)	84,646
From Hazardous Waste Fund (0676)	45,629
From Safe Drinking Water Fund (0679)	27,747
From Dry-Cleaning Environmental Response Trust Fund (0898)	1,226
From Mined Land Reclamation Fund (0906)	22,186

Total. $986,616

SECTION 6.305.—To the Department of Natural Resources
For expenditures of payments received for damages to the state's natural resources, provided that seventy-five percent (75%) flexibility is allowed between funds
Expense and Equipment
From Natural Resources Protection Fund (0555). $6,057,917

Expense and Equipment
From NRP Fund-Water Pollution Permit Fee Subaccount (0568). 100,000
Total. $6,157,917

SECTION 6.310.—To the Department of Natural Resources
Expense and Equipment
From Department of Natural Resources Revolving Services Fund (0425). $2,921,745

SECTION 6.315.—To the Department of Natural Resources
For the purpose of funding the refund of erroneously collected receipts, provided that seventy-five percent (75%) flexibility is allowed between funds
From Department of Natural Resources Federal Fund (0140). $9,445
From Abandoned Mined Reclamation Fund (0697) 165
From Missouri Air Emission Reduction Fund (0267) 15,988
From State Park Earnings Fund (0415) 44,946
From Department of Natural Resources Revolving Services Fund (0425) 1,419
From Historic Preservation Revolving Fund (0430) 165
From DNR Cost Allocation Fund (0500) 3,478
From NRP Fund-Water Pollution Permit Fee Subaccount (0568) 46,982
From Solid Waste Management Fund - Scrap Tire Subaccount (0569). 1,165
From Solid Waste Management Fund (0570). 1,165
From Metallic Minerals Waste Management Fund (0575). 165
From NRP Fund-Air Pollution Asbestos Fee Subaccount (0584) 9,930
From Underground Storage Tank Regulation Program Fund (0586) 4,965
From NRP Fund-Air Pollution Permit Fee Subaccount (0594) 62,082
From Water and Wastewater Loan Revolving Fund (0602) 10,498
From Parks Sales Tax Fund (0613) 65,723
From Soil and Water Sales Tax Fund (0614). 329
From Water and Waste Water Loan Fund (0649). 165
From Environmental Radiation Monitoring Fund (0656). 250
From Groundwater Protection Fund (0660).. 3,165
From Hazardous Waste Fund (0676) 59,688
From Safe Drinking Water Fund (0679) 14,726
From Oil and Gas Remedial Fund (0699). 750
From Storm Water Loan Revolving Fund (0754). 200
From Rural Water and Sewer Revolving Fund (0755) 165
From Geologic Resources Fund (0801). 400
From Confederate Memorial Park Fund (0812) 165
From Concentrated Animal Feeding Operation Indemnity Fund (0834) 450
From Dry-Cleaning Environmental Response Trust (0898). 4,000
From Mined Land Reclamation Fund (0906). 10,095
From Doctor Edmund A. Babler Memorial State Park Fund (0911). 417
Total. $373,246

SECTION 6.320.—To the Department of Natural Resources
For sales tax on retail sales, provided that seventy-five percent (75%) flexibility is allowed between funds

From State Park Earnings Fund (0415)	$240,000
From Natural Resources Revolving Services Fund (0425)	10,000
Total	$250,000

SECTION 6.330.—There is hereby transferred out of the State Treasury to the Department of Natural Resources (DNR) Cost Allocation Fund for the department, for real property leases, related services, utilities, systems furniture, structural modifications, capital improvements and related expenses, and for the purpose of funding the consolidation of Information Technology Services Division (ITSD), provided that ten percent (10%) flexibility is allowed between DNR Cost Allocation transfer, Cost Allocation HB 13 transfer, and Cost Allocation ITSD transfer
For Cost Allocation Transfer, provided that seventy-five percent (75%) flexibility is allowed between funds

From Missouri Air Emission Reduction Fund (0267)	$181,089
From State Park Earnings Fund (0415)	299,996
From Historic Preservation Revolving Fund (0430)	25,077
From Natural Resources Protection (NRP) Fund (0555)	49,697
From NRP Fund-Water Pollution Permit Fee Subaccount (0568)	541,197
From Solid Waste Management-Scrap Tire Subaccount (0569)	83,448
From Solid Waste Management Fund (0570)	344,740
From Metallic Minerals Waste Management Fund (0575)	9,432
From NRP Fund-Air Pollution Asbestos Fee Subaccount (0584)	33,800
From Petroleum Storage Tank Insurance Fund (0585)	98,698
From Underground Storage Tank Regulation Program Fund (0586)	14,733
From NRP Fund-Air Pollution Permit Fee Subaccount (0594)	675,148
From Parks Sales Tax Fund (0613)	3,044,006
From Soil and Water Sales Tax Fund (0614)	170,954
From Water and Wastewater Loan Fund (0649)	142,354
From Environmental Radiation Monitoring Fund (0656)	11,565
From Groundwater Protection Fund (0660)	63,000
From Hazardous Waste Fund (0676)	289,570
From Safe Drinking Water Fund (0679)	352,631
From Geologic Resources Fund (0801)	14,258
From Dry-Cleaning Environmental Response Trust Fund (0898)	15,316
From Mined Land Reclamation Fund (0906)	82,742
Total Cost Allocation Transfer	6,543,451

For Cost Allocation HB 13 Transfer, provided that seventy-five percent (75%) flexibility is allowed between funds

From Missouri Air Emission Reduction Fund (0267)	84,353
From State Park Earnings Fund (0415)	23,634
From Historic Preservation Revolving Fund (0430)	1,975
From Natural Resources Protection (NRP) Fund (0555)	23,149
From NRP Fund-Water Pollution Permit Fee Subaccount (0568)	251,203
From Solid Waste Management-Scrap Tire Subaccount (0569)	38,872
From Solid Waste Management Fund (0570)	153,702
From Metallic Minerals Waste Management Fund (0575)	4,394

From NRP Fund-Air Pollution Asbestos Fee Subaccount (0584) 15,745
From Petroleum Storage Tank Insurance Fund (0585). 41,978
From Underground Storage Tank Regulation Program Fund (0586) 6,863
From NRP Fund-Air Pollution Permit Fee Subaccount (0594) 314,497
From Parks Sales Tax Fund (0613) 239,810
From Soil and Water Sales Tax Fund (0614). 42,011
From Water and Wastewater Loan Fund (0649). 66,311
From Environmental Radiation Monitoring Fund (0656). 5,387
From Groundwater Protection Fund (0660).. 587
From Hazardous Waste Fund (0676) 126,096
From Safe Drinking Water Fund (0679) 164,262
From Geologic Resources Fund (0801). 133
From Dry-Cleaning Environmental Response Trust Fund (0898) 6,138
From Mined Land Reclamation Fund (0906). 38,543
Total Cost Allocation HB 13-Transfer 1,649,643

For Cost Allocation Information Technology Services Division (ITSD) Transfer,
provided that seventy-five percent (75%) flexibility is allowed between funds
From Missouri Air Emission Reduction Fund (0267) 217,563
From State Park Earnings Fund (0415) 224,642
From Historic Preservation Revolving Fund (0430) 18,778
From Natural Resources Protection (NRP) Fund (0555).. 59,706
From NRP Fund-Water Pollution Permit Fee Subaccount (0568) 652,288
From Solid Waste Management-Scrap Tire Subaccount (0569) 100,256
From Solid Waste Management Fund (0570). 430,238
From Metallic Minerals Waste Management Fund (0575). 11,333
From NRP Fund-Air Pollution Asbestos Fee Subaccount (0584) 40,608
From Petroleum Storage Tank Insurance Fund (0585). 129,112
From Underground Storage Tank Regulation Program Fund (0586) 17,700
From NRP Fund-Air Pollution Permit Fee Subaccount (0594) 811,128
From Parks Sales Tax Fund (0613) 2,279,399
From Soil and Water Sales Tax Fund (0614). 755,395
From Water and Wastewater Loan Fund (0649). 171,025
From Environmental Radiation Monitoring Fund (0656). 13,894
From Hazardous Waste Fund (0676) 368,409
From Safe Drinking Water Fund (0679) 423,654
From Geologic Resources Fund (0801). 32,318
From Dry-Cleaning Environmental Response Trust Fund (0898). 20,726
Total Cost Allocation ITSD Transfer. 6,778,172
Total. $14,971,266

SECTION 6.335.—There is hereby transferred out of the State Treasury to the
OA Information Technology Federal Fund for the purpose of funding the
consolidation of Information Technology Services
From Department of Natural Resources Federal Fund (0140). $2,693,271

SECTION 6.340.—To the Department of Natural Resources
For the State Environmental Improvement and Energy Resources Authority.
For all costs incurred in the operation of the authority, including special studies
From State Environmental Improvement Authority Fund (0654). $1

SECTION 6.600.—To the Department of Conservation

For the Office of Director, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment and between divisions
Personal Service. $4,685,866
Expense and Equipment. 12,614,238
From Conservation Commission Fund (0609) (not to exceed 85.72 F.T.E.). . . $17,300,104

SECTION 6.605.—To the Department of Conservation
For the Administrative Services Division, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment and between divisions
Personal Service. $4,483,652
Expense and Equipment. 17,321,439
From Conservation Commission Fund (0609) (not to exceed 126.77 F.T.E.). . . $21,805,091

SECTION 6.610.—To the Department of Conservation
For the Design and Development Division, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment and between divisions
Personal Service. $7,698,865
Expense and Equipment. 2,421,911
From Conservation Commission Fund (0609) (not to exceed 183.32 F.T.E.). . . $10,120,776

SECTION 6.615.—To the Department of Conservation
For the Fisheries Division, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment and between divisions
Personal Service. $7,388,005
Expense and Equipment. 3,687,035
From Conservation Commission Fund (0609) (not to exceed 192.55 F.T.E.). . . $11,075,040

SECTION 6.620.—To the Department of Conservation
For the Forestry Division, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment and between divisions
Personal Service. $9,219,658
Expense and Equipment. 5,771,105
From Conservation Commission Fund (0609) (not to exceed 264.26 F.T.E.). . . $14,990,763

SECTION 6.625.—To the Department of Conservation
For the Human Resources Division, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment and between divisions
Personal Service. $15,226,744
Expense and Equipment. 961,456
From Conservation Commission Fund (0609) (not to exceed 31.67 F.T.E.). . . $16,188,200

SECTION 6.630.—To the Department of Conservation
For the Outreach and Education Division, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment and between divisions
Personal Service. $7,530,300

Expense and Equipment.	7,055,933
From Conservation Commission Fund (0609) (not to exceed 196.74 F.T.E.).	$14,586,233

SECTION 6.635.—To the Department of Conservation
For the Private Land Services Division, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment and between divisions

Personal Service.	$3,734,443
Expense and Equipment.	3,280,752
From Conservation Commission Fund (0609) (not to exceed 85.20 F.T.E.).	$7,015,195

SECTION 6.640.—To the Department of Conservation
For the Protection Division, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment and between divisions

Personal Service.	$10,541,680
Expense and Equipment.	1,406,728
From Conservation Commission Fund (0609) (not to exceed 219.94 F.T.E.).	$11,948,408

SECTION 6.645.—To the Department of Conservation
For the Resource Science Division, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment and between divisions

Personal Service.	$5,751,491
Expense and Equipment.	2,415,555
From Conservation Commission Fund (0609) (not to exceed 152.09 F.T.E.).	$8,167,046

SECTION 6.650.—To the Department of Conservation
For the Wildlife Division, provided that twenty-five percent (25%) flexibility is allowed between personal services and expense and equipment and between divisions

Personal Service.	$9,345,048
Expense and Equipment.	6,963,848
From Conservation Commission Fund (0609) (not to exceed 274.55 F.T.E.).	$16,308,896

Department of Agriculture Totals

General Revenue Fund.	$11,429,947
Federal Funds.	4,227,223
Other Funds.	26,674,661
Total.	$42,331,831

Department of Natural Resources Totals

General Revenue Fund.	$10,829,503
Federal Funds.	49,996,693
Other Funds.	499,654,886
Total.	$560,481,082

Department of Conservation Totals

Total - Other Funds.	$149,505,752

Approved May 8, 2015

HB 7 [CCS SCS HCS HB 7]

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

Appropriates money for the departments of Economic Development; Insurance, Financial Institutions and Professional Registration; and Labor and Industrial Relations

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2015 and ending June 30, 2016; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2015 and ending June 30, 2016 as follows:

SECTION 7.005. — To the Department of Economic Development

For general administration of Administrative Services, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment	
Personal Service.	$410,437
Annual salary adjustment in accordance with Section 105.005, RSMo.	116
Expense and Equipment.	54,309
From General Revenue Fund (0101)	464,862
Personal Service.	47,889
Expense and Equipment.	1,777
From Department of Economic Development - Community Development Block Grant (Administration) Fund (0123).	49,666
Personal Service.	1,058,559
Annual salary adjustment in accordance with Section 105.005, RSMo	204
Expense and Equipment.	420,691
From Job Development and Training Fund (0155).	1,479,454
Personal Service.	791,411
Annual salary adjustment in accordance with Section 105.005, RSMo	72
Expense and Equipment ..	347,173
For refunds.	12,000
From Department of Economic Development Administrative Fund (0547).	1,150,656
Total (Not to exceed 38.31 F.T.E.).	$3,144,638

SECTION 7.010. — To the Department of Economic Development

Funds are to be transferred, for payment of administrative costs, to the
Department of Economic Development Administrative Fund

From Job Development and Training Fund (0155)	$958,600
From Energy Federal Fund (0866)	58,746
From Division of Tourism Supplemental Revenue Fund (0274)	162,974
From Energy Set-Aside Program Fund (0667)	55,900
From Manufactured Housing Fund (0582)	16,114
From Public Service Commission Fund (0607)	390,799
From Missouri Arts Council Trust Fund (0262)	41,233
Total	$1,684,366

SECTION 7.015.—To the Department of Economic Development
For the Division of Business and Community Services
For the Missouri Economic Research and Information Center, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between teams, and one hundred percent (100%) flexibility is allowed between teams and between personal service and expense and equipment for federal funds

Personal Service	$111,230
Expense and Equipment	19,160
From General Revenue Fund (0101)	130,390
Personal Service	1,500,474
Expense and Equipment	302,933
From Job Development and Training Fund (0155)	1,803,407

For the Marketing Team, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between teams, and one hundred percent (100%) flexibility is allowed between teams and between personal service and expense and equipment for federal funds

Personal Service	175,234
Expense and Equipment	1,338,651
From General Revenue Fund (0101)	1,513,885
Personal Service	
From Job Development and Training Fund (0155)	50,371
Personal Service	
From Department of Economic Development Administrative Fund (0547)	44,556
Expense and Equipment	
From International Promotions Revolving Fund (0567)	1,402,238

For the Sales Team, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between teams, and one hundred percent (100%) flexibility is allowed between teams and between personal service

and expense and equipment for federal funds
Personal Service.......... 1,237,661
Expense and Equipment.......... 132,020
From General Revenue Fund (0101).......... 1,369,681

Personal Service
From Department of Economic Development Administrative Fund (0547).......... 6,949

For the Finance Team, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between teams, and one hundred percent (100%) flexibility is allowed between teams and between personal service and expense and equipment for federal funds
Personal Service.......... 840,574
Expense and Equipment.......... 112,318
From General Revenue Fund (0101).......... 952,892

Personal Service.......... 43,482
Expense and Equipment.......... 3,890
From State Supplemental Downtown Development Fund (0766).......... 47,372

For the Compliance Team, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between teams, and one hundred percent (100%) flexibility is allowed between teams and between personal service and expense and equipment for federal funds
Personal Service.......... 69,816
Expense and Equipment.......... 21,336
From General Revenue Fund (0101).......... 91,152

For refunding any overpayment or erroneous payment of any amount that is credited to the Economic Development Advancement Fund
From Economic Development Advancement Fund (0783).......... 1E

For International Trade and Investment Offices, provided that $200,000 fund an office in Israel
From General Revenue Fund (0101).......... 1,910,000

For a state economic development plan
Expense and Equipment
From General Revenue Fund (0101).......... 200,000

For business recruitment and marketing
From Economic Development Advancement Fund (0783).......... 2,250,000
Total (Not to exceed 91.22 F.T.E.).......... $11,772,894

SECTION 7.025.—To the Department of Economic Development
For the response to, and analysis of, the impact of Missouri's military bases on the nation's military readiness and the state's economy
From General Revenue Fund (0101).......... $400,000

SECTION 7.026.—To the Department of Economic Development
For advocacy of the continued presence and expansion of military installations in the state

Personal Service	$100,000
Expense and Equipment	100,000
From General Revenue Fund (0101) (Not to exceed 1.00 F.T.E.)	$200,000

SECTION 7.030.—To the Department of Economic Development
Funds are to be transferred out of the State Treasury, chargeable to the Lewis and Clark Discovery Fund, to the Missouri Technology Investment Fund

From Lewis and Clark Discovery Fund (0790)	$15,000

SECTION 7.035.—To the Department of Economic Development
For the Missouri Technology Corporation, provided that all funds appropriated to the Missouri Technology Corporation by the General Assembly shall be subject to the provisions of Section 196.1127, RSMo

For administration and for science and technology development, including, but not limited to, innovation centers and the Missouri Manufacturing Extension Partnership	$15,860,000
For grants to not-for-profit organizations for soybean production research	800,000
For grants to not-for-profit organizations to commercialize research related to high yield soybeans	500,000
For grants to not-for-profit organizations to conduct applied research related to the beef cattle industry and/or commercialize research related to the beef cattle industry	1,200,000
From Missouri Technology Investment Fund (0172)	$18,360,000

SECTION 7.040.—To the Department of Economic Development
Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Missouri Technology Investment Fund

From General Revenue Fund (0101)	$18,360,000

SECTION 7.045.—To the Department of Economic Development
For the Division of Business and Community Services
For the Community Development Block Grant Program
For administration

Personal Service	$96,843
Expense and Equipment	155,005
From General Revenue Fund (0101)	251,848
Personal Service	791,143
Expense and Equipment	250,251
From Department of Economic Development - Community Development Block Grant (Administration) Fund (0123)	1,041,394

For projects awarded before July 1, 2015

Expense and Equipment 54,725,000

For projects awarded on or after July 1, 2015, provided that no funds shall be expended at higher education institutions not headquartered in Missouri for purposes of accreditation
Expense and Equipment. 15,000,000
From Department of Economic Development - Community Development Block Grant (Pass-through) Fund (0118). 69,725,000

For an Urban Academy located within a home rule city with more than four hundred thousand inhabitants and located in more than one county
From Missouri Humanities Council Trust Fund (0177). 2,000,000
Total (Not to exceed 21.00 F.T.E.). $73,018,242

SECTION 7.050.—To the Department of Economic Development
For the State Small Business Credit Initiative
Expense and Equipment
From Department of Economic Development - Federal Fund (0129). $9,386,222

SECTION 7.055.—To the Department of Economic Development
For the Division of Business and Community Services
For the Missouri Main Street Program
From Economic Development Advancement Fund (0783). $42,614
From General Revenue Fund (0101).. 57,386
Total. $100,000

SECTION 7.060.—To the Department of Economic Development
For Missouri supplemental tax increment financing as provided in Section 99.845, RSMo. This appropriation may be used for the following projects: Kansas City Midtown, Independence Santa Fe Trail Neighborhood, St. Louis City Convention Hotel, Springfield Jordan Valley Park, Kansas City Bannister Mall/Three Trails Office, St. Louis Lambert Airport Eastern Perimeter, Old Post Office in Kansas City, 1200 Main Garage Project in Kansas City, Riverside Levee, Branson Landing, Eastern Jackson County Bass Pro, Kansas City East Village Project, Joplin Disaster Area, and St. Louis Innovation District. The presence of a project in this list is not an indication said project is nor shall be approved for tax increment financing. A listed project must have completed the application process and a certificate of approval must have been issued pursuant to Section 99.845 (10), RSMo, before a project may be disbursed funds subject to the appropriation
From Missouri Supplemental Tax Increment Financing Fund (0848). $16,400,000

SECTION 7.065.—To the Department of Economic Development
Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Missouri Supplemental Tax Increment Financing Fund
From General Revenue Fund (0101).. . . . . $16,400,000

SECTION 7.070.—To the Department of Economic Development

For the Missouri Downtown Economic Stimulus Act as provided in
Sections 99.915 to 99.980, RSMo
From State Supplemental Downtown Development Fund (0766). $1,396,647

SECTION 7.075.—To the Department of Economic Development
Funds are to be transferred out of the State Treasury, chargeable to the
General Revenue Fund, such amounts generated by development
projects, as required by Section 99.963, RSMo, to the State
Supplemental Downtown Development Fund
From General Revenue Fund (0101). $1,443,089

SECTION 7.080.—To the Department of Economic Development
For the Downtown Revitalization Preservation Program as provided in
Sections 99.1080 to 99.1092, RSMo
From Downtown Revitalization Preservation Fund (0907). $200,000

SECTION 7.085.—To the Department of Economic Development
Funds are to be transferred out of the State Treasury, chargeable to the
General Revenue Fund, such amounts generated by redevelopment
projects, as required by Section 99.1092, RSMo, to the Downtown
Revitalization Preservation Fund
From General Revenue Fund (0101). $200,000

SECTION 7.090.—To the Department of Economic Development
For the Division of Business and Community Services
For the Missouri Community Service Commission
Personal Service
From General Revenue Fund (0101). $34,521

Personal Service. 195,863
Expense and Equipment.. 3,750,000
From Community Service Commission Fund (0197). 3,945,863
Total (Not to exceed 5.00 F.T.E.).. . . . . $3,980,384

SECTION 7.095.—To the Department of Economic Development
For the Missouri State Council on the Arts
Personal Service. $345,139
Expense and Equipment.. 632,514
From Department of Economic Development - Missouri Council on the
Arts - Federal Fund (0138). 977,653

Personal Service. 555,055
Expense and Equipment.. 9,043,414
From Missouri Arts Council Trust Fund (0262) 9,598,469

For grants to public television and radio stations as provided in Section
143.183, RSMo
From Missouri Public Broadcasting Corporation Special Fund (0887). 800,000

For the Missouri Humanities Council. 1,050,000

For a museum that commemorates the contributions of African-Americans

to the sport of baseball, provided that $100,000 fund
the Historical Education Center 250,000

For a redevelopment authority to support the history and art form of
American Jazz 50,000

For a non-profit agency that promotes Jazz awareness
through art exhibitions. 50,000
From Missouri Humanities Council Trust Fund (0177). 1,400,000
Total (Not to exceed 15.00 F.T.E.). $12,776,122

SECTION 7.100.—To the Department of Economic Development
Funds are to be transferred out of the State Treasury, chargeable to the
General Revenue Fund, to the Missouri Arts Council Trust Fund
as authorized by Sections 143.183 and 185.100, RSMo
From General Revenue Fund (0101). $4,800,000

SECTION 7.105.—To the Department of Economic Development
Funds are to be transferred out of the State Treasury, chargeable to the
General Revenue Fund, to the Missouri Humanities Council Trust
Fund as authorized by Sections 143.183 and 186.065, RSMo
From General Revenue Fund (0101). $800,000

SECTION 7.110.—To the Department of Economic Development
Funds are to be transferred out of the State Treasury, chargeable to the
General Revenue Fund, to the Missouri Public Broadcasting
Corporation Special Fund as authorized by Section 143.183,
RSMo
From General Revenue Fund (0101). $800,000

SECTION 7.115.—To the Department of Economic Development
For the Division of Workforce Development
For general administration of Workforce Development activities
Personal Service. $16,563,598
Expense and Equipment. 4,018,529
From Job Development and Training Fund (0155). 20,582,127

Personal Service. 385,557
Expense and Equipment. 81,389
From Missouri Works Job Development Fund (0600). 466,946

For the Show-Me Heroes Program
From Show-Me Heroes Fund (0995). 500,000

For the purpose of providing funding for specific persons with autism
through a contract with a Southeast Missouri not-for-profit
organization concentrating on the maximization of giftedness,
workforce transition skills, independent living skills, and
employment support services
From General Revenue Fund (0101). 200,000
Total (Not to exceed 426.72 F.T.E.). $21,749,073

SECTION 7.120.—To the Department of Economic Development
For the Certified Work Ready Community Program
From General Revenue Fund (0101). $100,000

For job training and related activities
From Special Employment Security Fund (0949) 2,000,000
From Job Development and Training Fund (0155). 76,859,293

For administration of programs authorized and funded by the United States Department of Labor, such as Trade Adjustment Assistance (TAA), and provided that all funds shall be expended from discrete accounts and that no monies shall be expended for funding administration of these programs by the Division of Workforce Development
From Job Development and Training Fund (0155). 15,000,000
Total. $93,959,293

SECTION 7.125.—To the Department of Economic Development
For funding new and expanding industry training programs and basic industry retraining programs, provided that up to $1,000,000 shall be dedicated for an advanced manufacturing technician training program to be offered by the State Technical College of Missouri
From Missouri Works Job Development Fund (0600). $14,039,985

SECTION 7.130.—To the Department of Economic Development
Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Missouri Works Job Development Fund
From General Revenue Fund (0101). $8,805,677

SECTION 7.135.—To the Department of Economic Development
For the Missouri Works Community College New Jobs Training Program
For funding training of workers by community college districts
From Missouri Works Community College New Jobs Training Fund (0563). $16,000,000

SECTION 7.140.—To the Department of Economic Development
For the Missouri Works Community College Job Retention Training Program
From Missouri Works Community College Job Retention Training Fund (0717). $10,000,000

SECTION 7.145.—To the Department of Economic Development
For the Missouri Women's Council
Personal Service. $57,337
Expense and Equipment.. 12,765
From Job Development and Training Fund (0155) (Not to exceed 1.00 F.T.E.). . . . $70,102

SECTION 7.150.—To the Department of Economic Development
For the Missouri Film Office
Expense and Equipment
From Division of Tourism Supplemental Revenue Fund (0274). $100,115

For the Division of Tourism, to include coordination of advertising of at least $70,000 for the Missouri State Fair
Personal Service. 1,677,931
Expense and Equipment. 20,391,680
From Division of Tourism Supplemental Revenue Fund (0274). 22,069,611

Expense and Equipment
From Tourism Marketing Fund (0650). 24,500
Total (Not to exceed 41.00 F.T.E.). $22,194,226

SECTION 7.155.—To the Department of Economic Development
Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Division of Tourism Supplemental Revenue Fund
From General Revenue Fund (0101). $21,448,443

SECTION 7.160.—To the Department of Economic Development
For the Division of Energy
Expense and Equipment
From General Revenue Fund (0101). $14,610

For the Division of Energy, provided that one hundred percent (100%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment
Personal Service. 1,219,716
Expense and Equipment. 490,125
From Energy Federal Fund (0866). 1,709,841

Personal Service. 460,525
Expense and Equipment. 89,970
From Energy Set-Aside Program Fund (0667). 550,495

Personal Service
From Biodiesel Fuel Revolving Fund (0730). 3,591

Personal Service. 206,664
Expense and Equipment. 32,050
From Energy Futures Fund (0935). 238,714

For the purpose of funding the promotion of energy, renewable energy, and energy efficiency
From Utilicare Stabilization Fund (0134) 100

For the purpose of funding the promotion of energy, renewable energy, and energy efficiency, provided that $30,000,000 be used solely to encumber funds for future fiscal year expenditures
From Energy Federal Fund (0866). 22,000,000
From Energy Set-Aside Program Fund (0667). 22,000,000
From Biodiesel Fuel Revolving Fund (0730). 25,000
From Missouri Alternative Fuel Vehicle Loan Fund (0886). 2,000
From Energy Futures Fund (0935). 5,100,000

For refunds
From Energy Set-Aside Program Fund (0667). 2,039
From Biodiesel Fuel Revolving Fund (0730).. 165
From Missouri Alternative Fuel Vehicle Loan Fund (0886). 50
From Energy Futures Fund (0935). 4,500
Total (Not to exceed 37.00 F.T.E.). $51,651,105

Section 7.165.—To the Department of Economic Development
For the Missouri Housing Development Commission
For general administration of affordable housing activities
For funding housing subsidy grants or loans
From Missouri Housing Trust Fund (0254).. . . . . $4,450,000

Section 7.170.—To the Department of Economic Development
For Manufactured Housing
Personal Service. $351,714
Expense and Equipment 354,466
For Manufactured Housing programs.. 20,000
For refunds. 10,000
From Manufactured Housing Fund (0582). 736,180

For Manufactured Housing to pay consumer claims
From Manufactured Housing Consumer Recovery Fund (0909). 192,000
Total (Not to exceed 8.00 F.T.E.).. . . . . $928,180

Section 7.175.—To the Department of Economic Development
Funds are to be transferred out of the State Treasury, chargeable to the
Manufactured Housing Fund, to the Manufactured Housing
Consumer Recovery Fund
From Manufactured Housing Fund (0582). $192,000

Section 7.180.—To the Department of Economic Development
For the Office of the Public Counsel, provided that not more than ten
percent (10%) flexibility is allowed between personal service and
expense and equipment
Personal Service. $757,172
Expense and Equipment.. 254,481
From Public Service Commission Fund (0607) (Not to exceed 14.00 F.T.E.). . . $1,011,653

Section 7.185.—To the Department of Economic Development
For the Public Service Commission
For general administration of utility regulation activities, provided that not
more than ten percent (10%) flexibility is allowed between
personal service and expense and equipment
Personal Service. $10,674,274
Annual salary adjustment in accordance with Section 105.005, RSMo 1,443
Expense and Equipment 2,536,462
For refunds. 10,000
From Public Service Commission Fund (0607) 13,222,179

For the Deaf Relay Service and Equipment Distribution Program
From Deaf Relay Service and Equipment Distribution Program

Fund (0559). 2,495,808
Total (Not to exceed 194.00 F.T.E.). $15,717,987

SECTION 7.400.—To the Department of Insurance, Financial Institutions and Professional Registration
Personal Service. $142,772
Expense and Equipment. 38,126
From Department of Insurance, Financial Institutions and Professional Registration Administrative Fund (0503) (Not to exceed 4.82 F.T.E.). $180,898

SECTION 7.405.—To the Department of Insurance, Financial Institutions and Professional Registration
Funds are to be transferred for administrative services to the Department of Insurance, Financial Institutions and Professional Registration Administrative Fund
From Division of Credit Unions Fund (0548). $40,000
From Division of Finance Fund (0550) 125,000
From Insurance Dedicated Fund (0566) 35,000
From Professional Registration Fees Fund (0689). 200,000
Total. $400,000

SECTION 7.410.—To the Department of Insurance, Financial Institutions and Professional Registration
For Consumer Assistance Program grants
Personal Service. $468,722
Expense and Equipment. 64,511
From Federal - Missouri Department of Insurance Fund (0192) (Not to exceed 21.00 F.T.E.). $533,233

SECTION 7.415.—To the Department of Insurance, Financial Institutions and Professional Registration
Funds are to be transferred out of the State Treasury, chargeable to the Federal - Missouri Department of Insurance Fund, to the Insurance Dedicated Fund, for the purpose of administering federal grants
From Federal - Missouri Department of Insurance Fund (0192). $150,000

SECTION 7.420.—To the Department of Insurance, Financial Institutions and Professional Registration
For Insurance Operations
Personal Service. $7,838,488
Expense and Equipment. 2,013,092
From Insurance Dedicated Fund (0566) 9,851,580

For consumer restitution payments
From Consumer Restitution Fund (0792). 5,000
Total (Not to exceed 166.36 F.T.E.). $9,856,580

SECTION 7.425.—To the Department of Insurance, Financial Institutions and Professional Registration
For market conduct and financial examinations of insurance companies
Personal Service. $3,306,259
Expense and Equipment. 765,674

From Insurance Examiners Fund (0552) (Not to exceed 42.50 F.T.E.). $4,071,933

SECTION 7.430.—To the Department of Insurance, Financial Institutions and Professional Registration
For refunds
From Insurance Examiners Fund (0552). $60,000
From Insurance Dedicated Fund (0566). 75,000
Total. $135,000

SECTION 7.435.—To the Department of Insurance, Financial Institutions and Professional Registration
For the purpose of funding programs providing counseling on health insurance coverage and benefits to Medicare beneficiaries
From Federal - Missouri Department of Insurance Fund (0192). $1,250,000
From Insurance Dedicated Fund (0566). 200,000
Total. $1,450,000

SECTION 7.440.—To the Department of Insurance, Financial Institutions and Professional Registration
For the Division of Credit Unions
Personal Service. $1,155,135
Expense and Equipment.. 119,055
From Division of Credit Unions Fund (0548) (Not to exceed 15.50 F.T.E.). . . . $1,274,190

SECTION 7.445.—To the Department of Insurance, Financial Institutions and Professional Registration
For the Division of Finance
Personal Service. $7,729,645
Expense and Equipment 780,026
For Conference of State Bank Supervisors dues. 100,000
For Out-of-State Examinations.. 48,250
From Division of Finance Fund (0550) (Not to exceed 118.15 F.T.E.). $8,657,921

SECTION 7.450.—To the Department of Insurance, Financial Institutions and Professional Registration
Funds are to be transferred out of the State Treasury, chargeable to the Division of Savings and Loan Supervision Fund, to the Division of Finance Fund, for the purpose of supervising state chartered savings and loan associations
From Division of Savings and Loan Supervision Fund (0549). $50,000

SECTION 7.455.—To the Department of Insurance, Financial Institutions and Professional Registration
Funds are to be transferred out of the State Treasury, chargeable to the Residential Mortgage Licensing Fund, to the Division of Finance Fund, for the purpose of administering the Residential Mortgage Licensing Law
From Residential Mortgage Licensing Fund (0261). $1,200,000

SECTION 7.460.—To the Department of Insurance, Financial Institutions and Professional Registration
Funds are to be transferred out of the State Treasury, chargeable to the

Division of Savings and Loan Supervision Fund, to the General Revenue Fund, in accordance with Section 369.324, RSMo
From Division of Savings and Loan Supervision Fund (0549). $50,000

SECTION 7.465.—To the Department of Insurance, Financial Institutions and Professional Registration
For general administration of the Division of Professional Registration
Personal Service. $3,429,538
Expense and Equipment 1,037,295
For examination and other fees 252,000
For refunds. 125,000
From Professional Registration Fees Fund (0689)
(Not to exceed 84.50 F.T.E.). $4,843,833

SECTION 7.470.—To the Department of Insurance, Financial Institutions and Professional Registration
For the State Board of Accountancy
Personal Service. $289,477
Expense and Equipment. 171,991
From State Board of Accountancy Fund (0627) (Not to exceed 7.00 F.T.E.). $461,468

SECTION 7.475.—To the Department of Insurance, Financial Institutions and Professional Registration
For the State Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects
Personal Service. $390,782
Expense and Equipment. 301,397
From State Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects Fund (0678) (Not to exceed 10.00 F.T.E.). $692,179

SECTION 7.480.—To the Department of Insurance, Financial Institutions and Professional Registration
For the State Board of Chiropractic Examiners
Expense and Equipment
From State Board of Chiropractic Examiners' Fund (0630). $131,820

SECTION 7.485.—To the Department of Insurance, Financial Institutions and Professional Registration
For the State Board of Cosmetology and Barber Examiners
Expense and Equipment. $272,899
For criminal history checks. 1,000
From Board of Cosmetology and Barber Examiners Fund (0785). $273,899

SECTION 7.490.—To the Department of Insurance, Financial Institutions and Professional Registration
For the Missouri Dental Board
Personal Service. $386,905
Expense and Equipment. 237,475
From Dental Board Fund (0677) (Not to exceed 8.50 F.T.E.). $624,380

SECTION 7.495.—To the Department of Insurance, Financial Institutions and Professional Registration

For the State Board of Embalmers and Funeral Directors
Expense and Equipment
From Board of Embalmers and Funeral Directors' Fund (0633). $164,200

SECTION 7.500.—To the Department of Insurance, Financial Institutions and Professional Registration
For the State Board of Registration for the Healing Arts
Personal Service. $1,865,917
Expense and Equipment.. 753,115
From Board of Registration for the Healing Arts Fund (0634)
(Not to exceed 45.00 F.T.E.).. . . . . $2,619,032

SECTION 7.505.—To the Department of Insurance, Financial Institutions and Professional Registration
For the State Board of Nursing
Personal Service. $1,243,601
Expense and Equipment.. 577,518
From State Board of Nursing Fund (0635) (Not to exceed 28.00 F.T.E.). $1,821,119

SECTION 7.510.—To the Department of Insurance, Financial Institutions and Professional Registration
For the State Board of Optometry
Expense and Equipment
From Optometry Fund (0636). $34,726

SECTION 7.515.—To the Department of Insurance, Financial Institutions and Professional Registration
For the State Board of Pharmacy
Personal Service. $1,068,432
Expense and Equipment 694,930
For criminal history checks. 5,000
From Board of Pharmacy Fund (0637) (Not to exceed 16.00 F.T.E.).. . . . . $1,768,362

SECTION 7.520.—To the Department of Insurance, Financial Institutions and Professional Registration
For the State Board of Podiatric Medicine
Expense and Equipment
From State Board of Podiatric Medicine Fund (0629). $13,734

SECTION 7.525.—To the Department of Insurance, Financial Institutions and Professional Registration
For the Missouri Real Estate Commission
Personal Service. $935,769
Expense and Equipment.. 276,669
From Real Estate Commission Fund (0638) (Not to exceed 25.00 F.T.E.). $1,212,438

SECTION 7.530.—To the Department of Insurance, Financial Institutions and Professional Registration
For the Missouri Veterinary Medical Board
Expense and Equipment.. . . . . $57,975
For payment of fees for testing services. 50,000
From Veterinary Medical Board Fund (0639). $107,975

SECTION 7.535.—To the Department of Insurance, Financial Institutions and Professional Registration
Funds are to be transferred, for administrative costs, to the General Revenue Fund
From Professional Registration board funds (Various). $1,461,218

SECTION 7.540.—To the Department of Insurance, Financial Institutions and Professional Registration
Funds are to be transferred, for payment of operating expenses, to the Professional Registration Fees Fund
From Professional Registration board funds (Various). $8,829,032

SECTION 7.545.—To the Department of Insurance, Financial Institutions and Professional Registration
Funds are to be transferred, for funding new licensing activity pursuant to Section 324.016, RSMo, to the Professional Registration Fees Fund
From any Professional Registration board funds (Various). $200,000

SECTION 7.550.—To the Department of Insurance, Financial Institutions and Professional Registration
Funds are to be transferred, for the reimbursement of funds loaned for new licensing activity pursuant to Section 324.016, RSMo, to the appropriate board fund
From Professional Registration Fees Fund (0689).. . . . . $320,000

SECTION 7.800.—To the Department of Labor and Industrial Relations
For the Director and Staff
Expense and Equipment
From Unemployment Compensation Administration Fund (0948). $1,450,000

For the Director and Staff, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment
Personal Service.. 2,609,064
Annual salary adjustment in accordance with Section 105.005, RSMo 653
Expense and Equipment. 1,408,167
From Department of Labor and Industrial Relations Administrative Fund (0122).. 4,017,884
Total (Not to exceed 49.90 F.T.E.). $5,467,884

SECTION 7.805.—To the Department of Labor and Industrial Relations
Funds are to be transferred, for payment of administrative costs, to the Department of Labor and Industrial Relations Administrative Fund
From General Revenue Fund (0101).. . . . . $319,407
From Division of Labor Standards - Federal Fund (0186) 61,375
From Unemployment Compensation Administration Fund (0948). 4,149,372
From Workers' Compensation Fund (0652) 943,657
From Special Employment Security Fund (0949). 100,000
Total. $5,573,811

SECTION 7.810.—To the Department of Labor and Industrial Relations

Funds are to be transferred, for payment of administrative costs charged by the Office of Administration, to the Department of Labor and Industrial Relations Administrative Fund

From General Revenue Fund (0101)	$143,901
From Division of Labor Standards - Federal Fund (0186)	29,717
From Unemployment Compensation Administration Fund (0948)	4,924,815
From Workers' Compensation Fund (0652)	943,553
From Special Employment Security Fund (0949)	230,531
Total	$6,272,517

SECTION 7.815.—To the Department of Labor and Industrial Relations
For the Labor and Industrial Relations Commission, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment

Personal Service	$9,354
Expense and Equipment	594
From General Revenue Fund (0101)	9,948
Personal Service	488,385
Annual salary adjustment in accordance with Section 105.005, RSMo.	855
Expense and Equipment	31,298
From Unemployment Compensation Administration Fund (0948)	520,538
Personal Service	430,121
Annual salary adjustment in accordance with Section 105.005, RSMo.	285
Expense and Equipment	27,530
From Workers' Compensation Fund (0652)	457,936
Total (Not to exceed 14.00 F.T.E.)	$988,422

SECTION 7.820.—To the Department of Labor and Industrial Relations
For the Division of Labor Standards
For Administration, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment

Personal Service	$119,256
Expense and Equipment	20,717
From General Revenue Fund (0101)	139,973
Expense and Equipment	
From Division of Labor Standards - Federal Fund (0186)	32,670

For the Child Labor Program, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and provided that not more than ten percent (10%) flexibility is allowed between the Child Labor Program, Prevailing Wage Program, and Minimum Wage Program

Personal Service	
From General Revenue Fund (0101)	45,321
Expense and Equipment	
From Child Labor Enforcement Fund (0826)	179,450

For the Mine and Cave Inspection Program, provided that not more than

ten percent (10%) flexibility is allowed between personal service and expense and equipment

Personal Service	83,501
Expense and Equipment	11,083
From General Revenue Fund (0101)	94,584
Personal Service	46,561
Expense and Equipment	7,400
From State Mine Inspection Fund (0973)	53,961

For the Prevailing Wage Program, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment between the Child Labor Program, Prevailing Wage Program, and Minimum Wage Program

Personal Service	176,564
Expense and Equipment	15,906
From General Revenue Fund (0101)	192,470

For the Minimum Wage Program, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment between the Child Labor Program, Prevailing Wage Program, and Minimum Wage Program

Personal Service	161,895
Expense and Equipment	10,788
From General Revenue Fund (0101)	172,683
Total (Not to exceed 13.40 F.T.E.)	$911,112

Section 7.825.—To the Department of Labor and Industrial Relations
For the Division of Labor Standards
For safety and health programs, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment

Personal Service	$705,901
Expense and Equipment	290,893
From Division of Labor Standards - Federal Fund (0186)	996,794
Personal Service	122,914
Expense and Equipment	33,042
From Workers' Compensation Fund (0652)	155,956
Total (Not to exceed 17.00 F.T.E.)	$1,152,750

Section 7.830.—To the Department of Labor and Industrial Relations
For the Division of Labor Standards
For mine safety and health training programs, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment

Personal Service	$183,543
Expense and Equipment	165,081

From Division of Labor Standards - Federal Fund (0186) 348,624
Personal Service. 72,836
Expense and Equipment.. 12,119
From Workers' Compensation Fund (0652). 84,955
Total (Not to exceed 5.50 F.T.E.).. . . . . $433,579

SECTION 7.835.—To the Department of Labor and Industrial Relations
For the State Board of Mediation, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment
Personal Service. $111,554
Expense and Equipment.. 8,976
From General Revenue Fund (0101) (Not to exceed 2.00 F.T.E.). $120,530

SECTION 7.840.—To the Department of Labor and Industrial Relations
For the Division of Workers' Compensation
For the purpose of funding Administration, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment
Personal Service. $8,331,941
Annual salary adjustment in accordance with Section 105.005, RSMo 522,369
Expense and Equipment.. 10,373,648
From Workers' Compensation Fund (0652) 19,227,958

Funds are to be transferred out of the State Treasury, chargeable to the Workers' Compensation Fund pursuant to Section 173.258, RSMo to the Kids' Chance Scholarship Fund
From Workers' Compensation Fund (0652) 50,000

Expense and Equipment
From Tort Victims' Compensation Fund (0622).. 4,836
Total (Not to exceed 152.25 F.T.E.). $19,282,794

SECTION 7.845.—To the Department of Labor and Industrial Relations
For the Division of Workers' Compensation
For payment of special claims
From Workers' Compensation - Second Injury Fund (0653). $97,015,000

SECTION 7.850.—To the Department of Labor and Industrial Relations
For the Division of Workers' Compensation
For refunds for overpayment of any tax or any payment credited to the Workers' Compensation - Second Injury Fund
From Workers' Compensation - Second Injury Fund (0653). $500,000

SECTION 7.855.—To the Department of Labor and Industrial Relations
For the Line of Duty Compensation Program as provided in Section 287.243, RSMo
From Line of Duty Compensation Fund (0939). $450,000

SECTION 7.860.—To the Department of Labor and Industrial Relations
Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Line of Duty Compensation Fund

From General Revenue Fund (0101). $450,000

SECTION 7.865.—To the Department of Labor and Industrial Relations
For the Division of Workers' Compensation
For payments of claims to tort victims
From Tort Victims' Compensation Fund (0622). $1,000,000

SECTION 7.870.—To the Department of Labor and Industrial Relations
Funds are to be transferred out of the State Treasury, chargeable to the
Tort Victims' Compensation Fund pursuant to Section 537.675,
RSMo, to the Basic Civil Legal Services Fund
From Tort Victims' Compensation Fund (0622). $351,351

SECTION 7.875.—To the Department of Labor and Industrial Relations
For the Division of Employment Security
Personal Service. $23,540,513
Expense and Equipment. 8,247,871
From Unemployment Compensation Administration Fund (0948). 31,788,384

Personal Service. 691,642
Expense and Equipment. 16,143
From Unemployment Automation Fund (0953). 707,785
Total (Not to exceed 519.21 F.T.E.). $32,496,169

SECTION 7.880.—To the Department of Labor and Industrial Relations
For the Division of Employment Security
For administration of programs authorized and funded by the United
States Department of Labor, such as Disaster Unemployment
Assistance (DUA), and provided that all funds shall be expended
from discrete accounts and that no monies shall be expended for
funding administration of these programs by the Division of
Employment Security
From Unemployment Compensation Administration Fund (0948). $11,000,000

SECTION 7.885.—To the Department of Labor and Industrial Relations
For the Division of Employment Security, provided that $1,3000,000 may
only be used for refunds to Missouri employers who paid
unemployment taxes at a higher rate than said employers were
entitled
Personal Service. $551,873
Expense and Equipment 6,500,000
For interest payments. 4,000,001
From Special Employment Security Fund (0949)
(Not to exceed 15.00 F.T.E.). $11,051,874

SECTION 7.890.—To the Department of Labor and Industrial Relations
For the Division of Employment Security
For the War on Terror Unemployment Compensation Program
Expense and Equipment. $45,000
For payment of benefits. 45,000
From War on Terror Unemployment Compensation Fund (0736). $90,000

Section 7.895.—To the Department of Labor and Industrial Relations
For the Division of Employment Security
For the payment of refunds set off against debts as required by Section 143.786, RSMo
From Debt Offset Escrow Fund (0753). $5,000,000

Section 7.900.—To the Department of Labor and Industrial Relations
For the Missouri Commission on Human Rights, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment
Personal Service. $513,308
Expense and Equipment.. 16,338
From General Revenue Fund (0101) 529,646

Personal Service. 933,085
Expense and Equipment.. 202,984
From Department of Labor and Industrial Relations - Commission on Human Rights - Federal Fund (0117). 1,136,069

For the Martin Luther King, Jr. State Celebration Commission, provided that no less than $10,000 be spent within a home rule city with more than four hundred thousand inhabitants and located in more than one county
From General Revenue Fund (0101) 30,086
From Martin Luther King, Jr. State Celebration Commission Fund (0438). 5,000
Total (Not to exceed 32.70 F.T.E.). $1,700,801

Department of Economic Development Totals
General Revenue Fund. $80,948,436
Federal Funds. 213,180,393
Other Funds.. 68,332,133
Total. $362,460,962

Department of Insurance, Financial Institutions & Professional Registration Totals
Federal Funds. $1,783,233
Other Funds.. 38,885,687
Total. $40,668,920

Department of Labor & Industrial Relations Totals
General Revenue Fund. $2,248,549
Federal Funds. 56,438,358
Other Funds.. 132,302,452
Total. $190,989,359

Approved May 8, 2015

HB 8 [CCS SCS HCS HB 8]

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

Appropriates money for the expenses, grants, refunds, and distributions of the Department of Public Safety

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2015 and ending June 30, 2016.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated, for the period beginning July 1, 2015 and ending June 30, 2016, as follows:

SECTION 8.005. — To the Department of Public Safety
For the Office of the Director

Personal Service	$867,476
Annual salary adjustment in accordance with Section 105.005, RSMo	472
Expense and Equipment	143,848
From General Revenue Fund (0101)	1,011,796
Personal Service	389,962
Expense and Equipment	716,286
From Department of Public Safety Federal Fund (0152)	1,106,248
Personal Service	58,667
Expense and Equipment	13,320
From Department of Public Safety - Juvenile Accountability Incentive Block Grant Fund (0121)	71,987
Personal Service	306,969
Expense and Equipment	99,800
From Justice Assistance Grant Program Fund (0782)	406,769
Personal Service	70,064
Expense and Equipment	15,042
From Services to Victims Fund (0592)	85,106
Personal Service	458,521
Expense and Equipment	1,453,268
From Crime Victims' Compensation Fund (0681)	1,911,789
Expense and Equipment	
From Missouri Crime Prevention Information and Programming Fund (0253)	1,000

Expense and Equipment
From Antiterrorism Fund (0759) 10,000

Personal Service. 1,264,275
Expense and Equipment. 27,120,000
From Department of Public Safety Federal Homeland Security Fund (0193) . . . 28,384,275

Personal Service. 73,508
Expense and Equipment. 778,000
From MODEX Fund (0867) 851,508

For receiving and expending grants, donations, contracts, and payments from private, federal, and other governmental agencies, provided the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the expenditure of said funds
Personal Service. 45,000
Expense and Equipment. 4,955,000
From Department of Public Safety Federal Fund (0152) 5,000,000

For drug task force grants, provided not more than three percent (3%) is used for grant administration
Personal Service. 31,813
Expense and Equipment. 1,468,187
From General Revenue Fund (0101) 1,500,000
From MoSMART Fund (0761). 100
Total (Not to exceed 69.80 F.T.E.). $40,340,578

SECTION 8.010.—To the Department of Public Safety
For the Office of the Director
For the Juvenile Justice Delinquency Prevention Program
From Department of Public Safety Federal Fund (0152). $840,042

For the purpose of funding a non-profit pilot alternative school to be accredited by the North Central Association of Colleges and Schools (NCACS) and listed on the Substance Abuse and Mental Health Services Administration (SAMSHA) national registry of evidence based programs and practices for improving academic achievement of at-risk students and reducing delinquent behavior; to be located within a city not within a county
From General Revenue Fund (0101) 1,000,000
Total. $1,840,042

SECTION 8.015.—To the Department of Public Safety
For the Office of the Director
For the Juvenile Accountability Incentive Block Grant Program
From Department of Public Safety - Juvenile Accountability Incentive Block Grant Fund (0121). $600,000

SECTION 8.020.—To the Department of Public Safety
For the Office of the Director
For the Narcotics Control Assistance Program and multi-jurisdictional task

forces
From Department of Public Safety Federal Fund (0152). $180,000
From Justice Assistance Grant Program Fund (0782). 4,900,000
Total. $5,080,000

SECTION 8.025.—To the Department of Public Safety
For the Office of the Director
For the Missouri Sheriff Methamphetamine Relief Taskforce
For supplementing deputy sheriffs' salary and related employment benefits
pursuant to Section 57.278, RSMo
From Deputy Sheriff Salary Supplementation Fund (0913). $7,200,000

SECTION 8.030.—To the Department of Public Safety
For the Office of the Director
For operating grants to local law enforcement cyber crimes task forces,
provided not more than three percent (3%) is used for grant administration
Personal Service.. . . . . $17,715
Expense and Equipment. 1,482,285
From General Revenue Fund (0101). $1,500,000

SECTION 8.031.—To the Department of Public Safety
For the Office of the Director
For funding not-for-profit organizations to provide financial assistance to the
spouses and children of any local law enforcement officers, paramedics,
emergency medical technicians, corrections officers, and/or firefighters
who have lost their lives performing their duties. Deaths from natural
causes, illnesses, or injuries are outside the program's scope
From General Revenue Fund (0101). $100,000

SECTION 8.035.—To the Department of Public Safety
For the Office of the Director
For the Services to Victims Program, provided up to three percent (3%) of
each grant award be allowed for the administrative expenses of each
grantee
From Services to Victims Fund (0592). $3,600,000

For counseling and other support services for crime victims
From Crime Victims' Compensation Fund (0681). 50,000
Total. $3,650,000

SECTION 8.040.—To the Department of Public Safety
For the Office of the Director
For the Victims of Crime Program
From Department of Public Safety Federal Fund (0152). $37,000,000

SECTION 8.045.—To the Department of Public Safety
For the Office of the Director
For the Violence Against Women Program. $2,894,232

For training law enforcement personnel regarding issues
related to human trafficking.. 100,000
From Department of Public Safety Federal Fund (0152). $2,994,232

SECTION 8.050.—To the Department of Public Safety
For the Office of the Director
For the Crime Victims' Compensation Program
From General Revenue Fund (0101). $1,600,000
From Department of Labor and Industrial Relations -
Crime Victims - Federal Fund (0191) 3,900,000
From Crime Victims' Compensation Fund (0681). 4,837,329

For reimbursing SAFE-Care providers for performing forensic medical
exams on children suspected of having been physically abused
Personal Service. 30,000
Expense and Equipment.. 1,422,000
From General Revenue Fund (0101). 1,452,000
Total (Not to exceed 1.00 F.T.E.).. . . . . $11,789,329

SECTION 8.055.—To the Department of Public Safety
For the National Forensic Sciences Improvement Act Program
From Department of Public Safety Federal Fund (0152).. . . . . $225,000

SECTION 8.060.—To the Department of Public Safety
For the State Forensic Laboratory Program
From State Forensic Laboratory Fund (0591). $399,200

SECTION 8.065.—To the Department of Public Safety
For the Office of the Director
For the Residential Substance Abuse Treatment Program
From Department of Public Safety Federal Fund (0152).. . . . . $600,000

SECTION 8.070.—To the Department of Public Safety
For the Office of the Director
For peace officer training
From Peace Officer Standards and Training Commission Fund (0281). $1,400,000

SECTION 8.075.—To the Department of Public Safety
For the Capitol Police
Personal Service. $1,280,594
Expense and Equipment.. 110,271
From General Revenue Fund (0101) (Not to exceed 32.00 F.T.E.). $1,390,865

SECTION 8.080.—To the Department of Public Safety
For the State Highway Patrol
For Administration
Personal Service. $250,898
Expense and Equipment.. 3,361
From General Revenue Fund (0101) 254,259

Personal Service. 5,785,841
Expense and Equipment.. 422,589
From State Highways and Transportation Department Fund (0644).. 6,208,430

Personal Service
From Criminal Record System Fund (0671). 41,827

Personal Service. 34,195
Expense and Equipment. 4,802
From Gaming Commission Fund (0286) 38,997

Personal Service
From Water Patrol Division Fund (0400) 96,759

For the High-Intensity Drug Trafficking Area Program
Personal Service. 47,202
Expense and Equipment. 2,598,000
From Department of Public Safety Federal Fund (0152). 2,645,202
Total (Not to exceed 115.00 F.T.E.). $9,285,474

SECTION 8.085.—To the Department of Public Safety
For the State Highway Patrol
For fringe benefits, including retirement contributions for members of the Missouri Department of Transportation and Highway Patrol Employees' Retirement System, and insurance premiums
Personal Service. $12,006,822E
Expense and Equipment. 977,765E
From General Revenue Fund (0101) 12,984,587

Personal Service. 3,817,893E
Expense and Equipment. 158,429E
From Department of Public Safety Federal Fund (0152) 3,976,322

Personal Service. 365,033E
Expense and Equipment. 315,909E
From Gaming Commission Fund (0286) 680,942

Personal Service. 1,239,377E
Expense and Equipment. 104,165E
From Water Patrol Division Fund (0400) 1,343,542

Personal Service. 75,883,054E
Expense and Equipment. 6,419,769E
From State Highways and Transportation Department Fund (0644). 82,302,823

Personal Service. 3,252,663E
Expense and Equipment. 258,883E
From Criminal Record System Fund (0671). 3,511,546

Personal Service. 82,737E
Expense and Equipment. 6,458E
From Highway Patrol Academy Fund (0674). 89,195

Personal Service. 4,681E
Expense and Equipment. 657E
From Highway Patrol's Motor Vehicle, Aircraft, and Watercraft Revolving Fund (0695) 5,338

Personal Service. 53,043E

Expense and Equipment. 6,046E
From DNA Profiling Analysis Fund (0772). 59,089

Personal Service. 57,504E
Expense and Equipment. 5,017E
From Highway Patrol Traffic Records Fund (0758). 62,521

Personal Service. 74,926E
Expense and Equipment. 7,594E
From Highway Patrol Inspection Fund (0297). 82,520
Total. $105,098,425

SECTION 8.090.—To the Department of Public Safety
For the State Highway Patrol
For the Enforcement Program
Personal Service. $8,369,339
Expense and Equipment. 925,952
From General Revenue Fund (0101) 9,295,291

Personal Service. 69,384,627
Expense and Equipment. 5,905,036
From State Highways and Transportation Department Fund (0644). 75,289,663

Expense and Equipment

All expenditures must be in compliance with the United States Department of Justice Equitable Sharing Program guidelines
From Federal Drug Seizure Fund (0194). 1,043,448

Personal Service
From Criminal Record System Fund (0671). 110,384

Expense and Equipment
From Gaming Commission Fund (0286) 357,488

Personal Service. 7,889
Expense and Equipment. 465,125
From Highway Patrol's Motor Vehicle, Aircraft, and Watercraft Revolving Fund (0695) 473,014

Expense and Equipment
From Highway Patrol Traffic Records Fund (0758). 245,242

Personal Service
From Water Patrol Division Fund (0400). 86,091

For receiving and expending grants, donations, contracts, and payments from private, federal, and other government agencies provided the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the expenditure of said funds
Personal Service. 5,213,389

Expense and Equipment	5,852,940
From Department of Public Safety Federal Fund (0152)	11,066,329
For the statewide interoperable communication system	
From State Highways and Transportation Department Fund (0644)	9,100,000
Total (Not to exceed 1,276.50 F.T.E.)	$107,066,950

SECTION 8.095.—To the Department of Public Safety
For the State Highway Patrol
For the Water Patrol Division

Personal Service	$3,460,564
Expense and Equipment	387,251
From General Revenue Fund (0101)	3,847,815
Personal Service	278,761
Expense and Equipment	2,226,991
From Department of Public Safety Federal Fund (0152)	2,505,752
Expense and Equipment	
All expenditures must be in compliance with the United States Department of Justice Equitable Sharing Program guidelines	
From Federal Drug Seizure Fund (0194)	16,499
Personal Service	1,606,352
Expense and Equipment	790,000
From Water Patrol Division Fund (0400)	2,396,352
Total (Not to exceed 84.00 F.T.E.)	$8,766,418

SECTION 8.100.—To the Department of Public Safety
For the State Highway Patrol
For gasoline expenses for State Highway Patrol vehicles, including aircraft and Gaming Commission vehicles
Expense and Equipment

From General Revenue Fund (0101)	$448,547
From Gaming Commission Fund (0286)	775,366
From State Highways and Transportation Department Fund (0644)	6,313,699
Total	$7,537,612

SECTION 8.105.—To the Department of Public Safety
For the State Highway Patrol
For purchase of vehicles, aircraft, and watercraft for the State Highway Patrol and the Gaming Commission in accordance with Section 43.265, RSMo, also for maintenance and repair costs for vehicles
Expense and Equipment

From State Highways and Transportation Department Fund (0644)	$4,818,182
From Highway Patrol's Motor Vehicle, Aircraft, and Watercraft Revolving Fund (0695)	7,713,448
From Gaming Commission Fund (0286)	549,074
Total	$13,080,704

SECTION 8.110.—To the Department of Public Safety
For the State Highway Patrol

For Crime Labs
Personal Service. $2,556,049
Expense and Equipment. 961,393
From General Revenue Fund (0101) 3,517,442

Personal Service. 3,802,818
Expense and Equipment. 909,249
From State Highways and Transportation Department Fund (0644). 4,712,067

Personal Service. 63,382
Expense and Equipment. 1,478,305
From DNA Profiling Analysis Fund (0772). 1,541,687

Personal Service. 117,789
Expense and Equipment. 900,000
From Department of Public Safety Federal Fund (0152) 1,017,789

Personal Service. 187,056
Expense and Equipment. 2,575
From Criminal Record System Fund (0671). 189,631

Expense and Equipment
From State Forensic Laboratory Fund (0591). 327,633
Total (Not to exceed 116.00 F.T.E.). $11,306,249

Section 8.115.—To the Department of Public Safety
For the State Highway Patrol
For the Law Enforcement Academy
Personal Service
From General Revenue Fund (0101). $79,790

Expense and Equipment
From Department of Public Safety Federal Fund (0152) 59,655

Personal Service. 171,292
Expense and Equipment. 79,440
From Gaming Commission Fund (0286) 250,732

Personal Service. 1,308,227
Expense and Equipment. 73,576
From State Highways and Transportation Department Fund (0644). 1,381,803

Personal Service. 100,471
Expense and Equipment. 581,717
From Highway Patrol Academy Fund (0674). 682,188
Total (Not to exceed 35.00 F.T.E.). $2,454,168

Section 8.120.—To the Department of Public Safety
For the State Highway Patrol
For Vehicle and Driver Safety
Expense and Equipment
From Department of Public Safety Federal Fund (0152). $350,000

Personal Service	10,866,272
Expense and Equipment	1,021,875
From State Highways and Transportation Department Fund (0644)	11,888,147
Personal Service	126,250
Expense and Equipment	360,632
From Highway Patrol Inspection Fund (0297)	486,882
Total (Not to exceed 299.00 F.T.E.)	$12,725,029

Section 8.125.—To the Department of Public Safety
For the State Highway Patrol
For refunding unused motor vehicle inspection stickers
From State Highways and Transportation Department Fund (0644). $100,000

Section 8.130.—To the Department of Public Safety
For the State Highway Patrol
For Technical Services

Personal Service	$592,411
Expense and Equipment	37,222
From General Revenue Fund (0101)	629,633
Personal Service	471,899
Expense and Equipment	4,995,285
From Department of Public Safety Federal Fund (0152)	5,467,184
Personal Service	14,023,229
Expense and Equipment	13,500,001
From State Highways and Transportation Department Fund (0644)	27,523,230
Personal Service	3,692,231
Expense and Equipment	4,050,243
For National Criminal Record Reviews	2,500,000
From Criminal Record System Fund (0671)	10,242,474
Personal Service	
From Gaming Commission Fund (0286)	21,121
From Highway Patrol Traffic Records Fund (0758)	77,564
Expense and Equipment	
From Criminal Justice Network and Technology Revolving Fund (0842)	2,699,050
For an interface between the Missouri Uniform Law Enforcement System (MULES) and the Amber Alert System	
From Criminal Justice Network and Technology Revolving Fund (0842)	120,000
Total (Not to exceed 378.00 F.T.E.)	$46,780,256

Section 8.135.—To the Department of Public Safety
For the State Highway Patrol
For the recoupment, receipt, and disbursement of funds for equipment replacement, and expenses
Expense and Equipment
From Highway Patrol Expense Fund (0793). $65,000

SECTION 8.140.—To the Department of Public Safety
Funds are to be transferred out of the State Treasury, chargeable to the Highway Patrol Inspection Fund, to the State Road Fund pursuant to Section 307.365, RSMo

From Highway Patrol Inspection Fund (0297)	$2,000,000

SECTION 8.145.—To the Department of Public Safety
For the Division of Alcohol and Tobacco Control

Personal Service	$755,949
Expense and Equipment	87,492
From General Revenue Fund (0101)	843,441
Personal Service	102,110
Expense and Equipment	63,442
From Department of Public Safety Federal Fund (0152)	165,552
Personal Service	112,572
Expense and Equipment	33,046
From Healthy Families Trust Fund (0625)	145,618
Total (Not to exceed 19.00 F.T.E.)	$1,154,611

SECTION 8.150.—To the Department of Public Safety
For the Division of Alcohol and Tobacco Control
For refunds for unused liquor and beer licenses and for liquor and beer stamps not used and canceled

From General Revenue Fund (0101)	$55,000

SECTION 8.155.—To the Department of Public Safety
For the Division of Fire Safety
For the Division of Fire Safety, provided not more than five percent (5%) flexibility is allowed from personal service to expense and equipment and no flexibility is allowed from expense and equipment to personal service for all funds in this section

Personal Service	$2,127,161
Expense and Equipment	298,499
From General Revenue Fund (0101)	2,425,660
Personal Service	387,982
Expense and Equipment	108,765
From Elevator Safety Fund (0257)	496,747
Personal Service	387,060
Expense and Equipment	64,948
From Boiler and Pressure Vessels Safety Fund (0744)	452,008
Personal Service	86,085
Expense and Equipment	12,027
From Missouri Explosives Safety Act Administration Fund (0804)	98,112
Total (Not to exceed 69.92 F.T.E.)	$3,472,527

SECTION 8.160.—To the Department of Public Safety
For the Division of Fire Safety
For the Fire Safe Cigarette Program

Personal Service. $20,605
Expense and Equipment. 10,204
From Cigarette Fire Safety Standard and Firefighter Protection Act Fund (0937) . . $30,809

SECTION 8.165.—To the Department of Public Safety
For the Division of Fire Safety
For firefighter training contracted services
Expense and Equipment
From General Revenue Fund (0101). $500,000
From Chemical Emergency Preparedness Fund (0587) 100,000
From Fire Education Fund (0821). 320,000
Total. $920,000

SECTION 8.170.—To the Department of Public Safety
For the Missouri Veterans' Commission
For Administration and Service to Veterans
Personal Service. $523,440
Expense and Equipment. 131,588
From Missouri Veterans' Homes Fund (0460). 655,028

Personal Service 3,559,452
Expense and Equipment. 1,307,855
From Veterans Commission Capital Improvement Trust Fund (0304) 4,867,307

Expense and Equipment
From Veterans' Trust Fund (0579). 23,832
Total (Not to exceed 114.46 F.T.E.). $5,546,167

SECTION 8.175.—To the Department of Public Safety
For the Missouri Veterans' Commission
For the restoration, renovation, and maintenance of a World War I
Memorial
From World War I Memorial Trust Fund (0993). $150,000

SECTION 8.180.—To the Department of Public Safety
For the Missouri Veterans' Commission
For distribution of donations to the National Park Service for the
maintenance of the World War II Memorial in Washington, D.C.
From World War II Memorial Trust Fund (0891). $375,000

SECTION 8.185.—To the Department of Public Safety
For the Missouri Veterans' Commission
For Veterans' Service Officer Program
From Veterans Commission Capital Improvement Trust Fund (0304). $1,600,000

SECTION 8.190.—To the Department of Public Safety
For the Missouri Veterans' Commission
For Missouri Veterans' Homes
Expense and Equipment
From General Revenue Fund (0101). $750,000

Personal Service. 52,373,750

Expense and Equipment. 22,118,246
From Missouri Veterans' Homes Fund (0460). 74,491,996

Expense and Equipment
From Veterans' Trust Fund (0579) 49,980

Personal Service
From Veterans Commission Capital Improvement Trust Fund (0304) 29,148

For refunds to veterans and/or the U.S. Department of Veterans' Affairs
From Missouri Veterans' Homes Fund (0460). 1,274,400

For paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees
From Missouri Veterans' Homes Fund (0460). 1,572,932
Total (Not to exceed 1,639.48 F.T.E.). $78,168,456

SECTION 8.195.—To the Department of Public Safety
Funds are to be transferred out of the State Treasury, chargeable to the Veterans Commission Capital Improvement Trust Fund, to the Missouri Veterans' Homes Fund
From Veterans Commission Capital Improvement Trust Fund (0304). $30,000,000

SECTION 8.200.—To the Department of Public Safety
For the Gaming Commission
For the Divisions of Gaming and Bingo
Personal Service. $14,455,898
Expense and Equipment. 1,726,519
From Gaming Commission Fund (0286) 16,182,417

Expense and Equipment
From Compulsive Gamblers Fund (0249). 56,310
Total (Not to exceed 239.00 F.T.E.). $16,238,727

SECTION 8.205.—To the Department of Public Safety
For the Gaming Commission
For fringe benefits, including retirement contributions for members of the Missouri Department of Transportation and Highway Patrol Employees' Retirement System, and insurance premiums for State Highway Patrol employees assigned to work under the direction of the Gaming Commission
Personal Service. $6,605,754E
Expense and Equipment. 267,317E
From Gaming Commission Fund (0286). $6,873,071

SECTION 8.210.—To the Department of Public Safety
For the Gaming Commission
For refunding any overpayment or erroneous payment of any amount that is credited to the Gaming Commission Fund
From Gaming Commission Fund (0286). $100,000

SECTION 8.215.—To the Department of Public Safety
For the Gaming Commission
For refunding any overpayment or erroneous payment of any amount received for bingo fees
From Bingo Proceeds for Education Fund (0289). $5,000

SECTION 8.220.—To the Department of Public Safety
For the Gaming Commission
For breeder incentive payments
From Missouri Breeders Fund (0605). $5,000

SECTION 8.225.—To the Department of Public Safety
Funds are to be transferred out of the State Treasury, chargeable to the Gaming Commission Fund, to the Veterans Commission Capital Improvement Trust Fund
From Gaming Commission Fund (0286). $32,000,000

SECTION 8.230.—To the Department of Public Safety
Funds are to be transferred out of the State Treasury, chargeable to the Gaming Commission Fund, to the Missouri National Guard Trust Fund
From Gaming Commission Fund (0286). $4,000,000

SECTION 8.235.—To the Department of Public Safety
Funds are to be transferred out of the State Treasury, chargeable to the Gaming Commission Fund, to the Access Missouri Financial Assistance Fund
From Gaming Commission Fund (0286). $5,000,000

SECTION 8.240.—To the Department of Public Safety
Funds are to be transferred out of the State Treasury, chargeable to the Gaming Commission Fund, to the Compulsive Gamblers Fund
From Gaming Commission Fund (0286). $289,850

SECTION 8.245.—To the Adjutant General
For Missouri Military Forces Administration
Personal Service. $1,032,632
Expense and Equipment. 125,133
From General Revenue Fund (0101) 1,157,765

Expense and Equipment
All expenditures must be in compliance with the United States Department of Justice Equitable Sharing Program guidelines
From Federal Drug Seizure Fund (0194). 120,000
Total (Not to exceed 29.48 F.T.E.). $1,277,765

SECTION 8.250.—To the Adjutant General
For activities in support of the Missouri National Guard, including the National Guard Tuition Assistance Program and the Military Honors Program
Expense and Equipment
From General Revenue Fund (0101). $2,953,957

Personal Service. 1,266,104

Expense and Equipment. 3,226,247
From Missouri National Guard Trust Fund (0900). 4,492,351
Total (Not to exceed 42.40 F.T.E.). $7,446,308

SECTION 8.255.—To the Adjutant General
For the Veterans Recognition Program
Personal Service. $93,390
Expense and Equipment. 136,732
From Veterans Commission Capital Improvement Trust Fund (0304)
(Not to exceed 3.00 F.T.E.). $230,122

SECTION 8.260.—To the Adjutant General
Funds are to be transferred out of the State Treasury, chargeable to the
Korean Conflict Veterans' Recognition Award Fund, to the
Veterans Commission Capital Improvement Trust Fund
From Korean Conflict Veterans' Recognition Award Fund (0762). $150

SECTION 8.265.—To the Adjutant General
For Missouri Military Forces Field Support
Personal Service. $695,358
Expense and Equipment. 1,602,217
From General Revenue Fund (0101) 2,297,575

Personal Service. 99,889
Expense and Equipment. 98,417
From Adjutant General - Federal Fund (0190). 198,306
Total (Not to exceed 40.37 F.T.E.). $2,495,881

SECTION 8.270.—To the Adjutant General
For operational expenses at armories from armory rental fees
Expense and Equipment
From Adjutant General Revolving Fund (0530). $25,000

SECTION 8.275.—To the Adjutant General
For the Missouri Military Family Relief Program
Expense and Equipment. $10,000
For grants to family members of the National Guard and reservists
who are in financial need. 140,000
From Missouri Military Family Relief Fund (0719). $150,000

SECTION 8.280.—To the Adjutant General
For training site operating costs
Expense and Equipment
From Missouri National Guard Training Site Fund (0269). $330,000

SECTION 8.285.—To the Adjutant General
For Military Forces Contract Services
Personal Service. $433,642
Expense and Equipment. 19,773
From General Revenue Fund (0101) 453,415

Personal Service. 12,444,986

Expense and Equipment. 14,803,556
From Adjutant General - Federal Fund (0190). 27,248,542

Personal Service
From Missouri National Guard Training Site Fund (0269) 20,072

Expense and Equipment
From Missouri National Guard Trust Fund (0900) 673,925

For refund of federal overpayments to the state for the Contract Services Program
From Adjutant General - Federal Fund (0190). 865,561
Total (Not to exceed 327.80 F.T.E.). $29,261,515

SECTION 8.290.—To the Adjutant General
For the Office of Air Search and Rescue
Expense and Equipment
From General Revenue Fund (0101). $17,501

SECTION 8.295.—To the Department of Public Safety
For the State Emergency Management Agency
For Administration and Emergency Operations
Personal Service. $1,258,532
Expense and Equipment. 202,974
From General Revenue Fund (0101) 1,461,506

Personal Service. 1,285,602
Expense and Equipment. 824,057
From State Emergency Management - Federal Fund (0145). 2,109,659

Personal Service. 269,922
Expense and Equipment. 33,950
From Missouri Disaster Fund (0663) 303,872

Personal Service. 1,134,329
Expense and Equipment. 120,000
From Department of Health and Senior Services - Federal Fund (0143). 1,254,329

Personal Service. 159,491
Expense and Equipment. 85,117
From Chemical Emergency Preparedness Fund (0587). 244,608
Total (Not to exceed 93.49 F.T.E.). $5,373,974

SECTION 8.300.—To the Department of Public Safety
For the State Emergency Management Agency
For the Community Right-to-Know Act
From Chemical Emergency Preparedness Fund (0587). $650,000

For distribution of funds to local emergency planning commissions to implement the federal Hazardous Materials Transportation Uniform Safety Act of 1990
From State Emergency Management - Federal Fund (0145). 750,000
Total. $1,400,000

SECTION 8.305.—To the Department of Public Safety
For the State Emergency Management Agency
For all allotments, grants, and contributions from federal and other sources that are deposited in the State Treasury for administrative and training expenses of the State Emergency Management Agency and for first responder training programs
From State Emergency Management - Federal Fund (0145). $12,499,853

For all allotments, grants, and contributions from federal and other sources that are deposited in the State Treasury for the use of the State Emergency Management Agency for alleviating distress from disasters
From Missouri Disaster Fund (0663) 100,505,222

To provide matching funds for federal grants and for emergency assistance expenses of the State Emergency Management Agency as provided in Section 44.032, RSMo
From General Revenue Fund (0101) 12,543,999

To provide for expenses of any state agency responding during a declared emergency at the direction of the governor provided the services furnish immediate aid and relief
From General Revenue Fund (0101). 3,455,010
Total. $129,004,084

Bill Totals
General Revenue Fund. $69,471,854
Federal Funds. 259,512,068
Other Funds.. 405,698,166
Total. $734,682,088

Approved May 8, 2015

HB 9 [CCS SCS HCS HB 9]

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

Appropriates money for the expenses, grants, refunds, and distributions of the Department of Corrections

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2015 and ending June 30, 2016; provided that no funds from these sections shall be expended for the purpose of costs associated with the travel or staffing of the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2015 and ending June 30, 2016, as follows:

SECTION 9.005.—To the Department of Corrections
For the Office of the Director, provided that the department shall maintain logs of all incarcerated individuals transported to and from each institution for healthcare needs, the destination, length of stay and number of personnel used to transport. And also, provided not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between sections

Personal Service	$4,403,330
Annual salary adjustment in accordance with Section 105.005, RSMo	652
Expense and Equipment	147,678
From General Revenue Fund (0101)	4,551,660

For Family Support Services

From General Revenue Fund (0101)	384,093
From Department of Corrections - Federal Fund (0130)	71,024
Total (Not to exceed 107.00 F.T.E.)	$5,006,777

SECTION 9.010.—To the Department of Corrections
For the Office of the Director
For the Offender Reentry Program
Expense and Equipment

From Inmate Fund (0540)	$199,500

For a Kansas City Reentry Program	178,000
For Ex-Offender Rehabilitative Resources	40,000
For a St. Louis Reentry Program	750,000
From General Revenue Fund (0101)	968,000
Total	$1,167,500

SECTION 9.015.—To the Department of Corrections
For the Office of the Director
For the purpose of receiving and expending grants, donations, contracts, and payments from private, federal, and other governmental agencies which may become available between sessions of the General Assembly provided the General Assembly shall be notified of the source of any new funds and the purpose for which they should be expended, in writing, prior to the use of said funds

Personal Service	$2,343,506
Expense and Equipment	2,456,446
From Department of Corrections - Federal Fund (0130)	4,799,952

For the expenditure of contributions, gifts, and grants in support of a foster care dog program to increase the adoptability of shelter animals and train service dogs for the disabled

From State Institutions Gift Trust Fund (0925)	30,000

Total (Not to exceed 43.00 F.T.E.). $4,829,952

SECTION 9.020.—To the Department of Corrections
For the Office of the Director
For costs associated with increased offender population department-wide, including, but not limited to, funding for personal service, expense and equipment, contractual services, repairs, renovations, capital improvements, and compensatory time provided not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between sections

Personal Service. $100
Expense and Equipment.. 427,061
From General Revenue Fund (0101) 427,161

Expense and Equipment
From Inmate Incarceration Reimbursement Act Revolving Fund (0828). 750,000
Total. $1,177,161

SECTION 9.025.—To the Department of Corrections
For the Office of the Director
For telecommunications department-wide, provided not more than ten percent (10%) flexibility is allowed between sections
Expense and Equipment
From General Revenue Fund (0101). $1,860,529

SECTION 9.030.—To the Department of Corrections
For the Office of the Director
For restitution payments for those wrongly convicted
From General Revenue Fund (0101). $75,278

SECTION 9.035.—To the Department of Corrections
For the Division of Human Services, provided not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between sections
Personal Service. $9,291,025
Expense and Equipment.. 111,989
From General Revenue Fund (0101) 9,403,014

Personal Service. 140,870
Expense and Equipment.. 34,068
From Inmate Fund (0540). 174,938
Total (Not to exceed 254.60 F.T.E.). $9,577,952

SECTION 9.040.—To the Department of Corrections
For the Division of Human Services
For general services, provided not more than ten percent (10%) flexibility is allowed between sections
Expense and Equipment
From General Revenue Fund (0101). $411,834

SECTION 9.045.—To the Department of Corrections
For the Office of the Director
For the operation of institutional facilities, utilities, systems furniture and structural modifications, provided not more than ten percent (10%) flexibility is allowed between sections
Expense and Equipment
From General Revenue Fund (0101). $26,055,411
From Working Capital Revolving Fund (0510). 1,425,607
Total. $27,481,018

SECTION 9.050.—To the Department of Corrections
For the Division of Human Services
For the purchase, transportation, and storage of food and food service items, and operational expenses of food preparation facilities at all correctional institutions, provided not more than ten percent (10%) flexibility is allowed between sections
Expense and Equipment
From General Revenue Fund (0101). $31,183,488
From Department of Corrections - Federal Fund (0130). 250,000
Total. $31,433,488

SECTION 9.055.—To the Department of Corrections
For the Division of Human Services
For training costs department-wide, provided not more than ten percent (10%) flexibility is allowed between sections
Expense and Equipment
From General Revenue Fund (0101). $913,909

SECTION 9.060.—To the Department of Corrections
For the Division of Human Services
For employee health and safety, provided not more than ten percent (10%) flexibility is allowed between sections
Expense and Equipment
From General Revenue Fund (0101). $580,135

SECTION 9.065.—To the Department of Corrections
For the Division of Human Services
For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees, provided not more than ten percent (10%) flexibility is allowed between sections
Personal Service
From General Revenue Fund (0101). $6,054,947

SECTION 9.070.—To the Department of Corrections
For the Division of Adult Institutions
For the expenses and small equipment purchases at any of the adult institutions department-wide, provided not more than ten percent (10%) flexibility is allowed between sections
Expense and Equipment
From General Revenue Fund (0101). $22,602,665

SECTION 9.075.—To the Department of Corrections
For the Division of Adult Institutions, provided not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between sections
Personal Service. $1,597,266
Expense and Equipment. 127,443
From General Revenue Fund (0101) (Not to exceed 38.41 F.T.E.). $1,724,709

SECTION 9.080.—To the Department of Corrections
For the Division of Adult Institutions
For inmate wage and discharge costs at all correctional facilities, provided not more than ten percent (10%) flexibility is allowed between sections
Expense and Equipment
From General Revenue Fund (0101). $3,259,031

SECTION 9.085.—To the Department of Corrections
For the Division of Adult Institutions
For the Jefferson City Correctional Center, provided not more than ten percent (10%) flexibility is allowed between institutions
Personal Service
From General Revenue Fund (0101) (Not to exceed 530.00 F.T.E.). $17,428,781

SECTION 9.090.—To the Department of Corrections
For the Division of Adult Institutions
For the Women's Eastern Reception, Diagnostic and Correctional Center at Vandalia, provided not more than ten percent (10%) flexibility is allowed between institutions
Personal Service
From General Revenue Fund (0101) (Not to exceed 433.00 F.T.E.). $13,930,196

SECTION 9.095.—To the Department of Corrections
For the Division of Adult Institutions
For the Ozark Correctional Center at Fordland, provided not more than ten percent (10%) flexibility is allowed between institutions
Personal Service
From General Revenue Fund (0101). $5,591,119
From Inmate Fund (0540). 273,383
Total (Not to exceed 171.00 F.T.E.). $5,864,502

SECTION 9.100.—To the Department of Corrections
For the Division of Adult Institutions
For the Moberly Correctional Center, provided not more than ten percent (10%) flexibility is allowed between institutions
Personal Service
From General Revenue Fund (0101) (Not to exceed 385.00 F.T.E.). $12,909,328

SECTION 9.105.—To the Department of Corrections
For the Division of Adult Institutions
For the Algoa Correctional Center at Jefferson City, provided not more than ten percent (10%) flexibility is allowed between institutions

Personal Service
From General Revenue Fund (0101) (Not to exceed 325.00 F.T.E.). $10,739,649

SECTION 9.110.—To the Department of Corrections
For the Division of Adult Institutions
For the Missouri Eastern Correctional Center at Pacific, provided not more than ten percent (10%) flexibility is allowed between institutions
Personal Service
From General Revenue Fund (0101) (Not to exceed 330.00 F.T.E.). $10,828,391

SECTION 9.115.—To the Department of Corrections
For the Division of Adult Institutions
For the Chillicothe Correctional Center, provided not more than ten percent (10%) flexibility is allowed between institutions
Personal Service
From General Revenue Fund (0101). $13,754,326
From Inmate Fund (0540). 29,173
Total (Not to exceed 459.02 F.T.E.). $13,783,499

SECTION 9.120.—To the Department of Corrections
For the Division of Adult Institutions
For the Boonville Correctional Center, provided not more than ten percent (10%) flexibility is allowed between institutions
Personal Service
From General Revenue Fund (0101). $10,028,594
From Inmate Fund (0540). 35,554
Total (Not to exceed 300.00 F.T.E.). $10,064,148

SECTION 9.125.—To the Department of Corrections
For the Division of Adult Institutions
For the Farmington Correctional Center, provided not more than ten percent (10%) flexibility is allowed between institutions
Personal Service
From General Revenue Fund (0101) (Not to exceed 589.00 F.T.E.). $19,348,144

SECTION 9.130.—To the Department of Corrections
For the Division of Adult Institutions
For the Western Missouri Correctional Center at Cameron, provided not more than ten percent (10%) flexibility is allowed between institutions
Personal Service
From General Revenue Fund (0101) (Not to exceed 485.00 F.T.E.). $15,923,965

SECTION 9.135.—To the Department of Corrections
For the Division of Adult Institutions
For the Potosi Correctional Center, provided not more than ten percent (10%) flexibility is allowed between institutions
Personal Service
From General Revenue Fund (0101) (Not to exceed 331.00 F.T.E.). $11,053,952

SECTION 9.140.—To the Department of Corrections
For the Division of Adult Institutions

For the Fulton Reception and Diagnostic Center, provided not more than ten percent (10%) flexibility is allowed between institutions
Personal Service
From General Revenue Fund (0101) (Not to exceed 425.00 F.T.E.). $13,858,224

SECTION 9.145.—To the Department of Corrections
For the Division of Adult Institutions
For the Tipton Correctional Center, provided not more than ten percent (10%) flexibility is allowed between institutions
Personal Service

From General Revenue Fund (0101).	$10,388,893
From Inmate Fund (0540).	91,881
Total (Not to exceed 310.00 F.T.E.).	$10,480,774

SECTION 9.150.—To the Department of Corrections
For the Division of Adult Institutions
For the Western Reception, Diagnostic and Correctional Center at St. Joseph, provided not more than ten percent (10%) flexibility is allowed between institutions
Personal Service
From General Revenue Fund (0101) (Not to exceed 510.00 F.T.E.). $16,448,498

SECTION 9.155.—To the Department of Corrections
For the Division of Adult Institutions
For the Maryville Treatment Center, provided not more than ten percent (10%) flexibility is allowed between institutions
Personal Service
From General Revenue Fund (0101) (Not to exceed 179.00 F.T.E.). $6,043,722

SECTION 9.160.—To the Department of Corrections
For the Division of Adult Institutions
For the Crossroads Correctional Center at Cameron, provided not more than ten percent (10%) flexibility is allowed between institutions
Personal Service
From General Revenue Fund (0101) (Not to exceed 385.00 F.T.E.). $12,574,846

SECTION 9.165.—To the Department of Corrections
For the Division of Adult Institutions
For the Northeast Correctional Center at Bowling Green, provided not more than ten percent (10%) flexibility is allowed between institutions
Personal Service
From General Revenue Fund (0101) (Not to exceed 529.00 F.T.E.). $17,018,571

SECTION 9.170.—To the Department of Corrections
For the Division of Adult Institutions
For the Eastern Reception, Diagnostic and Correctional Center at Bonne Terre, provided not more than ten percent (10%) flexibility is allowed between institutions
Personal Service
From General Revenue Fund (0101) (Not to exceed 611.00 F.T.E.). $19,404,996

SECTION 9.175.—To the Department of Corrections
For the Division of Adult Institutions
For the South Central Correctional Center at Licking, provided not more than ten percent (10%) flexibility is allowed between institutions
Personal Service
From General Revenue Fund (0101) (Not to exceed 411.00 F.T.E.). $13,301,983

SECTION 9.180.—To the Department of Corrections
For the Division of Adult Institutions
For the Southeast Correctional Center at Charleston, provided not more than ten percent (10%) flexibility is allowed between institutions
Personal Service
From General Revenue Fund (0101) (Not to exceed 408.00 F.T.E.). $13,112,546

SECTION 9.181.—To the Department of Corrections
For the Division of Adult Institutions
For the Kansas City Reentry Center, provided not more than ten percent (10%) flexibility is allowed within the Division of Adult Institutions and up to one hundred percent (100%) flexibility is allowed with section 9.230
Personal Service
From General Revenue Fund (0101). $1
From Inmate Fund (0540). 1
Total. $2

SECTION 9.185.—To the Department of Corrections
For the Division of Offender Rehabilitative Services, provided not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between sections
Personal Service. $1,252,455
Expense and Equipment. 44,462
From General Revenue Fund (0101) (Not to exceed 24.15 F.T.E.). $1,296,917

SECTION 9.190.—To the Department of Corrections
For the Division of Offender Rehabilitative Services
For contractual services for offender physical and mental health care, provided not more than ten percent (10%) flexibility is allowed between sections and further provided that the department shall require the contractor to provide total actual expenditures of all outside paid medical invoices including, but not limited to, hospital, labs, diagnostic testing, medical providers, etc. prior to payments from this section and in accordance with the Health Insurance Portability and Accountability Act guidelines
From General Revenue Fund (0101). $145,398,471

SECTION 9.195.—To the Department of Corrections
For the Division of Offender Rehabilitative Services
For medical equipment, provided not more than ten percent (10%) flexibility is allowed between sections
Expense and Equipment
From General Revenue Fund (0101). $299,087

SECTION 9.200.—To the Department of Corrections
For the Division of Offender Rehabilitative Services
For substance abuse services, provided not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between sections

Personal Service	$3,856,363
Expense and Equipment	5,146,536
From General Revenue Fund (0101)	9,002,899
Expense and Equipment	
From Correctional Substance Abuse Earnings Fund (0853)	140,000
Total (Not to exceed 112.00 F.T.E.)	$9,142,899

SECTION 9.205.—To the Department of Corrections
For the Division of Offender Rehabilitative Services
For toxicology testing, provided not more than ten percent (10%) flexibility is allowed between sections
Expense and Equipment
From General Revenue Fund (0101) $517,125

SECTION 9.210.—To the Department of Corrections
For the Division of Offender Rehabilitative Services
For offender education, provided not more than ten percent (10%) flexibility is allowed between sections
Personal Service
From General Revenue Fund (0101) (Not to exceed 222.00 F.T.E.) $8,567,883

SECTION 9.215.—To the Department of Corrections
For the Division of Offender Rehabilitative Services
For Missouri Correctional Enterprises, provided not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment

Personal Service	$7,037,734
Expense and Equipment	22,000,000
From Working Capital Revolving Fund (0510) (Not to exceed 222.00 F.T.E.)	$29,037,734

SECTION 9.220.—To the Department of Corrections
For the Board of Probation and Parole, provided no funds shall be used to transport non-custody inmates and not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than ten percent (10%) flexibility is allowed between sections

Personal Service	$64,787,334
Annual salary adjustment in accordance with Section 105.005, RSMo	3,287
Expense and Equipment	3,592,863
From General Revenue Fund (0101)	68,383,484
Expense and Equipment	
From Inmate Fund (0540)	4,703,605

For transfers and refunds set-off against debts as required by Section

143.786, RSMo
From Debt Offset Escrow Fund (0753). 1,100,000
Total (Not to exceed 1,750.81 F.T.E.). $74,187,089

SECTION 9.225.—To the Department of Corrections
For the Board of Probation and Parole
For the St. Louis Community Release Center, provided not more than ten percent (10%) flexibility is allowed between sections
Personal Service
From General Revenue Fund (0101) (Not to exceed 125.86 F.T.E.). $4,292,968

SECTION 9.230.—To the Department of Corrections
For the Board of Probation and Parole
For the Kansas City Community Release Center, provided not more than ten percent (10%) flexibility is allowed between sections and up to one hundred percent (100%) flexibility is allowed with section 9.181
Personal Service
From General Revenue Fund (0101). $2,577,921
From Inmate Fund (0540). 49,360
Total (Not to exceed 79.18 F.T.E.). $2,627,281

SECTION 9.235.—To the Department of Corrections
For the Board of Probation and Parole
For the Command Center, provided not more than ten percent (10%) flexibility is allowed between sections
Expense and Equipment
From General Revenue Fund (0101). $4,900

Personal Service
From Inmate Fund (0540). 566,600
Total (Not to exceed 14.40 F.T.E.). $571,500

SECTION 9.240.—To the Department of Corrections
For the Board of Probation and Parole
For local sentencing initiatives
Expense and Equipment
From General Revenue Fund (0101). $2,000,000
From Inmate Fund (0540). 40,000
Total. $2,040,000

SECTION 9.245.—To the Department of Corrections
For the Board of Probation and Parole
For residential treatment facilities
Expense and Equipment
From Inmate Fund (0540). $3,989,458

SECTION 9.250.—To the Department of Corrections
For the Board of Probation and Parole
For electronic monitoring
Expense and Equipment
From Inmate Fund (0540). $1,780,289

Section 9.255.—To the Department of Corrections
For the Board of Probation and Parole
For community supervision centers, provided no funds shall be used to transport non-custody inmates and not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment and not more than fifteen percent (15%) flexibility is allowed between sections

Personal Service	$4,576,139
Expense and Equipment	410,718
From General Revenue Fund (0101)	4,986,857
Expense and Equipment	
From Inmate Fund (0540)	440,000
Total (Not to exceed 144.42 F.T.E.)	$5,426,857

Section 9.260.—To the Department of Corrections
For paying an amount in aid to the counties that is the net amount of costs in criminal cases, transportation of convicted criminals to the state penitentiaries, housing, and costs for reimbursement of the expenses associated with extradition, less the amount of unpaid city or county liability to furnish public defender office space and utility services pursuant to Section 600.040, RSMo

From General Revenue Fund (0101)	$39,817,168

Bill Totals

General Revenue Fund	$661,290,269
Federal Funds	5,120,976
Other Funds	43,757,083
Total	$710,168,328

Approved May 8, 2015

HB 10 [CCS SCS HCS HB 10]

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

Appropriates money for the expenses, grants, refunds, and distributions of the Department of Mental Health, Board of Public Buildings, and Department of Health and Senior Services

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Department of Health and Senior Services, and the several divisions and programs thereof, and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2015 and ending June 30, 2016; provided that no funds from these sections shall be expended for the purpose of costs associated with the travel or staffing of the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General, and further provided that no funds from these sections shall be expended for the purpose of medicaid expansion as outlined under the Affordable Care Act.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2015 and ending June 30, 2016, as follows:

SECTION 10.005.—To the Department of Mental Health
For the Office of the Director

Personal Service	$440,915
Expense and Equipment	9,354
From General Revenue Fund (0101)	450,269
Personal Service	73,258
Expense and Equipment	52,013
From Department of Mental Health Federal Fund (0148)	125,271
Total (Not to exceed 8.09 F.T.E.)	$575,540

SECTION 10.010.—To the Department of Mental Health
For the Office of the Director
For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees
Personal Service

From General Revenue Fund (0101)	$1,090,548

SECTION 10.015.—To the Department of Mental Health
Funds are to be transferred out of the State Treasury, chargeable to Department of Mental Health Federal Fund to the OA Information Technology - Federal Fund for the purpose of funding the consolidation of Information Technology Services

From Department of Mental Health Federal Fund (0148)	$100,000

SECTION 10.020.—To the Department of Mental Health
For the Office of the Director, provided that not more than seventy-five percent (75%) flexibility is allowed between Medicaid and Non-Medicaid appropriations within this section
For funding program operations and support

Personal Service	$4,605,309
Expense and Equipment	354,986
From General Revenue Fund (0101)	4,960,295
Personal Service	895,261
Expense and Equipment	853,430
From Department of Mental Health Federal Fund (0148)	1,748,691

For the Missouri Medicaid mental health partnership technology initiative

Personal Service	60,703
Expense and Equipment	614,811
From General Revenue Fund (0101)	675,514

Personal Service. 10,323
Expense and Equipment.. 506,650
From Department of Mental Health Federal Fund (0148). 516,973
Total (Not to exceed 123.05 F.T.E.). $7,901,473

SECTION 10.025.—To the Department of Mental Health
For the Office of the Director
For the purpose of providing Mental Health assistance, training and services in man-made and naturally occurring state declared disaster areas

For the purpose of training front line department of Mental Health vendors and staff pursuant to SB 716
From General Revenue Fund (0101). $20,000

For staff training
Expense and Equipment
From General Revenue Fund (0101). $357,495

Personal Service. 180,285
Expense and Equipment.. 289,500
From Department of Mental Health Federal Fund (0148) 469,785

Expense and Equipment
From Mental Health Earnings Fund (0288).. 100,000
Total. $947,280

SECTION 10.030.—To the Department of Mental Health
For the Office of the Director
For the purpose of funding insurance, private pay, licensure fee, and/or Medicaid refunds by state facilities operated by the Department of Mental Health
From General Revenue Fund (0101). $200,000

For refunds
From Department of Mental Health Federal Fund (0148) 250,000
From Mental Health Interagency Payments Fund (0109). 100
From Mental Health Intergovernmental Transfer Fund (0147). 100
From Compulsive Gamblers Fund (0249) 100
From Health Initiatives Fund (0275).. 100
From Mental Health Earnings Fund (0288).. 50,000
From Inmate Fund (0540). 100
From Healthy Families Trust Fund (0625). 100
From Mental Health Trust Fund (0926) 25,000
From DMH Local Tax Matching Fund (0930). 150,000

For the payment of refunds set off against debts as required by Section 143.786, RSMo
From Debt Offset Escrow Fund (0753). 100,000
Total. $775,600

SECTION 10.035.—To the Department of Mental Health

Funds are to be transferred out of the State Treasury, chargeable to the Abandoned Fund Account to the Mental Health Trust Fund
From Abandoned Fund Account (0863). $100,000

SECTION 10.040.—To the Department of Mental Health
For the Office of the Director
For the purpose of funding receipt and disbursement of donations and gifts which may become available to the Department of Mental Health during the year (excluding federal grants and funds)
Personal Service. $443,700
Expense and Equipment. 1,000,000
From Mental Health Trust Fund (0926) (Not to exceed 7.50 F.T.E.). $1,443,700

SECTION 10.045.—To the Department of Mental Health
For the Office of the Director
For the purpose of receiving and expending grants, donations, contracts, and payments from private, federal, and other governmental agencies which may become available between sessions of the General Assembly provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the use of said funds
Personal Service. $117,404
Expense and Equipment. 2,461,728
From Department of Mental Health Federal Fund (0148) (Not to exceed 2.00 F.T.E.). $2,579,132

SECTION 10.050.—To the Department of Mental Health
For the Office of the Director
For the purpose of funding Children's System of Care
Personal Service. $39,392
Expense and Equipment. 861,479
From Department of Mental Health Federal Fund (0148) (Not to exceed 1.00 F.T.E.). $900,871

SECTION 10.055.—To the Department of Mental Health
For the Office of the Director
For housing assistance for homeless veterans
From General Revenue Fund (0101). $255,000
From Department of Mental Health Federal Fund (0148) 715,000

For the purpose of funding Shelter Plus Care grants
From Department of Mental Health Federal Fund (0148). 10,943,496
Total. $11,913,496

SECTION 10.060.—To the Department of Mental Health
For Medicaid payments related to intergovernmental payments
From Department of Mental Health Federal Fund (0148). $15,000,000
From Mental Health Intergovernmental Transfer Fund (0147). 8,000,000
Total. $23,000,000

SECTION 10.065.—To the Department of Mental Health
Funds are to be transferred out of the State Treasury, chargeable to the

General Revenue Fund, to the Department of Social Services Intergovernmental Transfer Fund for the purpose of providing the state match for the Department of Mental Health payments
From General Revenue Fund (0101). $207,635,680

SECTION 10.070.—To the Department of Mental Health
Funds are to be transferred out of the State Treasury, chargeable to Department of Mental Health Federal Fund to the General Revenue Fund for the purpose of supporting the Department of Mental Health
From Department of Mental Health Federal Fund (0148). $1,550,000

SECTION 10.075.—To the Department of Mental Health
Funds are to be transferred out of the State Treasury, chargeable to Department of Mental Health Federal Fund to the General Revenue Fund for the purpose of providing the state match for the Department of Mental Health payments
From Department of Mental Health Federal Fund (0148). $125,179,424

SECTION 10.080.—To the Department of Mental Health
Funds are to be transferred out of the State Treasury, chargeable to Department of Mental Health Federal Fund to the General Revenue Fund Disproportionate Share Hospital funds leveraged by the Department of Mental Health - Institution of Mental Disease facilities
From Department of Mental Health Federal Fund (0148). $59,000,000

SECTION 10.100.—To the Department of Mental Health
For the Division of Behavioral Health
For the purpose of funding the administration of statewide comprehensive alcohol and drug abuse prevention and treatment programs

Personal Service.	$846,006
Expense and Equipment..	20,729
From General Revenue Fund (0101)	866,735
Personal Service.	870,596
Expense and Equipment..	175,220
From Department of Mental Health Federal Fund (0148)	1,045,816
Personal Service	
From Health Initiatives Fund (0275)..	46,938
Total (Not to exceed 36.32 F.T.E.)..	$1,959,489

SECTION 10.105.—To the Department of Mental Health
For the Division of Behavioral Health
For the purpose of funding a three percent (3%) provider rate increase beginning on January 1, 2016 for the providers of ADA prevention and education services
From Tax Amnesty Fund (0470). $121,681

For the purpose of funding prevention and education services
From Department of Mental Health Federal Fund (0148) 4,600,103

Personal Service

From General Revenue Fund (0101) 26,263

Personal Service. 144,847
Expense and Equipment. 192,363
From Department Mental Health Federal Fund (0148). 337,210

Expense and Equipment
From Healthy Families Trust Fund (0625). 300,000

For tobacco retailer education
The Division of Behavioral Health shall be allowed to use persons under the age of eighteen for the purpose of tobacco retailer education in support of Synar requirements under the federal substance abuse prevention and treatment block grant
Personal Service. 19,908
Expense and Equipment. 90,194
From Department of Mental Health Federal Fund (0148) 110,102

For enabling enforcement of the provisions of the Family Smoking Prevention and Tobacco Control Act of 2009, in collaboration with the Department of Public Safety, Division of Alcohol and Tobacco Control
Personal Service. 308,046
Expense and Equipment. 145,613
From Department of Mental Health Federal Fund (0148) 453,659

For Community 2000 Team programs
From General Revenue Fund (0101) 729,300
From Department of Mental Health Federal Fund (0148) 2,121,484
From Health Initiatives Fund (0275). 82,148

For school-based alcohol and drug abuse prevention programs
From Department of Mental Health Federal Fund (0148). 1,264,177
Total (Not to exceed 9.09 F.T.E.). $10,146,127

SECTION 10.110.—To the Department of Mental Health
For the Division of Behavioral Health
For the purpose of funding a three percent (3%) provider rate increase beginning on January 1, 2016 for the providers of ADA Treatment Services
From Tax Amnesty Fund (0470). $1,244,676
From Department of Mental Health Federal Fund (0148) 526,453

For the Division of Behavioral Health, provided that not more than seventy-five percent (75%) flexibility is allowed between Medicaid and Non-Medicaid appropriations within this section
For the purpose of funding the treatment of alcohol and drug abuse, and authorization to explore a federal waiver to provide services like early intervention treatment for Missourians with serious mental illness and services to individuals engaged in treatment courts, provided that the department of mental health waiver match costs do not exceed the state appropriation provided in this section and shall be budget neutral to overall state and federal spending

Personal Service. 523,819
For treatment of alcohol and drug abuse 38,249,413
From General Revenue Fund (0101) 38,773,232

For the purpose of reducing recidivism among offenders with serious substance use disorders who are returning to the St. Louis area from Maryville Treatment Center, Ozark Correctional Center, and Northeast Correctional Center. The department shall select a qualified not-for-profit service provider in accordance with state purchasing rules. The provider must have experience serving this population in a correctional setting as well as in the community. The provider shall design and implement an evidence-based program that includes a continuum of services from prison to community, including medication assisted treatment that is initiated prior to release, when appropriate. The program must include an evaluation component to determine its effectiveness relative to other options
From General Revenue (0101). 1,000,000

For the sole purpose of conducting and evaluating a Pilot Project at Women's Eastern Reception and Diagnostic, Northeast, Chillicothe, and Cremer Therapeutic Community Centers for up to 150 women and up to 45 males, with twenty of the individuals selected having a developmental disability. If it is deemed medically appropriate, these individuals may volunteer to receive FDA approved non-addictive medication assisted treatment for alcohol dependence and prevention of relapse to opioid dependence prior to release, and for up to six months after release. Other medical services, including but not limited to, substance abuse treatment services, may be provided by the contracted health care vendor to the Missouri Department of Corrections, and upon release, to designated substance abuse treatment providers in the community, including Saint Louis and Kansas City metropolitan areas
From General Revenue Fund (0101). 750,000

For the purpose of funding youth services
From Mental Health Interagency Payments Fund (0109). 30,000

For treatment of alcohol and drug abuse. 64,457,293
Personal Service 895,665
Expense and Equipment.. 735,309
From Department of Mental Health Federal Fund (0148) 66,088,267

For treatment of drug and alcohol abuse with the Access to Recovery Grant
For treatment services 3,825,740
Personal Service 161,592
Expense and Equipment.. 693,550
From Department of Mental Health Federal Fund (0148) 4,680,882

For treatment of alcohol and drug abuse
From Inmate Fund (0540). 3,513,779

From Healthy Families Trust Fund (0625). 1,969,327
From Health Initiatives Fund (0275). 6,153,352
From DMH Local Tax Matching Fund (0930).. 767,775
Total (Not to exceed 35 F.T.E.). $125,497,743

SECTION 10.115.—To the Department of Mental Health
For the Division of Behavioral Health
For the purpose of funding a three percent (3%) provider rate increase
beginning on January 1, 2016 for Compulsive Gambling Providers
From Other Funds. $3,165

For the purpose of funding treatment of compulsive gambling. 211,016
Personal Service 41,646
Expense and Equipment. 3,133
From Compulsive Gamblers Fund (0249) (Not to exceed 1.00 F.T.E.). $258,960

SECTION 10.120.—To the Department of Mental Health
For the Division of Behavioral Health
For the purpose of funding a three percent (3%) provider rate increase
beginning on January 1, 2016 for the providers of the Substance
Abuse Traffic Offender Program
From Department of Mental Health Federal Fund (0148). $7,332
From Other Funds 107,785

For the purpose of funding the Substance Abuse Traffic Offender
Program, provided that not more than seventy-five percent (75%)
flexibility is allowed between Medicaid and Non-Medicaid
appropriations within this section
From Department of Mental Health Federal Fund (0148) 896,316
From Mental Health Earnings Fund (0288). 6,778,167

Personal Service
From Department of Mental Health Federal Fund (0148) 21,263

Personal Service 198,532
Expense and Equipment. 38,802
From Health Initiatives Fund (0275). 237,334
Total (Not to exceed 5.48 F.T.E.). $8,048,197

SECTION 10.200.—To the Department of Mental Health
For the Division of Behavioral Health
For the purpose of funding administration of comprehensive psychiatric
services
Personal Service.. . . . . $786,613
Expense and Equipment. 49,324
From General Revenue Fund (0101) 835,937

Personal Service 630,696
Expense and Equipment. 330,566
From Department of Mental Health Federal Fund (0148) 961,262

For suicide prevention initiatives

Expense and Equipment
From Department of Mental Health Federal Fund (0148). 150,000
Total (Not to exceed 28.60 F.T.E.). $1,947,199

SECTION 10.205.—To the Department of Mental Health
For the Division of Behavioral Health
For the purpose of funding facility support and PRN nursing and direct care staff pool, provided that staff paid from the PRN nursing and direct care staff pool will only incur fringe benefit costs applicable to part-time employment
From General Revenue Fund (0101). $3,327,800

For the purpose of funding costs for forensic clients resulting from loss of benefits under provisions of the Social Security Domestic Employment Reform Act of 1994
From General Revenue Fund (0101) 850,233

To pay the state operated hospital provider tax
From General Revenue Fund (0101) 16,000,000

For the purpose of funding expenses related to fluctuating census demands, Medicare bundling compliance, Medicare Part D implementation, and to restore facilities personal service and/or expense and equipment incurred for direct care worker training and other operational maintenance expenses
From Department of Mental Health Federal Fund (0148) 3,403,191

Personal Service 219,553
Expense and Equipment. 1,688,409
From Mental Health Earnings Fund (0288). 1,907,962

For those Voluntary by Guardian clients transitioning from state psychiatric facilities to the community or to support those clients in facilities waiting to transition to the community
From General Revenue Fund (0101). 607,216
Total (Not to exceed 84.62 F.T.E.). $26,096,402

SECTION 10.210.—To the Department of Mental Health
For the Division of Behavioral Health
For the purpose of funding a three percent (3%) provider rate increase beginning on January 1, 2016 for the providers of Adult Community Programs and Adult Community Programs/Southwest
From Tax Amnesty Fund (0470). $2,429,350
From Department of Mental Health Federal Fund (0148) 2,563,161

For the Division of Behavioral Health, provided that not more than seventy-five percent (75%) flexibility is allowed between Medicaid and Non-Medicaid appropriations within this section
For the purpose of funding adult community programs, and authorization to explore a federal waiver to provide services like early intervention treatment for Missourians with serious mental illness and services to individuals engaged in treatment courts, provided

that the department of mental health waiver match costs do not exceed the state appropriation provided in this section and shall be budget neutral to overall state and federal spending
Personal Service . . . 88,763
Expense and Equipment. . . . 763,768
From General Revenue Fund (0101) 852,531

Personal Service 285,092
Expense and Equipment. . . . 2,723,736
From Department of Mental Health Federal Fund (0148) 3,008,828

For the purpose of funding adult community programs, provided that up to ten percent (10%) of this appropriation may be used for services for youth
From General Revenue Fund (0101) 108,979,270
From Department of Mental Health Federal Fund (0148) 202,731,068
From Mental Health Earnings Fund (0288). . . . 583,740
From DMH Local Tax Matching Fund (0930). . . . 900,593
From Mental Health Housing Trust Fund (0277) 2,500

For the purpose of funding comprehensive psychiatric rehabilitation (CPR) operations at El Dorado Springs, formerly Southwest Missouri Psychiatric Rehabilitation Center
From General Revenue Fund (0101) 4,049,360
From Department of Mental Health Federal Fund (0148) 6,275,190

For the provision of mental health services and support services to other agencies
From Mental Health Interagency Payments Fund (0109). . . . 1,310,572

For the purpose of funding programs for the homeless mentally ill
From General Revenue Fund (0101) 524,127
From Department of Mental Health Federal Fund (0148) 964,080

For inpatient redesign community alternatives
From General Revenue Fund (0101) 4,500,000

For the purpose of funding the Missouri Eating Disorder Council and its responsibilities under Section 630.575, RSMo
Personal Service 38,000
Expense and Equipment. . . . 201,495
From General Revenue Fund (0101). . . . 239,495
Total (Not to exceed 10.33 F.T.E.). . . . $339,913,865

SECTION 10.215.—To the Department of Mental Health
For the Division of Behavioral Health
For the purpose of reimbursing attorneys, physicians, and counties for fees in involuntary civil commitment procedures. . . . $580,000
For distribution through the Office of Administration to counties pursuant to Section 56.700, RSMo. . . . 132,550
From General Revenue Fund (0101). . . . $712,550

SECTION 10.220.—To the Department of Mental Health

For the Division of Behavioral Health
For the purpose of funding forensic support services
Personal Service. $751,641
Expense and Equipment. 22,765
From General Revenue Fund (0101) 774,406

Personal Service 4,319
Expense and Equipment. 37,235
From Department of Mental Health Federal Fund (0148). 41,554
Total (Not to exceed 19.39 F.T.E.). $815,960

SECTION 10.225.—To the Department of Mental Health
For the Division of Behavioral Health
For the purpose of funding a three percent (3%) provider rate increase beginning on January 1, 2016 for the providers of Youth Community Programs
From Tax Amnesty Fund (0470). $617,797
From Department of Mental Health Federal Fund (0148) 644,051

For the Division of Behavioral Health, provided that not more than seventy-five percent (75%) flexibility is allowed between Medicaid and Non-Medicaid appropriations within this section
For the purpose of funding youth community programs, and authorization to explore a federal waiver to provide services like early intervention treatment for Missourians with serious mental illness and services to individuals engaged in treatment courts, provided that the department of mental health waiver match costs do not exceed the state appropriation provided in this section and shall be budget neutral to overall state and federal spending
Personal Service 51,601
Expense and Equipment. 60,101
From General Revenue Fund (0101) 111,702

Personal Service 206,596
Expense and Equipment. 1,089,690
From Department of Mental Health Federal Fund (0148) 1,296,286

For the purpose of funding youth community programs, provided that up to ten percent (10%) of this appropriation may be used for services for adults
From General Revenue Fund (0101) 31,749,286
From Department of Mental Health Federal Fund (0148) 49,474,899
From DMH Local Tax Matching Fund (0930). 1,008,129

For the purpose of funding youth services
From Mental Health Interagency Payments Fund (0109). 600,000
Total (Not to exceed 5.29 F.T.E.). $85,502,150

SECTION 10.226.—To the Department of Mental Health
For the Division of Behavioral Health
For the purposes of funding a network of mental health providers trained in trauma-informed and evidence-based mental health treatments for children. The network should be operated by the Department

of Mental Health, or under contract with the Department of Mental Health and operated by a private, not-for-profit agency, or a partnership between multiple private, not-for-profit agencies, with a demonstrated commitment and statewide expertise in providing evidence-based mental health services to children and education to mental health providers.
From General Revenue Fund (0101). $500,000

SECTION 10.230.—To the Department of Mental Health
For the Division of Behavioral Health
For the purchase and administration of new medication therapies
Expense and Equipment
From General Revenue Fund (0101). $12,989,198
From Department of Mental Health Federal Fund (0148). 916,243
Total. $13,905,441

SECTION 10.300.—To the Department of Mental Health
For the Division of Behavioral Health
For the purpose of funding Fulton State Hospital, provided that not more than fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and that not more than ten percent (10%) flexibility is allowed between Fulton State Hospital and Fulton State Hospital-Sexual Offender Rehabilitation and Treatment Services Program and that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment
Personal Service. $36,738,858
Expense and Equipment. 7,257,667
From General Revenue Fund (0101) 43,996,525

Personal Service 953,309
Expense and Equipment. 618,895
From Department of Mental Health Federal Fund (0148) 1,572,204

For the provision of support services to other agencies
Expense and Equipment
From Mental Health Interagency Payments Fund (0109). 250,000

For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees
Personal Service
From General Revenue Fund (0101) 898,874

For the purpose of funding Fulton State Hospital-Sexual Offender Rehabilitation and Treatment Services Program, provided that not more than fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and not more than ten percent (10%) flexibility is allowed between Fulton State Hospital-Sexual Offender Rehabilitation and Treatment Services

Program and Fulton State Hospital, and that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment

Personal Service	7,410,566
Expense and Equipment	1,683,033
From General Revenue Fund (0101)	9,093,599

For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund (0101)	61,602
Total (Not to exceed 1,159.82 F.T.E.)	$55,872,804

SECTION 10.305.—To the Department of Mental Health
For the Division of Behavioral Health
For the purpose of funding Northwest Missouri Psychiatric Rehabilitation Center, provided that not more than fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment

Personal Service	$10,464,167
Expense and Equipment	2,177,107
From General Revenue Fund (0101)	12,641,274
Personal Service	794,338
Expense and Equipment	105,903
From Department of Mental Health Federal Fund (0148)	900,241

For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund (0101)	165,944
From Department of Mental Health Federal Fund (0148)	11,416
Total (Not to exceed 292.51 F.T.E.)	$13,718,875

SECTION 10.310.—To the Department of Mental Health
For the Division of Behavioral Health
For the purpose of funding St. Louis Psychiatric Rehabilitation Center, provided that not more than fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment

Personal Service	$16,796,268
Expense and Equipment	2,663,129
From General Revenue Fund (0101)	19,459,397

Personal Service 435,934
Expense and Equipment. 93,210
From Department of Mental Health Federal Fund (0148) 529,144

For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees
Personal Service
From General Revenue Fund (0101) 287,392
From Department of Mental Health Federal Fund (0148). 945
Total (Not to exceed 471.14 F.T.E.). $20,276,878

SECTION 10.315.—To the Department of Mental Health
For the Division of Behavioral Health
For the purpose of funding Southwest Missouri Psychiatric Rehabilitation Center
Personal Service
From Mental Health Earnings Fund (0288) (Not to exceed 63.07 F.T.E.). $2,286,042

SECTION 10.320.—To the Department of Mental Health
For the Division of Behavioral Health
For the purpose of funding Metropolitan St. Louis Psychiatric Center, provided that not more than fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment
Personal Service.. . . . . $6,576,675
Expense and Equipment. 2,238,008
From General Revenue Fund (0101) 8,814,683

Personal Service
From Department of Mental Health Federal Fund (0148) 430,101

For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees
Personal Service
From General Revenue Fund (0101) 17,043
From Department of Mental Health Federal Fund (0148). 1,160
Total (Not to exceed 179.50 F.T.E.). $9,262,987

SECTION 10.325.—To the Department of Mental Health
For the Division of Behavioral Health
For the purpose of funding Southeast Missouri Mental Health Center, provided that not more than fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and not more than ten percent (10%) flexibility is allowed between Southeast Missouri Mental Health Center and Southeast Missouri

Mental Health Center-Sexual Offender Rehabilitation and Treatment Services Program, and that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment
Personal Service. $17,028,591
Expense and Equipment.. 2,881,708
From General Revenue Fund (0101) 19,910,299

Personal Service 291,794
Expense and Equipment.. 219,538
From Department of Mental Health Federal Fund (0148) 511,332

For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees
Personal Service
From General Revenue Fund (0101) 163,611

For the purpose of funding Southeast Missouri Mental Health Center - Sexual Offender Rehabilitation and Treatment Services Program, provided that not more than fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and not more than ten percent (10%) flexibility is allowed between Southeast Missouri Mental Health Center - Sexual Offender Rehabilitation and Treatment Services Program and Southeast Missouri Mental Health Center and that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment
Personal Service 14,861,936
Expense and Equipment.. 3,852,450
From General Revenue Fund (0101) 18,714,386

Personal Service
From Department of Mental Health Federal Fund (0148) 28,266

For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees
Personal Service
From General Revenue Fund (0101). 85,105
Total (Not to exceed 902.82 F.T.E.). $39,412,999

SECTION 10.330.—To the Department of Mental Health
For the Division of Behavioral Health
For the purpose of funding Center for Behavioral Medicine, provided that not more than fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and that not more than ten percent (10%) flexibility is allowed between personal

service and expense and equipment
Personal Service. $13,490,016
Expense and Equipment. 2,289,541
From General Revenue Fund (0101) 15,779,557

Personal Service 244,582
Expense and Equipment. 633,082
From Department of Mental Health Federal Fund (0148) 877,664

For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees
Personal Service
From General Revenue Fund (0101). 247,157
Total (Not to exceed 353.05 F.T.E.). $16,904,378

SECTION 10.335.—To the Department of Mental Health
For the Division of Behavioral Health
For the purpose of funding Hawthorn Children's Psychiatric Hospital, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment
Personal Service. $6,185,102
Expense and Equipment. 936,354
From General Revenue Fund (0101) 7,121,456

Personal Service 1,868,506
Expense and Equipment. 197,901
From Department of Mental Health Federal Fund (0148) 2,066,407

For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees
From General Revenue Fund (0101) 64,563

From Department of Mental Health Federal Fund (0148). 7,330
Total (Not to exceed 216.80 F.T.E.). $9,259,756

SECTION 10.400.—To the Department of Mental Health
For the Division of Developmental Disabilities
For the purpose of funding division administration
Personal Service. $1,333,821
Expense and Equipment. 56,250
From General Revenue Fund (0101) 1,390,071

Personal Service 313,824
Expense and Equipment. 58,877
From Department of Mental Health Federal Fund (0148). 372,701
Total (Not to exceed 31.37 F.T.E.). $1,762,772

SECTION 10.405.—To the Department of Mental Health

For the Division of Developmental Disabilities
To pay the state operated Intermediate Care Facility Intellectually
Disabled provider tax
From General Revenue Fund (0101). $7,000,000

For the purpose of funding habilitation centers
Expense and Equipment
From Habilitation Center Room and Board Fund (0435). 3,416,027
Total. $10,416,027

SECTION 10.410.—To the Department of Mental Health
For the Division of Developmental Disabilities
For the purpose of rebasing rates for the providers of developmental
disability services
From Tax Amnesty Fund (0470). $6,252,317
From Department of Mental Health Federal Fund (0148) 11,731,400

For the purpose of funding a three percent (3%) provider rate increase
beginning on January 1, 2016 for the providers of Developmental
Disability Community Programs
From Tax Amnesty Fund (0470) 5,066,885
From Department of Mental Health Federal Fund (0148) 7,986,577
From Other Funds 166,880

For the Division of Developmental Disabilities, provided that not more
than seventy-five percent (75%) flexibility is allowed between
Medicaid and Non-Medicaid appropriations within this section
Provided that residential services for non-Medicaid eligibles shall not be
reduced below the prior year expenditures as long as the person is
evaluated to need the services
For the purpose of funding community programs
From General Revenue Fund (0101) 242,077,290
From Department of Mental Health Federal Fund (0148) 510,081,039

For the purpose of funding community programs
Personal Service 573,528
Expense and Equipment.. 31,425
From General Revenue Fund (0101) 604,953

Personal Service 960,681
Expense and Equipment.. 177,376
From Department of Mental Health Federal Fund (0148) 1,138,057

For consumer and family directed supports/in-home services/choices for
families
From General Revenue Fund (0101) 8,985,485
From Developmental Disabilities Waiting List Equity Trust Fund (0986).. 10,000

For the purpose of funding programs for persons with autism and their families
From General Revenue Fund (0101) 4,261,663

For the purpose of funding Regional Autism projects

From General Revenue Fund (0101) 8,750,648

For the purpose of funding a three percent (3%) provider rate increase
beginning on January 1, 2016 for the providers of Autism Projects
From Tax Amnesty Fund (0470). $116,260

For services for children who are clients of the Department of Social Services
From Mental Health Interagency Payments Fund (0109).. 10,755,000

For purposes of funding youth services
From Mental Health Interagency Payments Fund (0109).. 555,500

For Senate Bill 40 Board Tax Funds to be used as match for Medicaid
initiatives for clients of the division
From DMH Local Tax Matching Fund (0930).. 15,728,609

For targeted case management
From General Revenue Fund (0101) 23,660,186
From Department of Mental Health Federal Fund (0148) 40,844,137
From DMH Local Tax Matching Fund (0930).. 1,000,000

For the purpose of funding the Family Support Partnership Program
From General Revenue Fund (0101) 300,000
From Department of Mental Health Federal Fund (0148). 2,700,000
Total (Not to exceed 25.09 F.T.E.). $902,772,886

SECTION 10.411.—To the Department of Mental Health
For the Division of Developmental Disabilities
For the purpose of funding a comprehensive program located in a city not
within a county. The purpose of such program shall be to promote
basic scientific research, clinic patient research, and patient care for
tuberous sclerosis complex
From General Revenue Fund (0101).. . . . . $250,000

SECTION 10.415.—To the Department of Mental Health
For the Division of Developmental Disabilities
For the purpose of funding targeted case management community support staff
Personal Service
From General Revenue Fund (0101).. . . . . $1,961,542
From Department of Mental Health Federal Fund (0148). 8,029,006
Total (Not to exceed 237.38 F.T.E.). $9,990,548

SECTION 10.420.—To the Department of Mental Health
For the Division of Developmental Disabilities
For the purpose of funding developmental disabilities services
Personal Service.. . . . . $386,849
Expense and Equipment. 1,171,512
From Department of Mental Health Federal Fund (0148) (Not to
exceed 7.98 F.T.E.). $1,558,361

SECTION 10.425.—To the Department of Mental Health
Funds are to be transferred out of the State Treasury, chargeable to the

Intermediate Care Facility Intellectually Disabled Reimbursement Allowance Fund to the General Revenue Fund as a result of recovering the Intermediate Care Facility Intellectually Disabled Reimbursement Allowance Fund
From Intermediate Care Facility Intellectually Disabled Reimbursement Allowance Fund (0901). $2,650,000

Funds are to be transferred out of the State Treasury, chargeable to the Intermediate Care Facility Intellectually Disabled Reimbursement Allowance Fund to Department of Mental Health Federal Fund
From Intermediate Care Facility Intellectually Disabled Reimbursement Allowance Fund (0901). 4,392,365
Total. $7,042,365

Section 10.500.—To the Department of Mental Health
For the Division of Developmental Disabilities
For the purpose of funding the Central Missouri Regional Center, provided that not more than fifty percent (50%) flexibility is allowed between personal service and expense and equipment, and further provided that not more than seventy-five percent (75%) flexibility is allowed between Medicaid and Non-Medicaid appropriations within this section
Personal Service. $3,102,833
Expense and Equipment.. 183,562
From General Revenue Fund (0101) 3,286,395

Personal Service 650,938
Expense and Equipment.. 110,333
From Department of Mental Health Federal Fund (0148). 761,271
Total (Not to exceed 97.70 F.T.E.). $4,047,666

Section 10.505.—To the Department of Mental Health
For the Division of Developmental Disabilities
For the purpose of funding the Kansas City Regional Center, provided that not more than fifty percent (50%) flexibility is allowed between personal service and expense and equipment, and further provided that not more than seventy-five percent (75%) flexibility is allowed between Medicaid and Non-Medicaid appropriations within this section
Personal Service. $2,769,638
Expense and Equipment.. 283,011
From General Revenue Fund (0101) 3,052,649

Personal Service 1,219,523
Expense and Equipment.. 111,314
From Department of Mental Health Federal Fund (0148). 1,330,837
Total (Not to exceed 96.74 F.T.E.). $4,383,486

Section 10.510.—To the Department of Mental Health
For the Division of Developmental Disabilities
For the purpose of funding the Sikeston Regional Center, provided that not more than fifty percent (50%) flexibility is allowed between personal service and expense and equipment, and further provided

that not more than seventy-five percent (75%) flexibility is allowed between Medicaid and Non-Medicaid appropriations within this section

Personal Service	$1,676,780
Expense and Equipment	143,508
From General Revenue Fund (0101)	1,820,288
Personal Service	237,935
Expense and Equipment	27,582
From Department of Mental Health Federal Fund (0148)	265,517
Total (Not to exceed 49.57 F.T.E.)	$2,085,805

SECTION 10.515.—To the Department of Mental Health
For the Division of Developmental Disabilities
For the purpose of funding the Springfield Regional Center, provided that not more than fifty percent (50%) flexibility is allowed between personal service and expense and equipment, and further provided that not more than seventy-five percent (75%) flexibility is allowed between Medicaid and Non-Medicaid appropriations within this section

Personal Service	$2,023,720
Expense and Equipment	221,442
From General Revenue Fund (0101)	2,245,162
Personal Service	371,327
Expense and Equipment	41,508
From Department of Mental Health Federal Fund (0148)	412,835
Total (Not to exceed 61.13 F.T.E.)	$2,657,997

SECTION 10.520.—To the Department of Mental Health
For the Division of Developmental Disabilities
For the purpose of funding the St. Louis Regional Center, provided that not more than fifty percent (50%) flexibility is allowed between personal service and expense and equipment, and further provided that not more than seventy-five percent (75%) flexibility is allowed between Medicaid and Non-Medicaid appropriations within this section

Personal Service	$4,183,062
Expense and Equipment	384,747
From General Revenue Fund (0101)	4,567,809
Personal Service	1,036,180
Expense and Equipment	235,754
From Department of Mental Health Federal Fund (0148)	1,271,934
Total (Not to exceed 140.00 F.T.E.)	$5,839,743

SECTION 10.525.—To the Department of Mental Health
For the Division of Developmental Disabilities, provided that not more than seventy-five percent (75%) flexibility is allowed between Medicaid and Non-Medicaid appropriations within this section
For the purpose of funding the Bellefontaine Habilitation Center, provided that not more than fifteen percent (15%) may be spent on the

Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment

Personal Service	$5,972,773
Expense and Equipment	248,333
From General Revenue Fund (0101)	6,221,106
Personal Service	8,682,896
Expense and Equipment	645,187
From Department of Mental Health Federal Fund (0148)	9,328,083

For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service

From General Revenue Fund (0101)	915,668
From Department of Mental Health Federal Fund (0148)	39,319
Total (Not to exceed 445.85 F.T.E.)	$16,504,176

SECTION 10.530.—To the Department of Mental Health

For the Division of Developmental Disabilities, provided that not more than seventy-five percent (75%) flexibility is allowed between Medicaid and Non-Medicaid appropriations within this section

For the purpose of funding the Higginsville Habilitation Center, provided that not more than thirty percent (30%) may be spent on transitioning clients to the community or to Marshall Habilitation Center/Northwest Community Services, and that not more than fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to other state-operated facilities, and that not more than thirty percent (30%) flexibility is allowed between personal service and expense and equipment

Personal Service	$3,520,906
Expense and Equipment	29,396
From General Revenue Fund (0101)	3,550,302
Personal Service	6,593,123
Expense and Equipment	366,517
From Department of Mental Health Federal Fund (0148)	6,959,640

For Northwest Community Services

Personal Service

From General Revenue Fund (0101)	16,058
From Department of Mental Health Federal Fund (0148)	15,184

For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service

From General Revenue Fund (0101) 391,642
From Department of Mental Health Federal Fund (0148). 93,739
Total (Not to exceed 370.43 F.T.E.). $11,026,565

SECTION 10.535.—To the Department of Mental Health
For the Division of Developmental Disabilities, provided that not more than seventy-five percent (75%) flexibility is allowed between Medicaid and Non-Medicaid appropriations within this section
For the purpose of funding the Marshall Habilitation Center/Northwest Community Services, provided that not more than thirty percent (30%) may be spent on transitioning clients to the community or to Higginsville Habilitation Center, and that not more than fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to other state-operated facilities, and that not more than thirty percent (30%) flexibility is allowed between personal service and expense and equipment
Personal Service.. . . . . $5,107,105
Expense and Equipment. 377,115
From General Revenue Fund (0101) 5,484,220

Personal Service 11,311,000
Expense and Equipment. 262,239
From Department of Mental Health Federal Fund (0148) 11,573,239

For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees
Personal Service
From General Revenue Fund (0101). 728,135
Total (Not to exceed 583.09 F.T.E.). $17,785,594

SECTION 10.540.—To the Department of Mental Health
For the Division of Developmental Disabilities
For the purpose of funding the Southwest Community Services, provided that not more than fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment
Personal Service.. . . . . $2,193,957
Expense and Equipment. 67,161
From General Revenue Fund (0101) 2,261,118

Personal Service 5,605,112
Expense and Equipment. 359,918
From Department of Mental Health Federal Fund (0148) 5,965,030

For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service
From General Revenue Fund (0101) 9,237
From Department of Mental Health Federal Fund (0148). . . . 223,300
Total (Not to exceed 270.26 F.T.E.). . . . $8,458,685

SECTION 10.545.—To the Department of Mental Health
For the Division of Developmental Disabilities
For the purpose of funding the St. Louis Developmental Disabilities Treatment Center, provided that not more than fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment
Personal Service. . . . $4,347,696
Expense and Equipment. . . . 1,829,629
From General Revenue Fund (0101) 6,177,325

Personal Service 12,971,712
Expense and Equipment. . . . 1,018,656
From Department of Mental Health Federal Fund (0148). . . . 13,990,368
Total (Not to exceed 600.96 F.T.E.). . . . $20,167,693

SECTION 10.550.—To the Department of Mental Health
For the Division of Developmental Disabilities, provided that not more than seventy-five percent (75%) flexibility is allowed between Medicaid and Non-Medicaid appropriations within this section
For the purpose of funding Southeast Missouri Residential Services, provided that not more than fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment
Personal Service. . . . $1,869,728
Expense and Equipment. . . . 14,604
From General Revenue Fund (0101) 1,884,332

Personal Service 4,326,118
Expense and Equipment. . . . 633,271
From Department of Mental Health Federal Fund (0148) 4,959,389

For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees
Personal Service
From General Revenue Fund (0101) 187,808
From Department of Mental Health Federal Fund (0148). . . . 84,767
Total (Not to exceed 222.89 F.T.E.). . . . $7,116,296

SECTION 10.600.—To the Department of Health and Senior Services
For the Office of the Director

For the purpose of funding program operations and support
Personal Service. $443,210
Expense and Equipment. 16,712
From General Revenue Fund (0101) 459,922

Personal Service 1,211,604
Expense and Equipment. 120,986
From Department of Health and Senior Services Federal Fund (0143). 1,332,590
Total (Not to exceed 35.79 F.T.E.). $1,792,512

Section 10.605.—To the Department of Health and Senior Services
For the Division of Administration
For the purpose of funding program operations and support
Personal Service. $198,787
Expense and Equipment. 134,693
From General Revenue Fund (0101) 333,480

For the purpose of funding program operations and support, provided that forty percent (40%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment
Personal Service 2,397,921
Expense and Equipment. 2,221,330
From Department of Health and Senior Services Federal Fund (0143). 4,619,251

Expense and Equipment
From Nursing Facility Quality of Care Fund (0271). 430,000

Expense and Equipment
From Health Access Incentive Fund (0276) 50,000

Expense and Equipment
From Mammography Fund (0293) 25,000

Personal Service 130,536
Expense and Equipment. 99,525
From Missouri Public Health Services Fund (0298) 230,061

Expense and Equipment
From Professional and Practical Nursing Student Loan and Nurse Loan Repayment Fund (0565). 30,000

Expense and Equipment
From Department of Health and Senior Services Document Services Fund (0646) 44,571

Expense and Equipment
From Department of Health - Donated Fund (0658). 30,000

Expense and Equipment
From Putative Father Registry Fund (0780). 25,000

Expense and Equipment
From Organ Donor Program Fund (0824) 30,000

Expense and Equipment
From Childhood Lead Testing Fund (0899). 5,000
Total (Not to exceed 70.73 F.T.E.). $5,852,363

SECTION 10.610.—To the Department of Health and Senior Services
Funds are to be transferred out of the State Treasury chargeable to the
Health Initiatives Fund to the Health Access Incentive Fund
From Health Initiatives Fund (0275). $759,624

SECTION 10.615.—To the Department of Health and Senior Services
For the Division of Administration
For the purpose of funding the payment of refunds set off against debts in
accordance with Section 143.786, RSMo
From Debt Offset Escrow Fund (0753). $20,000

SECTION 10.620.—To the Department of Health and Senior Services
For the Division of Administration
For refunds
From General Revenue Fund (0101). $50,000
From Department of Health and Senior Services Federal Fund (0143). 100,000

For refunds, provided that one hundred percent (100%) flexibility is
allowed between other funds
From Nursing Facility Quality of Care Fund (0271). 9,240
From Health Access Incentive Fund (0276) 5,000
From Mammography Fund (0293) 1,000
From Missouri Public Health Services Fund (0298) 30,000
From Endowed Care Cemetery Audit Fund (0562) 2,899
From Professional and Practical Nursing Student Loan and Nurse Loan
Repayment Fund (0565).. 2,500
From Department of Health and Senior Services Document Services Fund
(0646). 10,000
From Department of Health - Donated Fund (0658). 15,133
From Criminal Record System Fund (0671). 333
From Children's Trust Fund (0694). 13,495
From Brain Injury Fund (0742). 100
From Debt Offset Escrow Fund (0753). 10,000
From Organ Donor Program Fund (0824) 25
From Childhood Lead Testing Fund (0899). 275
Total. $250,000

SECTION 10.625.—To the Department of Health and Senior Services
For the Division of Administration
For the purpose of receiving and expending grants, donations, contracts,
and payments from private, federal, and other governmental
agencies which may become available between sessions of the
General Assembly provided that the General Assembly shall be
notified of the source of any new funds and the purpose for which
they shall be expended, in writing, prior to the use of said funds

Personal Service	$100,999
Expense and Equipment	3,000,001
From Department of Health and Senior Services Federal Fund (0143)	3,101,000
Personal Service	102,006
Expense and Equipment	347,596
From Department of Health - Donated Fund (0658)	449,602
Total	$3,550,602

SECTION 10.700.—To the Department of Health and Senior Services
For the Division of Community and Public Health
For the Adolescent Health Program

From General Revenue Fund (0101)	$14,853
From Department of Health and Senior Services Federal Fund (0143)	133,521
From Other Funds	1,228

For the purpose of funding program operations and support, provided that not more than seventy-five percent (75%) flexibility is allowed between Medicaid and Non-Medicaid appropriations within this section
Personal Service

From General Revenue Fund (0101)	6,276,816
Personal Service	15,778,459
Expense and Equipment	3,221,434
From Department of Health and Senior Services Federal Fund (0143)	18,999,893
Personal Service	990,423
Expense and Equipment	554,622
From Health Initiatives Fund (0275)	1,545,045
Personal Service	70,174
Expense and Equipment	23,785
From Environmental Radiation Monitoring Fund (0656)	93,959
Expense and Equipment From Governor's Council on Physical Fitness Institution Gift Trust Fund (0924)	47,500
Personal Service	204,687
Expense and Equipment	66,883
From Hazardous Waste Fund (0676)	271,570
Personal Service	110,763
Expense and Equipment	81,887
From Organ Donor Program Fund (0824)	192,650
Personal Service	390,318
Expense and Equipment	83,053
From Missouri Public Health Services Fund (0298)	473,371
Personal Service	71,287
Expense and Equipment	69,048

From Department of Health and Senior Services Document Services
Fund (0646). 140,335

Personal Service 181,488
Expense and Equipment. 366,378
From Department of Health - Donated Fund (0658). 547,866

Personal Service 77,463
Expense and Equipment. 27,748
From Putative Father Registry Fund (0780). 105,211
Total (Not to exceed 545.63 F.T.E.). $28,843,818

SECTION 10.705.—To the Department of Health and Senior Services
For the Division of Community and Public Health
For the purpose of funding core public health functions and related
expenses, provided that not more than seventy-five percent (75%)
flexibility is allowed between Medicaid and Non- Medicaid
appropriations within this section
From General Revenue Fund (0101). $3,322,692
From Department of Health and Senior Services Federal Fund (0143). 7,200,000
Total. $10,522,692

SECTION 10.710.—To the Department of Health and Senior Services
For the Division of Community and Public Health
For the purpose of Epilepsy Education
From General Revenue Fund (0101). $50,000

For Brain Injury Waiver Services
From General Revenue Fund (0101) 350,000
From Department of Health and Senior Services Federal Fund (0143). 598,38

For the Adolescent Health Program
From Department of Health and Senior Services Federal Fund (0143). 2,186,539

For the purpose of funding community health programs and related
expenses, provided that not more than seventy-five percent (75%)
flexibility is allowed between Medicaid and Non-Medicaid
appropriations within this section and further provided that not
more than ten percent (10%) flexibility is allowed between this
subsection and sections 10.710, 10.740, 10.810 and 10.900 that are
not related to administration
From General Revenue Fund (0101) 8,858,238
From Department of Health and Senior Services Federal Fund (0143). 69,146,466
From Organ Donor Program Fund (0824) 45,000
From C & M Smith Memorial Endowment Trust Fund (0873). 10,000
From Children's Special Health Care Needs Service Fund (0950). 30,000
From Missouri Public Health Services Fund (0298) 1,549,750
From Brain Injury Fund (0742). 874,900
From Breast Cancer Awareness Trust Fund (0915). 5,000
Total. $83,704,274

SECTION 10.712.—To the Department of Health and Senior Services

For the Division of Community and Public Health
For the purpose of tobacco cessation
From General Revenue Fund (0101). $50,000
From Department of Health and Senior Services Federal Fund (0143). 50,000
Total. $100,000

SECTION 10.715.—To the Department of Health and Senior Services
For the Division of Community and Public Health
For the purpose of funding supplemental nutrition programs
From Department of Health and Senior Services Federal Fund (0143). $195,180,851

SECTION 10.720.—To the Department of Health and Senior Services
For the Division of Community and Public Health
For the Elks Mobile Dental Clinic
From General Revenue Fund (0101). $200,000

For the Offices of Primary Care and Rural Health and Women's Health
Personal Service 764,591
Expense and Equipment. 274,227
From Department of Health and Senior Services Federal Fund (0143). 1,038,818

Personal Service 95,981
Expense and Equipment. 14,851
From Health Initiatives Fund (0275). 110,832

Personal Service 74,261
Expense and Equipment. 8,900
From Professional and Practical Nursing Student Loan and Nurse Loan
Repayment Fund (0565). 83,161

For the purpose of funding other Office of Primary Care and Rural Health
programs and related expenses
Expense and Equipment
From Department of Health and Senior Services Federal Fund (0143). 978,866

For the purpose of funding contracts for the Sexual Violence Victims
Services, Awareness, and Education Program
From Department of Health and Senior Services Federal Fund (0143). 792,134
Total (Not to exceed 19.20 F.T.E.). $3,203,811

SECTION 10.725.—To the Department of Health and Senior Services
For the Division of Community and Public Health
For the purpose of funding the Primary Care Resource Initiative Program
(PRIMO), Financial Aid to Medical Students, and Loan
Repayment Programs
From Department of Health and Senior Services Federal Fund (0143). $174,446
From Health Access Incentive Fund (0276) 650,000
From Department of Health - Donated Fund (0658). 1,106,236
From Professional and Practical Nursing Student Loan and Nurse Loan
Repayment Fund (0565). 499,752
For the purpose of funding the Missouri Area Health Education Centers
Program and its responsibilities under Section 191.980.4, RSMo

From General Revenue Fund (0101). 250,000
Total. $2,680,434

SECTION 10.730.—To the Department of Health and Senior Services
For the Division of Community and Public Health
For the Office of Minority Health
For the purpose of funding program operations and support
Personal Service. $188,276
Expense and Equipment.. 194,324
From General Revenue Fund (0101) 382,600

Personal Service 62,038
Expense and Equipment.. 104,621
From Department of Health and Senior Services Federal Fund (0143).. 166,659
Total (Not to exceed 6.73 F.T.E.).. . . . . $549,259

SECTION 10.735.—To the Department of Health and Senior Services
For the Division of Community and Public Health
For the Office of Emergency Coordination, provided that $1,000,000 be used to assist in maintaining the Poison Control Hotline
Personal Service. $1,858,315
Expense and Equipment and Program Distribution. 16,570,116
From Department of Health and Senior Services Federal Fund (0143).. 18,428,431

From Insurance Dedicated Fund (0566). 1,000,000
Total (Not to exceed 37.02 F.T.E.).. . . . . $19,428,431

SECTION 10.740.—To the Department of Health and Senior Services
For the Division of Community and Public Health
For the purpose of providing newborn screening services on weekends and holidays
From General Revenue Fund (0101)(Not to exceed 2.49 F.T.E.).. . . . . $191,400
For the purpose of funding the State Public Health Laboratory, provided that not more than seventy-five percent (75%) flexibility is allowed between Medicaid and Non-Medicaid appropriations within this section and further provided that not more than ten percent (10%) flexibility is allowed between this subsection and sections 10.710, 10.740, 10.810 and 10.900 that are not related to administration
Personal Service 1,482,630
Expense and Equipment.. 416,761
From General Revenue Fund (0101) 1,899,391

Personal Service 717,782
Expense and Equipment.. 1,302,055
From Department of Health and Senior Services Federal Fund (0143).. 2,019,837

Personal Service 1,350,779
Expense and Equipment.. 4,259,143
From Missouri Public Health Services Fund (0298).. 5,609,922

Expense and Equipment
From Safe Drinking Water Fund (0679) 434,532

Personal Service	17,231
Expense and Equipment	46,368
From Childhood Lead Testing Fund (0899)	63,599
Total (Not to exceed 97.01 F.T.E.)	$10,218,681

SECTION 10.800.—To the Department of Health and Senior Services
For the Division of Senior and Disability Services
For the purpose of funding program operations and support, provided that not more than seventy-five percent (75%) flexibility is allowed between Medicaid and Non-Medicaid appropriations within this section

Personal Service	$8,886,037
Expense and Equipment	973,339
From General Revenue Fund (0101)	9,859,376
Personal Service	10,216,895
Expense and Equipment	1,174,210
From Department of Health and Senior Services Federal Fund (0143)	11,391,105
Total (Not to exceed 482.97 F.T.E.)	$21,250,481

SECTION 10.805.—To the Department of Health and Senior Services
For the Division of Senior and Disability Services
For the purpose of providing naturalization assistance to refugees and/or legal immigrants who: have resided in Missouri more than five years, are unable to benefit or attend classroom instruction, and who require special assistance to successfully attain the requirements to become a citizen. Services may include direct tutoring, assistance with identifying and completing appropriate waiver requests to the Immigration and Customs Enforcement agency, and facilitating proper documentation. The department shall award a contract under this section to a qualified not for profit organization which can demonstrate its ability to work with this population. A report shall be compiled for the General Assembly evaluating the program's effectiveness in helping senior refugees and immigrants in establishing citizenship and their ability to qualify individuals for Medicare

From General Revenue Fund (0101)	$200,000

SECTION 10.810.—To the Department of Health and Senior Services
For the Division of Senior and Disability Services
For the purpose of funding non-Medicaid reimbursable senior and disability programs provided that not more than ten percent (10%) flexibility is allowed between this subsection and sections 10.710, 10.740, 10.810 and 10.900 that are not related to administration

From General Revenue Fund (0101)	$1,040,065
From Department of Health and Senior Services Federal Fund (0143)	167,028
Total	$1,207,093

***SECTION 10.815.**—To the Department of Health and Senior Services
For the Division of Senior and Disability Services, provided that not more than seventy-five percent (75%) flexibility is allowed between Medicaid and Non-Medicaid appropriations within this section

For the purpose of funding respite care, homemaker chore, personal care, adult day care, AIDS, children's waiver services, home-delivered meals, other related services, and program management under the Medicaid fee-for-service and managed care programs. Provided that individuals eligible for or receiving nursing home care must be given the opportunity to have those Medicaid dollars follow them to the community to the extent necessary to meet their unmet needs as determined by 19 CSR 30 81.030 and further be allowed to choose the personal care program option in the community that best meets the individuals' unmet needs. This includes the Consumer Directed Medicaid State Plan. And further provided that individuals eligible for the Medicaid Personal Care Option must be allowed to choose, from among all the program options, that option which best meets their unmet needs as determined by 19 CSR 30 81.030; and also be allowed to have their Medicaid funds follow them to the extent necessary to meet their unmet needs whichever option they choose. This language does not create any entitlements not established by statute
From General Revenue Fund (0101). $273,852,297
From Department of Health and Senior Services Federal Fund (0143). 500,936,836
From Missouri Senior Services Protection Fund (0421) 25,000

For the purpose of funding a three percent (3%) provider rate increase beginning on January 1, 2016 for respite care, homemaker chore, personal care, adult day care, AIDS, children's waiver services, home-delivered meals, and other related services under the MO HealthNet fee-for-service program
From Tax Amnesty Fund (0470) 4,279,487
From Department of Health and Senior Services Federal Fund (0143). 7,387,599

For the purpose of funding a three percent (3%) provider rate increase *beginning on January 1, 2015* for private duty nursing procedure codes
From Tax Amnesty Fund (0470) 1,000,000
From Department of Health and Senior Services Federal Fund (0143). 1,726,504

For the purpose of funding the Medicaid Home and Community-Based Services Program reassessments
From General Revenue Fund (0101) 1,500,000

From Department of Health and Senior Services Federal Fund (0143). 1,500,000
Total. $792,207,723

*I hereby veto the words "beginning on January 1, 2015". As acknowledged by the General Assembly, this text was in error.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 10.820.—To the Department of Health and Senior Services
For the Division of Senior and Disability Services
For the purpose of funding Home and Community Services grants, including funding for meals to be distributed to each Area Agency on Aging in proportion to the actual number of meals served

during the preceding fiscal year, provided that at least $500,000 of general revenue be used for non-Medicaid meals to be distributed to each Area Agency on Aging in proportion to the actual number of meals served during the preceding fiscal year, and further provided that not more than seventy-five percent (75%) flexibility is allowed between Medicaid and Non-Medicaid appropriations within this section

From General Revenue Fund (0101).	$11,805,720
From Department of Health and Senior Services Federal Fund (0143).	34,500,000
From Elderly Home-Delivered Meals Trust Fund (0296).	62,958
Total.	$46,368,678

SECTION 10.825.—To the Department of Health and Senior Services
For the Division of Senior and Disability Services
For the purpose of funding Alzheimer's grants, provided that $100,000 be used to fund grants to non-profit organization for services to individuals with Alzheimer's Disease and their caregivers, and caregiver training programs which includes in-home visits and has proven to reduce state health care costs and delayed institutionalization

From General Revenue Fund (0101).	$550,000

SECTION 10.830.—To the Department of Health and Senior Services
For the Division of Senior and Disability Services
For the purpose of funding Naturally Occurring Retirement Communities

From General Revenue Fund (0101).	$300,000

SECTION 10.900.—To the Department of Health and Senior Services
For the Division of Regulation and Licensure, provided that not more than seventy-five percent (75%) flexibility is allowed between Medicaid and Non-Medicaid appropriations within this section and further provided that not more than ten percent (10%) flexibility is allowed between this subsection and sections 10.710, 10.740, 10.810 and 10.900 that are not related to administration
For the purpose of funding program operations and support

Personal Service.	$8,239,742
Expense and Equipment.	746,494
From General Revenue Fund (0101)	8,986,236
Personal Service	11,852,142
Expense and Equipment.	1,083,024
From Department of Health and Senior Services Federal Fund (0143).	12,935,166
Personal Service	871,304
Expense and Equipment.	1,022,832
From Nursing Facility Quality of Care Fund (0271).	1,894,136
Personal Service	75,360
Expense and Equipment.	10,970
From Health Access Incentive Fund (0276)	86,330
Personal Service	64,124
Expense and Equipment.	13,110

From Mammography Fund (0293) 77,234

Personal Service 215,556
Expense and Equipment. 57,197
From Early Childhood Development, Education and Care Fund (0859) 272,753

For nursing home quality initiatives
From Nursing Facility Reimbursement Allowance Fund (0196). 725,000
Total (Not to exceed 460.96 F.T.E.). $24,976,855

SECTION 10.905.—To the Department of Health and Senior Services
For the Division of Regulation and Licensure
For the purpose of funding activities to improve the quality of childcare, increase the availability of early childhood development programs, before- and after-school care, in-home services for families with newborn children, and for general administration of the program
From Department of Health and Senior Services Federal Fund (0143). $436,675

SECTION 10.910.—To the Department of Health and Senior Services
For the Division of Regulation and Licensure
For the purpose of funding program operations and support for the Missouri Health Facilities Review Committee
Personal Service. $107,954
Expense and Equipment. 8,568
From General Revenue Fund (0101) (Not to exceed 2.00 F.T.E.). $116,522

Department of Mental Health Totals
General Revenue Fund. $730,121,321
Federal Funds. 1,036,234,036
Other Funds. 70,165,791
Total. $1,836,521,148

Department of Health and Senior Services Totals
General Revenue Fund. $330,849,608
Federal Funds. 897,128,596
Other Funds. 25,263,551
Total. $1,253,241,755

Approved May 8, 2015

HB 11 [CCS SCS HCS HB 11]

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

Appropriates money for the expenses, grants, and distributions of the Department of Social Services

AN ACT to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money

among certain funds for the period beginning July 1, 2015 and ending June 30, 2016; provided that no funds from these sections shall be expended for the purpose of costs associated with the travel or staffing of the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General, and further provided that no funds from these sections shall be expended for the purpose of Medicaid expansion as outlined under the Affordable Care Act.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2015 and ending June 30, 2016 as follows:

SECTION 11.005.—To the Department of Social Services
For the Office of the Director

Personal Service	$101,027
Annual salary adjustment in accordance with Section 105.005, RSMo	632
Expense and Equipment	33,543
From General Revenue Fund (0101)	135,202
Personal Service	144,200
Annual salary adjustment in accordance with Section 105.005, RSMo	20
Expense and Equipment	1,197
From Department of Social Services Federal Fund (0610)	145,417
Personal Service	
From Child Support Enforcement Fund (0169)	30,773
Total (Not to exceed 3.25 F.T.E.)	$311,392

SECTION 11.007.—To the Department of Social Services
For the Office of the Director
For the purpose of funding a department data feed with the Missouri Law Enforcement Data Exchange (MoDEx)
Expense and Equipment

From General Revenue Fund (0101)	$125,000
From Department of Social Services Federal Fund (0610)	125,000
Total	$250,000

SECTION 11.010.—To the Department of Social Services
For the Office of the Director
For the purpose of receiving and expending grants, donations, contracts, and payments from private, federal, and other governmental agencies which may become available between sessions of the General Assembly provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the use of said funds

From Department of Social Services Federal Fund (0610)	$9,443,552
From Family Services Donations Fund (0167)	33,999
Total	$9,477,551

SECTION 11.015.—To the Department of Social Services
For the Office of the Director
For the Human Resources Center

Personal Service	$261,131
Expense and Equipment	11,036
From General Revenue Fund (0101)	272,167
Personal Service	197,878
Expense and Equipment	29,749
From Department of Social Services Federal Fund (0610)	227,627
Total (Not to exceed 11.52 F.T.E.)	$499,794

SECTION 11.020.—To the Department of Social Services
For the Office of the Director
For the Missouri Medicaid Audit and Compliance Unit

Personal Service	$1,150,733
Expense and Equipment	185,578
From General Revenue Fund (0101)	1,336,311
Personal Service	1,582,652
Expense and Equipment	860,039
From Department of Social Services Federal Fund (0610)	2,442,691
Expense and Equipment	
From Recovery Audit and Compliance Fund (0974)	82,087
Expense and Equipment	
From Medicaid Provider Enrollment Fund (0990)	51,500
Total (Not to exceed 72.55 F.T.E.)	$3,912,589

SECTION 11.025.—To the Department of Social Services
For the Office of the Director
For the Missouri Medicaid Audit and Compliance Unit
For the purpose of funding a case management, provider enrollment, and a fraud abuse and detection system

Expense and Equipment	
From General Revenue Fund (0101)	$642,673
From Department of Social Services Federal Fund (0610)	3,969,576
Total	$4,612,249

SECTION 11.030.—To the Department of Social Services
For the Office of the Director
For the purpose of funding recovery audit services

Expense and Equipment	
From Recovery Audit and Compliance Fund (0974)	$1,200,000

SECTION 11.040.—To the Department of Social Services
For the Division of Finance and Administrative Services

Personal Service	$1,722,486
Expense and Equipment	375,468
From General Revenue Fund (0101)	2,097,954

Personal Service. 1,049,305
Expense and Equipment. 170,113
From Department of Social Services Federal Fund (0610) 1,219,418

Personal Service. 4,068
Expense and Equipment. 317
From Department of Social Services Administrative Trust Fund (0545). 4,385

Personal Service
From Child Support Enforcement Fund (0169) 48,847

For the purpose of funding the centralized inventory system, for reimbursable goods and services provided by the department, and for related equipment replacement and maintenance expenses
Expense and Equipment
From Department of Social Services Administrative Trust Fund (0545). 1,200,000
Total (Not to exceed 72.00 F.T.E.). $4,570,604

SECTION 11.045.—To the Department of Social Services
For the Division of Finance and Administrative Services
For the payment of fees to contractors who engage in revenue maximization projects on behalf of the Department of Social Services
Expense and Equipment
From Department of Social Services Federal Fund (0610). $5,250,000

SECTION 11.050.—To the Department of Social Services
For the Division of Finance and Administrative Services
For the purpose of funding the receipt and disbursement of refunds and incorrectly deposited receipts to allow the over-collection of accounts receivables to be paid back to the recipient
From Title XIX Federal Fund (0163). $5,528,000
From Department of Social Services Federal Fund (0189) 1,500,000
From Temporary Assistance for Needy Families Federal Fund (0199) 27,000
From Department of Social Services Federal Fund (0610) 5,000,000
From Pharmacy Rebates Fund (0114). 25,000
From Third Party Liability Collections Fund (0120) 369,000
From Premium Fund (0885). 2,650,000
Total. $15,099,000

SECTION 11.055.—To the Department of Social Services
For the Division of Finance and Administrative Services
For the purpose of funding payments to counties and the City of St. Louis toward the care and maintenance of each delinquent or dependent child as provided in Section 211.156, RSMo
From General Revenue Fund (0101). $1,504,000

SECTION 11.060.—To the Department of Social Services
For the Division of Legal Services
Personal Service. $1,555,162
Expense and Equipment. 31,577
From General Revenue Fund (0101) 1,586,739

Personal Service. 3,072,595
Expense and Equipment.. 390,834
From Department of Social Services Federal Fund (0610) 3,463,429

Personal Service. 571,974
Expense and Equipment.. 90,076
From Third Party Liability Collections Fund (0120) 662,050

Personal Service
From Child Support Enforcement Fund (0169). 167,287

For the purpose of funding a pilot program between the Department of Social Services and the Office of State Court Administrator to identify five counties to focus juvenile officers on child welfare case-load by converting state-employed juvenile officers to attorneys within the Department of Social Services to process all legal filings in those five counties in child welfare cases. Under no circumstance, will the pilot program reduce the staffing necessary to also meet the juvenile delinquency caseload requirements in those five counties
From General Revenue Fund (0101). 210,541
Total (Not to exceed 129.97 F.T.E.). $6,090,046

SECTION 11.065.—To the Department of Social Services
For the Family Support Division
Personal Service. $626,493
Expense and Equipment.. 8,407
From General Revenue Fund (0101) 634,900

Personal Service. 635,108
Expense and Equipment.. 1,906,084
From Temporary Assistance for Needy Families Federal Fund (0199) 2,541,192

Personal Service 4,616,715
Expense and Equipment.. 8,974,775
From Department of Social Services Federal Fund (0610) 13,591,490

Personal Service
From Child Support Enforcement Fund (0169). 1,287,312
Total (Not to exceed 168.46 F.T.E.). $18,054,894

SECTION 11.070.—To the Department of Social Services
For the Family Support Division
For the income maintenance field staff and operations
Personal Service. $14,552,708
Expense and Equipment.. 3,207,874
From General Revenue Fund (0101) 17,760,582

Personal Service. 19,609,866
Expense and Equipment.. 2,654,182
From Temporary Assistance for Needy Families Federal Fund (0199) 22,264,048

Personal Service. 32,095,067

Expense and Equipment	8,050,631
From Department of Social Services Federal Fund (0610)	40,145,698
Personal Service	796,754
Expense and Equipment	27,917
From Health Initiatives Fund (0275)	824,671
Total (Not to exceed 2,052.73 F.T.E.)	$80,994,999

SECTION 11.075.—To the Department of Social Services
For the Family Support Division
For income maintenance and child support staff training
Expense and Equipment

From General Revenue Fund (0101)	$113,693
From Department of Social Services Federal Fund (0610)	133,974
Total	$247,667

SECTION 11.080.—To the Department of Social Services
For the Family Support Division
For the purpose of funding the electronic benefit transfers (EBT) system
Expense and Equipment

From General Revenue Fund (0101)	$1,926,622
From Temporary Assistance for Needy Families Federal Fund (0199)	146,888
From Department of Social Services Federal Fund (0610)	1,399,859
Total	$3,473,369

SECTION 11.085.—To the Department of Social Services
For the Family Support Division
For the purpose of funding the receipt of funds from the Polk County and Bolivar Charitable Trust for the exclusive benefit and use of the Polk County Office

From Family Services Donations Fund (0167)	$10,000

SECTION 11.090.—To the Department of Social Services
For the Family Support Division
For the purpose of funding contractor, hardware, and other costs associated with planning, development, and implementation of a Family Assistance Management Information System (FAMIS)
Expense and Equipment

From General Revenue Fund (0101)	$575,453
From Temporary Assistance for Needy Families Federal Fund (0199)	1,084,032
From Department of Social Services Federal Fund (0610)	138,339
Total	$1,797,824

SECTION 11.095.—To the Department of Social Services
For the Family Support Division
For the purpose of planning, designing, and purchasing an eligibility and enrollment system, and provided the department of social services shall procure a contractor to provide verification of initial and ongoing eligibility data for assistance under the supplemental nutrition assistance program; temporary assistance for needy families, MO HealthNet, and any other assistance programs as practical. The contractor shall utilize public records as well as other established, credible data sources to evaluate income,

resources, and assets of each applicant on no less than a quarterly basis. The contractor shall also, on a monthly basis, identify participants of covered programs who have died, moved out of state, or been incarcerated longer than 90 days
Expense and Equipment
From General Revenue Fund (0101). $7,566,986
From Department of Social Services Federal Fund (0610) 63,459,631
From Health Initiatives Fund (0275). 1,000,000
Total. $72,026,617

SECTION 11.100.—To the Department of Social Services
For the Family Support Division, provided that not more than ten percent (10%) flexibility is allowed between this section and sections 11.110, 11.115, 11.120, 11.125, and 11.165
For the purpose of funding Community Partnerships
Personal Service
From General Revenue Fund (0101). $91,129

For grants and contracts to Community Partnerships and other community initiatives and related expenses
From General Revenue Fund (0101) 492,372
From Temporary Assistance for Needy Families Federal Fund (0199) 4,201,624
From Department of Social Services Federal Fund (0610) 3,402,175

For the Missouri Mentoring Partnership
From Temporary Assistance for Needy Families Federal Fund (0199) 508,700
From Department of Social Services Federal Fund (0610) 935,000

For the Missouri Mentoring Partnership, provided that $75,000 shall be used to support an earn and learn program serving disadvantaged youth in a county with a charter form of government and with more than nine hundred fifty thousand inhabitants
From General Revenue Fund (0101) 75,000

For the purpose of funding a program for adolescents with the goal of preventing teen pregnancies
From Temporary Assistance for Needy Families Federal Fund (0199). 600,000
Total (Not to exceed 2.00 F.T.E.). $10,306,000

SECTION 11.105.—To the Department of Social Services
For the Family Support Division
For the purpose of funding the Family Nutrition Education Program
From Department of Social Services Federal Fund (0610). $12,981,261

SECTION 11.107.—To the Department of Social Services
For the Family Support Division
For the purpose of funding the Supplemental Nutrition Assistance Program (SNAP) Employment and Training pilot project
From Department of Social Services Federal Fund (0610). $6,204,532

SECTION 11.110.—To the Department of Social Services
For the Family Support Division, provided that not more than ten percent

(10%) flexibility is allowed between this section and sections 11.100, 11.115, 11.120, 11.125, and 11.165
For the purpose of funding Temporary Assistance for Needy Families (TANF) benefits; transitional benefits provided that total funding herein is sufficient to fund TANF benefits
From General Revenue Fund (0101). $7,856,800
From Temporary Assistance for Needy Families Federal Fund (0199) 83,466,186

For the purpose of work assistance programs
From General Revenue Fund (0101) 1,855,554
From Temporary Assistance for Needy Families Federal Fund (0199) 20,394,658

For support to Food Banks' effort to provide services and food to low-income individuals
From Temporary Assistance for Needy Families Federal Fund (0199) 10,000,000

For the purpose of funding payments to qualified agencies for TANF or TANF maintenance of effort after school and out of school support programs
From Temporary Assistance for Needy Families Federal Fund (0199) 3,000,000

For the purpose of funding tutoring programs
From Temporary Assistance for Needy Families Federal Fund (0199) 1,000,000

For the Summer Jobs program
From Temporary Assistance for Needy Families Federal Fund (0199) 11,500,000

For the Summer Jobs program
Personal Service. 200,000
Expense and Equipment. 50,000
From Temporary Assistance for Needy Families Federal Fund (0199) 250,000

For the State Parks Youth Corps (SPYC) Jobs program
From Temporary Assistance for Needy Families Federal Fund (0199) 2,500,000

For the Foster Care Jobs program
From Temporary Assistance for Needy Families Federal Fund (0199) 1,000,000

For Jobs for America's Graduates
From Temporary Assistance for Needy Families Federal Fund (0199). 750,000
Total (Not to exceed 4.00 F.T.E.). $143,573,198

SECTION 11.115.—To the Department of Social Services
For the Family Support Division, provided that not more than ten percent (10%) flexibility is allowed between this section and sections 11.100, 11.110, 11.120, 11.125, and 11.165
For the purpose of funding supplemental payments to aged or disabled persons
From General Revenue Fund (0101). $33,525

SECTION 11.120.—To the Department of Social Services
For the Family Support Division, provided that not more than ten percent

(10%) flexibility is allowed between this section and sections 11.100, 11.110, 11.115, 11.125, and 11.165
For the purpose of funding nursing care payments to aged, blind, or disabled persons, and for personal funds to recipients of Supplemental Nursing Care payments as required by Section 208.030, RSMo
From General Revenue Fund (0101). $23,130,951

SECTION 11.125.—To the Department of Social Services
For the Family Support Division, provided that not more than ten percent (10%) flexibility is allowed between this section and sections 11.100, 11.110, 11.115, 11.120, and 11.165
For the purpose of funding Blind Pension and supplemental payments to blind persons
From General Revenue Fund (0101). $2,284,460
From Blind Pension Fund (0621).. 34,313,866
Total. $36,598,326

SECTION 11.130.—To the Department of Social Services
For the Family Support Division
For the purpose of funding benefits and services as provided by the Indochina Migration and Refugee Assistance Act of 1975 as amended
From Department of Social Services Federal Fund (0610). $3,806,226

SECTION 11.135.—To the Department of Social Services
For the Family Support Division
For the purpose of funding community services programs provided by Community Action Agencies, including programs to assist the homeless, under the provisions of the Community Services Block Grant
From Department of Social Services Federal Fund (0610). $23,637,000

SECTION 11.140.—To the Department of Social Services
For the Family Support Division
For the purpose of funding the Emergency Solutions Grant Program
From Department of Social Services Federal Fund (0610). $4,130,000

SECTION 11.145.—To the Department of Social Services
For the Family Support Division
For the purpose of funding the Surplus Food Distribution Program and the receipt and disbursement of Donated Commodities Program payments
From Department of Social Services Federal Fund (0610). $1,500,000

SECTION 11.150.—To the Department of Social Services
For the Family Support Division
For the purpose of funding the Low-Income Home Energy Assistance Program, provided that ten percent (10%), up to $7,000,000, be used for the Low-Income Weatherization Assistance Program (LIWAP) administered by the Division of Energy within the Department of Economic Development
From Department of Social Services Federal Fund (0610). $77,547,867

SECTION 11.152.—To the Department of Social Services
There is transferred out of the State Treasury, chargeable to the
General Revenue Fund, to the Utilicare Stabilization Fund
From General Revenue Fund (0101). $4,000,000

SECTION 11.153.—To the Department of Social Services
For the Utilicare Program
From Utilicare Stabilization Fund (0134). $4,000,000

SECTION 11.155.—To the Department of Social Services
For the Family Support Division
For the purpose of funding services and programs to assist victims of
domestic violence
From General Revenue Fund (0101). $4,750,000
From Temporary Assistance for Needy Families Federal Fund (0199) 1,600,000
From Department of Social Services Federal Fund (0610) 2,116,524

For the purpose of funding emergency shelter services to assist victims of
domestic violence
From Temporary Assistance for Needy Families Federal Fund (0199). 562,137
Total. $9,028,661

SECTION 11.157.—To the Department of Social Services
For the Family Support Division
For the purpose of funding services and programs to assist victims of
sexual assault
From General Revenue Fund (0101). $500,000

SECTION 11.160.—To the Department of Social Services
For the Family Support Division
For the purpose of funding administration of blind services
Personal Service. $777,764
Expense and Equipment. 132,737
From General Revenue Fund (0101) 910,501

Personal Service. 3,009,145
Expense and Equipment. 743,274
From Department of Social Services Federal Fund (0610). 3,752,419
Total (Not to exceed 103.69 F.T.E.). $4,662,920

SECTION 11.165.—To the Department of Social Services
For the Family Support Division, provided that not more than ten percent
(10%) flexibility is allowed between this section and sections
11.100, 11.110, 11.115, and 11.125
For the purpose of funding services for the visually impaired
From General Revenue Fund (0101). $1,483,831
From Department of Social Services Federal Fund (0610) 6,372,075
From Family Services Donations Fund (0167) 99,995
From Blindness Education, Screening and Treatment Program Fund (0892).. . . 349,000
Total. $8,304,901

SECTION 11.170.—To the Department of Social Services

For the Family Support Division
For the purpose of supporting business enterprise programs for the blind, and further provided that a federal military vending facility operated in accordance with RSMo. 8.700 - 8.745 and that regularly employs at least five hundred individuals shall incorporate at last three blind vendors and shall evenly split all resulting compensation
From Department of Social Services Federal Fund (0610). $35,000,000

SECTION 11.175.—To the Department of Social Services
For the Family Support Division
For the purpose of funding Child Support Enforcement field staff and operations, provided that the department may develop a program for the collection of child support payments in arrears for intergovernmental cases
Expense and Equipment
From General Revenue Fund (0101). $2,533,904

Personal Service. 18,970,486
Expense and Equipment.. 5,709,213
From Department of Social Services Federal Fund (0610) 24,679,699

Personal Service. 5,313,127
Expense and Equipment.. 1,824,459
From Child Support Enforcement Fund (0169) 7,137,586

For Child Support Mediation
Expense and Equipment
From Child Support Enforcement Fund (0169). 615,000
Total (Not to exceed 763.24 F.T.E.). $34,966,189

SECTION 11.180.—To the Department of Social Services
For the Family Support Division
For the purpose of funding reimbursements to counties and the City of St. Louis and contractual agreements with local governments providing child support enforcement services and for incentive payments to local governments
From General Revenue Fund (0101). $1,840,279
From Department of Social Services Federal Fund (0610) 14,886,582
From Child Support Enforcement Fund (0169). 800,424
Total. $17,527,285

SECTION 11.185.—To the Department of Social Services
For the Family Support Division
For the purpose of funding reimbursements to the federal government for federal Temporary Assistance for Needy Families payments, incentive payments to other states, refunds of bonds, refunds of support payments or overpayments, and distributions to families
From Department of Social Services Federal Fund (0610). $86,500,000
From Debt Offset Escrow Fund (0753). 9,000,000
Total. $95,500,000

SECTION 11.190.—To the Department of Social Services
Funds are to be transferred out of the State Treasury, chargeable to the Debt Offset Escrow Fund to the Department of Social Services Federal Fund
From Debt Offset Escrow Fund (0753). $955,000

Funds are to be transferred out of the State Treasury, chargeable to the Debt Offset Escrow Fund to the Child Support Enforcement Fund
From Debt Offset Escrow Fund (0753). 245,000
Total. $1,200,000

SECTION 11.195.—To the Department of Social Services
For the Children's Division
Personal Service. $726,664
Expense and Equipment. 30,236
From General Revenue Fund (0101) 756,900

Personal Service. 3,203,158
Expense and Equipment. 2,661,367
From Department of Social Services Federal Fund (0610) 5,864,525

Personal Service. 45,829
Expense and Equipment. 11,548
From Early Childhood Development, Education and Care Fund (0859) 57,377

Expense and Equipment
From Third Party Liability Collections Fund (0120). 50,000
Total (Not to exceed 89.50 F.T.E.). $6,728,802

SECTION 11.200.—To the Department of Social Services
For the Children's Division
For the Children's Division field staff and operations
Personal Service. $31,417,640
Expense and Equipment. 2,248,361
From General Revenue Fund (0101) 33,666,001

Personal Service. 44,938,581
Expense and Equipment. 4,378,301
From Department of Social Services Federal Fund (0610) 49,316,882

Personal Service. 71,104
Expense and Equipment. 27,846
From Health Initiatives Fund (0275). 98,950

For the purpose of funding a two-year pilot program for full privatization of recruitment and retention services in two areas of the state in which one site should be a location that already has a strong contractor presence and the second site should have little or no existing contractor presence
From General Revenue Fund (0101) 572,787
From Department of Social Services Federal Fund (0610). 793,132
Total (Not to exceed 1,959.38 F.T.E.). $84,447,752

SECTION 11.205.—To the Department of Social Services
For the Children's Division
For Children's Division staff training
Expense and Equipment
From General Revenue Fund (0101). $979,766
From Department of Social Services Federal Fund (0610). 491,992
Total. $1,471,758

SECTION 11.210.—To the Department of Social Services
For the Children's Division
For the purpose of funding a three percent (3%) provider rate increase beginning on January 1, 2016 for children's treatment services including, but not limited to, home-based services, day treatment services, or intensive in-home services
From General Revenue Fund (0101). $292,524

For the purpose of funding children's treatment services including, but not limited to, home-based services, day treatment services, preventive services, child care, family reunification services, or intensive in-home services
From General Revenue Fund (0101) 12,186,218
From Temporary Assistance for Needy Families Federal Fund (0199) 1,573,418
From Department of Social Services Federal Fund (0610) 7,088,175

For the purpose of funding crisis care
From General Revenue Fund (0101). 2,050,000
Total. $23,190,335

SECTION 11.215.—To the Department of Social Services
For the Children's Division
For the purpose of funding grants to community-based programs to strengthen the child welfare system locally to prevent child abuse and neglect and divert children from entering into the custody of the Children's Division
From General Revenue Fund (0101). $100,000
From Temporary Assistance for Needy Families Federal Fund (0199) 1,190,000

For the purpose of funding certificates to low-income, at-home families pursuant to Chapter 313, RSMo
From Early Childhood Development, Education and Care Fund (0859).. 3,074,500
Total. $4,364,500

SECTION 11.220.—To the Department of Social Services
For the Children's Division
For the purpose of funding a three percent (3%) provider rate increase beginning on January 1, 2016 for placement costs including foster care payments; related services; expenses related to training of foster parents; residential treatment placements and therapeutic treatment services; and for the diversion of children from inpatient psychiatric treatment and services provided through comprehensive, expedited permanency systems of care for children and families
From General Revenue Fund (0101). $1,205,182

From Department of Social Services Federal Fund (0610) 1,000,633

For the purpose of funding placement costs including foster care payments; related services; expenses related to training of foster parents; residential treatment placements and therapeutic treatment services; and for the diversion of children from inpatient psychiatric treatment and services provided through comprehensive, expedited permanency systems of care for children and families
From General Revenue Fund (0101) 79,823,517
From Department of Social Services Federal Fund (0610) 46,649,050
From Temporary Assistance for Needy Families Federal Fund (0199) 1,366,385

For the purpose of funding placement costs in an outdoor learning residential licensed or accredited program located in south central Missouri related to the treatment of foster children
From General Revenue Fund (0101) 183,385
From Department of Social Services Federal Fund (0610) 316,615

For the purpose of funding awards to licensed community-based foster care and adoption recruitment programs
From Foster Care and Adoptive Parents Recruitment and Retention Fund (0979). 5,000
Total. $130,549,134

SECTION 11.223.—To the Department of Social Services
For the Children's Division
For the purpose of funding three Social Innovation Project Grants; these grants shall be awarded to the top three applications for an eighteen month period over which time the grantee shall demonstrate a replicable program which successfully reduces the number of families in the child welfare system who fit the following criteria: the family is part of a cycle of poverty which is generational; the family has been referred to the child welfare system for foster care or other intensive services; the family has few stable environmental resources, including housing and employment; and, the family has a history with substance abuse. Bids shall be assessed by an expert panel comprised, in equal numbers, of leading academics, professionals with substantial experience in delivering services to children and families in this environment, and leading professional staff of the department. Bidders shall provide evaluation and reporting of their project to the panel on a regular basis. At the end of the grants, the panel shall choose either a winning program or develop a hybrid of the best programs, which shall be presented to the General Assembly and the Governor for deployment
From General Revenue Fund (0101). $1,000,000

SECTION 11.225.—To the Department of Social Services
For the Children's Division
For the purpose of funding contractual payments for expenses related to training of foster parents
From General Revenue Fund (0101). $403,479

From Department of Social Services Federal Fund (0610). 172,920
Total. $576,399

SECTION 11.230.—To the Department of Social Services
For the Children's Division
For the purpose of funding costs associated with attending post-secondary education including, but not limited to tuition, books, fees, room, and board for current or former foster youth
From General Revenue Fund (0101). $188,848
From Department of Social Services Federal Fund (0610). 1,050,000
Total. $1,238,848

SECTION 11.235.—To the Department of Social Services
For the Children's Division
For the purpose of funding a three percent (3%) provider rate increase beginning on January 1, 2016 for comprehensive case management contracts through community-based organizations as described in Section 210.112, RSMo. The purpose of these contracts shall be to provide a system of care for children living in foster care, independent living, or residential care settings. Services eligible under this provision may include, but are not limited to, case management, foster care, residential treatment, intensive in-home services, family reunification services, and specialized recruitment and training of foster care families
From General Revenue Fund (0101). $255,000
From Department of Social Services Federal Fund (0610) 255,000

For the purpose of providing comprehensive case management contracts through community-based organizations as described in Section 210.112, RSMo. The purpose of these contracts shall be to provide a system of care for children living in foster care, independent living, or residential care settings. Services eligible under this provision may include, but are not limited to, case management, foster care, residential treatment, intensive in-home services, family reunification services, and specialized recruitment and training of foster care families
From General Revenue Fund (0101) 21,546,370
From Department of Social Services Federal Fund (0610). 17,101,933
Total. $38,648,303

SECTION 11.240.—To the Department of Social Services
For the Children's Division
For the purpose of funding a three percent (3%) provider rate increase beginning on January 1, 2016 for Adoption and Guardianship subsidy payments and related services
From General Revenue Fund (0101). $1,093,105
From Department of Social Services Federal Fund (0610) 177,947

For the purpose of funding Adoption and Guardianship subsidy payments and related services
From General Revenue Fund (0101) 55,314,768
From Department of Social Services Federal Fund (0610). 22,169,509

Total. $78,755,329

SECTION 11.245.—To the Department of Social Services
For the Children's Division
For the purpose of funding Adoption Resource Centers
From Department of Social Services Federal Fund (0610). $300,000

For the purpose of funding an adoption resource center in central Missouri and one center in Southwest Missouri
From Department of Social Services Federal Fund (0610) 300,000

For the purpose of funding extreme recruitment for older youth with significant mental health and behavioral issues through the three current adoption resource centers
From Department of Social Services Federal Fund (0610). 900,000
Total. $1,500,000

SECTION 11.250.—To the Department of Social Services
For the Children's Division
For the purpose of funding independent living placements and transitional living services
From General Revenue Fund (0101). $2,097,584
From Department of Social Services Federal Fund (0610). 3,821,203
Total. $5,918,787

SECTION 11.255.—To the Department of Social Services
For the Children's Division
For the purpose of funding Regional Child Assessment Centers
From General Revenue Fund (0101). $1,649,475
From Department of Social Services Federal Fund (0610) 800,000
From Health Initiatives Fund (0275). 501,048
Total. $2,950,523

SECTION 11.260.—To the Department of Social Services
For the Children's Division
For the purpose of funding residential placement payments to counties for children in the custody of juvenile courts
From Department of Social Services Federal Fund (0610). $400,000

SECTION 11.265.—To the Department of Social Services
For the Children's Division
For the purpose of funding CASA IV-E allowable training costs
From Department of Social Services Federal Fund (0610). $200,000

SECTION 11.270.—To the Department of Social Services
For the Children's Division
For the purpose of funding the Child Abuse and Neglect Prevention Grant and Children's Justice Act Grant
From Department of Social Services Federal Fund (0610). $188,316

SECTION 11.275.—To the Department of Social Services
For the Children's Division

For the purpose of funding transactions involving personal funds of
children in the custody of the Children's Division
From Alternative Care Trust Fund (0905). $15,000,000

SECTION 11.280.—To the Department of Social Services
For the Children's Division
For the Head Start Collaboration Program
From Department of Social Services Federal Fund (0610). $300,000

SECTION 11.285.—To the Department of Social Services
For the Children's Division
For the purpose of funding child care services, the general administration
of the programs, including development and implementation of
automated systems to enhance time, attendance reporting, contract
compliance and payment accuracy, and to support the Educare
Program, and provided that, effective July 1, 2015, the income
thresholds for childcare subsidies shall be a full benefit for
individuals with an income which is less than or equal to 138
percent of the federal poverty level; a benefit of 75 percent
for individuals with an income which is less than or equal to165
percent of the federal poverty level but greater than 138 percent of
the federal poverty level; a benefit of 50 percent for individuals
with an income which is less than or equal to 190 percent of the
federal poverty level but greater than 165 percent of federal
poverty level; a benefit of 25 percent for individuals with an
income which is less than or equal to 215 percent of the federal
poverty level but greater than 190 percent of federal poverty level
From General Revenue Fund (0101). $45,963,823
From Department of Social Services Federal Fund (0610) 94,931,908

From Early Childhood Development, Education and Care Fund (0859) 2,676,737
From Temporary Assistance for Needy Families Fund (0199) 24,488,748

Personal Service
From General Revenue Fund (0101) 14,450

Personal Service
From Department of Social Services Federal Fund (0610) 515,453

For the purpose of funding early childhood development, education, and
care programs for low-income families pursuant to Chapter 313, RSMo
From Early Childhood Development, Education and Care Fund (0859) 3,500,000

For the purpose of funding the Hand Up pilot program
From General Revenue Fund (0101) 40,000
From Department of Social Services Federal Fund (0610). 60,000
Total (Not to exceed 13.00 F.T.E.). $172,191,119

SECTION 11.290.—To the Department of Social Services
For the Division of Youth Services
For the purpose of funding Central Office and Regional Offices
Personal Service. $1,190,020

Expense and Equipment. 80,694
From General Revenue Fund (0101) 1,270,714

Personal Service.. 500,200
Expense and Equipment. 100,340
From Department of Social Services Federal Fund (0610) 600,540

Expense and Equipment
From Youth Services Treatment Fund (0843). 999
Total (Not to exceed 41.33 F.T.E.). $1,872,253

SECTION 11.295.—To the Department of Social Services
For the Division of Youth Services
For the purpose of funding a three percent (3%) provider rate increase beginning on January 1, 2016 for treatment services, including foster care and contractual payments
From General Revenue Fund (0101). $22,429

For the purpose of funding treatment services, including foster care and contractual payments
Personal Service.. 16,075,724
Expense and Equipment. 821,931
From General Revenue Fund (0101) 16,897,655

Personal Service.. 23,089,430
Expense and Equipment. 6,496,018
From Department of Social Services Federal Fund (0610) 29,585,448

Personal Service.. 3,175,038
Expense and Equipment. 3,852,302
From DOSS Educational Improvement Fund (0620). 7,027,340

Personal Service.. 133,418
Expense and Equipment. 9,106
From Health Initiatives Fund (0275). 142,524

Expense and Equipment
From Youth Services Products Fund (0764) 5,000

For the purpose of paying overtime to non-exempt state employees and/or paying otherwise authorized personal service expenditures in lieu of such overtime payments. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds to be used to pay overtime to any other state employees
From General Revenue Fund (0101) 873,298

For the purpose of funding payment distribution of Social Security benefits received on behalf of youth in care
From Division of Youth Services Child Benefits Fund (0727). 200,000
Total (Not to exceed 1,213.88 F.T.E.). $54,753,694

SECTION 11.300.—To the Department of Social Services
For the Division of Youth Services
For the purpose of funding incentive payments to counties for
community-based treatment programs for youth

From General Revenue Fund (0101)	$3,579,486
From Gaming Commission Fund (0286)	500,000
Total	$4,079,486

SECTION 11.400.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding administrative services

Personal Service	$2,620,857
Expense and Equipment	693,766
From General Revenue Fund (0101)	3,314,623
Personal Service	5,395,307
Expense and Equipment	3,334,371
From Department of Social Services Federal Fund (0610)	8,729,678
Personal Service	95,746
Expense and Equipment	7,708
From Federal Reimbursement Allowance Fund (0142)	103,454
Personal Service	26,085
Expense and Equipment	356
From Pharmacy Reimbursement Allowance Fund (0144)	26,441
Personal Service	421,893
Expense and Equipment	41,385
From Health Initiatives Fund (0275)	463,278
Personal Service	84,344
Expense and Equipment	10,281
From Nursing Facility Quality of Care Fund (0271)	94,625
Personal Service	390,618
Expense and Equipment	488,041
From Third Party Liability Collections Fund (0120)	878,659
Personal Service	760,005
Expense and Equipment	55,553
From Missouri Rx Plan Fund (0779)	815,558
Personal Service	18,018
Expense and Equipment	3,466
From Ambulance Service Reimbursement Allowance Fund (0958)	21,484
Total (Not to exceed 234.11 F.T.E.)	$14,447,800

SECTION 11.405.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding clinical services management related to the
administration of the MO HealthNet Pharmacy fee-for-service and

managed care programs and administration of the Missouri Rx Plan
Expense and Equipment
From General Revenue Fund (0101). $461,917
From Department of Social Services Federal Fund (0610) 12,214,032
From Third Party Liability Collections Fund (0120) 924,911
From Missouri Rx Plan Fund (0779). 1,560,595
Total. $15,161,455

SECTION 11.410.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding women and minority health care outreach programs, provided that not more than twenty-five percent (25%) of funds in this subsection may be used for managed care programs, and further provided that not more than ten percent (10%) flexibility is allowed between this subsection and the portions of sections 11.410, 11.435, 11.455, 11.460, 11.465, 11.470, 11.485, 11.490, 11.505, 11.510, 11.550, 11.555, and 11.595 that are not related to provider rate increases
Expense and Equipment
From General Revenue Fund (0101). $529,796
From Department of Social Services Federal Fund (0610). 568,625
Total. $1,098,421

SECTION 11.415.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding fees associated with third-party collections and other revenue maximization cost avoidance fees
Expense and Equipment
From Department of Social Services Federal Fund (0610). $3,000,000
From Third Party Liability Collections Fund (0120). 3,000,000
Total. $6,000,000

SECTION 11.420.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding the operation of the information systems,
From General Revenue Fund (0101). $7,386,283
From Department of Social Services Federal Fund (0610) 43,366,963
From Health Initiatives Fund (0275). 1,591,687
From Uncompensated Care Fund (0108). 430,000

For the purpose of funding the modernization of the Medicaid Management Information System (MMIS) and the operation of the information systems, provided no funds shall be appropriated to enhance functionality within the state designated Health Information Exchange or to create further functionality with the Department of Social Services MO HealthNet systems for the purpose of health information exchange services or activity with a not-for-profit corporation that serves a state designated health information exchange that has received over ten million dollars in federal funds, and further provided the department shall make a good faith effort to locate the data and call centers in the state
From Department of Social Services Federal Fund (0610). 12,033,387

Total. $64,808,320

SECTION 11.425.—To the Department of Social Services
For the MO HealthNet Division
For Healthcare Technology Incentives and administration
From Federal Stimulus-Social Services Fund (2292). $60,000,000

SECTION 11.430.—To the Department of Social Services
For the MO HealthNet Division
For the Money Follows the Person Program
From Department of Social Services Federal Fund (0610). $532,549

SECTION 11.435.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding pharmaceutical payments under the MO HealthNet fee-for-service program and for the administration of these programs and for the purpose of funding professional fees for pharmacists and for a comprehensive chronic care risk management program, and to provide funding for clinical medication therapy services (MTS) provided by pharmacists with MTS Certificates as allowed under 338.010 RSMo. to MO HealthNet (MHD) participants, provided that not more than twenty-five percent (25%) of funds in this subsection may be used for managed care programs, and further provided that not more than ten percent (10%) flexibility is allowed between this subsection and the portions of sections 11.410, 11.435, 11.455, 11.460, 11.465, 11.470, 11.485, 11.490, 11.505, 11.510, 11.550, 11.555, and 11.595 that are not related to provider rate increases
From General Revenue Fund (0101). $87,343,166
From Title XIX - Federal (0163). 744,734,952
From Life Sciences Research Trust Fund (0763). 23,056,250
From Pharmacy Rebates Fund (0114). 229,804,828
From Third Party Liability Collections Fund (0120) 4,217,574
From Pharmacy Reimbursement Allowance Fund (0144). 61,745,023
From Health Initiatives Fund (0275). 969,293
From Healthy Families Trust Fund (0625). 23,541,034
From Premium Fund (0885) 3,800,000

For the purpose of funding Medicare Part D Clawback payments and for funding MO HealthNet pharmacy payments, , provided that not more than twenty-five percent (25%) of funds in this subsection may be used for managed care programs, and further provided that not more than ten percent (10%) flexibility is allowed between this subsection and the portions of sections 11.410, 11.435, 11.460, 11.465, 11.470, 11.485, 11.490, 11.505, 11.510, 11.550, 11.555, and 11.595 that are not related to provider rate increases
From General Revenue Fund (0101) 177,600,212

For the purpose of funding pharmaceutical payments under the Missouri Rx Plan authorized by Sections 208.780 through 208.798, RSMo, provided that not more than twenty-five percent (25%) of funds in this subsection may be used for managed care programs, and further

provided that not more than ten percent (10%) flexibility is allowed between this subsection and the portions of sections 11.410, 11.435, 11.460, 11.465, 11.470, 11.485, 11.490, 11.505, 11.510, 11.550, 11.555, and 11.595 that are not related to provider rate increases
From General Revenue Fund (0101) 17,003,822
From Missouri Rx Plan Fund (0779).. 6,982,425
Total. $1,380,798,579

SECTION 11.440.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding Pharmacy Reimbursement Allowance payments as provided by law
From Pharmacy Reimbursement Allowance Fund (0144). $108,308,926

SECTION 11.445.—To the Department of Social Services
Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund to the Pharmacy Reimbursement Allowance Fund
From General Revenue Fund (0101). $38,737,111

SECTION 11.450.—To the Department of Social Services
Funds are to be transferred out of the State Treasury, chargeable to the Pharmacy Reimbursement Allowance Fund to the General Revenue Fund as a result of recovering the Pharmacy Reimbursement Allowance Fund
From Pharmacy Reimbursement Allowance Fund (0144). $38,737,111

SECTION 11.455.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding a three percent (3%) provider rate increase beginning on January 1, 2016 for physician services and related services including, but not limited to, clinic and podiatry services, telemedicine services, physician-sponsored services and fees, laboratory and x-ray services, and family planning services under the MO HealthNet fee-for-service program
From Tax Amnesty Fund (0470). $1,484,349
From Title XIX - Federal (0163).. 2,562,404

For the purpose of funding an increase to primary care physician rates
From Tax Amnesty Fund (0470) 4,000,000
From Title XIX - Federal (0163).. 6,906,017

For the purpose of funding physician services and related services including, but not limited to, clinic and podiatry services, telemedicine services, physician-sponsored services and fees, laboratory and x-ray services, and family planning services under the MO HealthNet fee-for-service program, and for administration of these programs, and for a comprehensive chronic care risk management program and Major Medical Prior Authorization, provided that not more than twenty-five percent (25%) of funds in this subsection may be used for managed care programs, and further provided that not more than ten percent (10%) flexibility

is allowed between this subsection and the portions of sections 11.410, 11.435, 11.455, 11.460, 11.465, 11.470, 11.485, 11.490, 11.505, 11.510, 11.550, 11.555, and 11.595 that are not related to provider rate increases, and further provided the Department shall consider making abuse deterrent formulary versions of drugs that are classified Schedule II through IV available to prescribers in order to mitigate potential addiction issues for individuals that are at risk for addiction or those patients with whom the prescriber does not have an ongoing physician/patient relationship. The Director shall provide information to the Senate Appropriations Chair and House Budget Chair on any protocols or other processes that create access to Abuse Deterrent Formularies to Physicians where clinical practice warrants such access, and further provided the department shall provide $150,000 for reimbursement for translation services for patients with limited English proficiency in primary care settings to insure an accurate level of communication with the provider to render the most effective services. Such funding shall only be available at the request of a treating physician or primary care provider for limited English proficient patients that legally reside in Missouri

From General Revenue Fund (0101) 85,818,613
From Title XIX - Federal (0163). 240,326,840
From Pharmacy Reimbursement Allowance Fund (0144). 10,000
From Health Initiatives Fund (0275). 1,427,081
From Healthy Families Trust Fund (0625). 11,825,877
Total. $354,361,181

SECTION 11.456.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding a Missouri HealthNet pilot project for primary care practices and clinics
From General Revenue Fund (0101). $100,000
From Title XIX - Federal (0163). 300,000
Total. $400,000

SECTION 11.460.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding a three percent (3%) provider rate increase beginning on January 1, 2016 for dental services under the MO HealthNet fee-for-service program
From Tax Amnesty Fund (0470). $95,107
From Title XIX - Federal (0163). 164,181

For the purpose of funding adult dental procedure codes (Tier 1-6) for Medicaid individuals who currently do not receive dental benefits under the MO HealthNet fee-for-service program and managed care programs, and further provided that not more than ten percent (10%) flexibility is allowed between this subsection and the portions of sections 11.410, 11.435, 11.455, 11.460, 11.465, 11.470, 11.485, 11.490, 11.505, 11.510, 11.550, 11.555, and 11.595 that are not related to provider rate increases

From Tax Amnesty Fund (0470) 3,237,422
From Title XIX - Federal (0163).. 5,589,422

For the purpose of funding dental services under the MO HealthNet fee-for-service program, , provided that not more than twenty-five percent (25%) of funds in this subsection may be used for managed care programs, and further provided that not more than ten percent (10%) flexibility is allowed between this subsection and the portions of sections 11.410, 11.435, 11.455, 11.460, 11.465, 11.470, 11.485, 11.490, 11.505, 11.510, 11.550, 11.555, and 11.595 that are not related to provider rate increases, and further
From General Revenue Fund (0101) 337,204
From Title XIX - Federal (0163).. 2,133,512
From Health Initiatives Fund (0275). 71,162
From Healthy Families Trust Fund (0625). 848,773

For the purpose of funding a pilot project to expand access to dental care. The project shall permit Rural Health Clinics to provide dental services through cooperative agreements with community dentists. The department shall make all necessary state plan amendments(s) in order to execute this system
From General Revenue Fund (0101) 500,000
From Title XIX - Federal (0163).. 750,000
Total. $13,726,783

SECTION 11.465.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding payments to third-party insurers, employers, or policyholders for health insurance, provided that not more than twenty-five percent (25%) of funds in this subsection may be used for managed care programs, and further provided that not more than ten percent (10%) flexibility is allowed between this subsection and the portions of sections 11.410, 11.435, 11.455, 11.460, 11.465, 11.470, 11.485, 11.490, 11.505, 11.510, 11.550, 11.555, and 11.595 that are not related to provider rate increases
From General Revenue Fund (0101).. . . . . $65,720,861
From Title XIX - Federal (0163).. 128,087,018
Total. $193,807,879

SECTION 11.470.—To the Department of Social Services
For the MO HealthNet Division
For funding long-term care services
For the purpose of funding a two percent (2%) provider rate increase beginning on October 1, 2015 for care in nursing facilities or other long-term care services under the MO HealthNet fee-for-service program
From Tax Amnesty Fund (0470). $6,746,884
From Title XIX - Federal (0163).. 11,647,020

For the purpose of funding a three percent (3%) provider rate increase beginning on January 1, 2016 for home health for the elderly, or other long-term care services under the MO HealthNet fee-for-service program

From Tax Amnesty Fund (0470) 30,674
From Title XIX - Federal (0163). 52,951

For the purpose of funding a three percent (3%) provider rate increase
beginning on January 1, 2016 for the Program for All- Inclusive
Care for the Elderly
From Tax Amnesty Fund (0470) 40,445
From Title XIX - Federal (0163). 69,819

For the purpose of funding care in nursing facilities or other long-term
care services under the MO HealthNet fee-for-service program and
for contracted services to develop model policies and practices that
improve the quality of life for long-term care residents, provided
that not more than twenty-five percent (25%) of funds in this
subsection may be used for managed care programs, and further
provided that not more than ten percent (10%) flexibility is
allowed between this subsection and the portions of sections
11.410, 11.435, 11.455, 11.460, 11.465, 11.470, 11.485, 11.490,
11.505, 11.510, 11.550, 11.555, and 11.595 that are not related to
provider rate increases
From General Revenue Fund (0101) 142,097,015
From Title XIX - Federal (0163). 376,779,872
From Uncompensated Care Fund (0108). 58,516,478
From Nursing Facility Reimbursement Allowance Fund (0196). 9,134,756
From Healthy Families Trust Fund (0625). 17,973
From Third Party Liability Collections Fund (0120) 6,992,981

For the purpose of funding home health for the elderly, or other long-term
care services under the MO HealthNet fee-for-service program,
provided that not more than twenty-five percent (25%) of funds in
this subsection may be used for managed care programs, and
further provided that not more than ten percent (10%) flexibility
is allowed between this subsection and the portions of sections
11.410, 11.435, 11.455, 11.460, 11.465, 11.485, 11.490, 11.505,
11.510, 11.550, 11.555, and 11.595 that are not related to provider
rate increases
From General Revenue Fund (0101) 2,445,442
From Title XIX - Federal (0163). 4,497,105
From Health Initiatives Fund (0275). 159,305

For the purpose of funding Program for All-Inclusive Care for the Elderly,
or other long-term care services under the MO HealthNet
fee-for-service program, provided that not more than twenty-five
percent (25%) of funds in this subsection may be used for
managed care programs, and further provided that not more than
ten percent (10%) flexibility is allowed between this subsection
and the portions of sections 11.410, 11.435, 11.455, 11.460,
11.465, 11.485, 11.490, 11.505, 11.510, 11.550, 11.555, and
11.595 that are not related to provider rate increases
From General Revenue Fund (0101) 2,629,470
From Title XIX - Federal (0163). 4,453,050

For the purpose of funding an expansion of the Program for
All-Inclusive Care for the Elderly
From General Revenue Fund (0101) 350,000
From Title XIX - Federal (0163).. 604,276
Total. $627,265,516

SECTION 11.475.—To the Department of Social Services
Funds are to be transferred out of the State Treasury, chargeable to the
Long Term Support UPL Fund to the General Revenue Fund for
the state share of enhanced federal earnings under the nursing
facility upper payment limit
From Long Term Support UPL Fund (0724). $10,990,982

SECTION 11.480.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of paying publicly funded long-term care services and
support contracts and funding supplemental payments for care in
nursing facilities or other long term care services under the nursing
facility upper payment limit, provided that not more than
twenty-five percent (25%) of funds in this subsection may be used
for managed care programs, and further provided that not more than
ten percent (10%) flexibility is allowed between this
subsection and the portions of sections 11.410, 11.435, 11.455,
11.460, 11.465, 11.470, 11.485, 11.490, 11.505, 11.510, 11.550,
11.555, and 11.595 that are not related to provider rate increases
From Title XIX - Federal (0163).. . . . . $6,961,594
From Long Term Support UPL Fund (0724). 3,989,174
Total. $9,950,768

SECTION 11.485.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding a three percent (3%) provider rate increase
beginning on January 1, 2016 for all other non-institutional
services including, but not limited to, rehabilitation, optometry,
audiology, ambulance, non-emergency medical transportation,
durable medical equipment, and eyeglasses under the MO
HealthNet fee-for-service program, and for rehabilitation services
provided by residential treatment facilities as authorized by the
Children's Division for children in the care and custody of the
Children's Division
From Tax Amnesty Fund (0470). $647,875
From Title XIX - Federal (0163).. 1,118,415

For the purpose of funding an increase for helicopter emergency medical
services
From Tax Amnesty Fund (0470) 400,000
From Title XIX - Federal (0163).. 690,602

For the purpose of funding all other non-institutional services including,
but not limited to, rehabilitation, optometry, audiology, ambulance,
non-emergency medical transportation, durable medical equipment,
and eyeglasses under the MO HealthNet fee-for-service program,

and for administration of these services, and for rehabilitation services provided by residential treatment facilities as authorized by the Children's Division for children in the care and custody of the Children's Division, provided that not more than twenty-five percent (25%) of funds in this subsection may be used for managed care programs, and further provided that not more than ten percent (10%) flexibility is allowed between this subsection and the portions of sections 11.410, 11.435, 11.455, 11.460, 11.465, 11.470, 11.485, 11.490, 11.505, 11.510, 11.550, 11.555, and 11.595 that are not related to provider rate increases

From General Revenue Fund (0101) 71,247,849
From Title XIX - Federal (0163). 148,541,919
From Nursing Facility Reimbursement Allowance Fund (0196). 1,414,043
From Health Initiatives Fund (0275). 194,881
From Healthy Families Trust Fund (0625). 831,745
From Ambulance Service Reimbursement Allowance Fund (0958) 21,522,747

For the purpose of funding non-emergency medical transportation, provided that not more than twenty-five percent (25%) of funds in this subsection may be used for managed care programs, and further provided that not more than ten percent (10%) flexibility is allowed between this subsection and the portions of sections 11.410, 11.435, 11.455, 11.460, 11.465, 11.470, 11.485, 11.490, 11.505, 11.510, 11.550, 11.555, and 11.595 that are not related to provider rate increases

From General Revenue Fund (0101) 9,139,515
From Title XIX - Federal (0163). 23,870,679

For the purpose of funding the federal share of MO HealthNet reimbursable non-emergency medical transportation for public entities

From Title XIX - Federal (0163). 6,460,100

For the purpose of providing state matching funds for Community Health Access Programs (CHAPs) focused on meeting the health care needs of their communities and reducing the costs incurred by health care providers when patients inappropriately access health care resources through Emergency Medical Services (EMS) or Emergency Departments (ED), provided that one program will be in a county with a charter form of government and with more than nine hundred fifty thousand inhabitants, one program will be in a county of the first classification with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants, and one program will be in a county of the third classification without a township form of government and with more than twenty-three thousand but fewer than twenty-six thousand inhabitants with a city of the fourth classification with more than one thousand five hundred but fewer than one thousand seven hundred inhabitants as the county seat

From General Revenue Fund (0101). 1,250,000
Total. $287,330,370

SECTION 11.490.—To the Department of Social Services

For the MO HealthNet Division
For the purpose of funding a three percent (3%) provider rate increase beginning on January 1, 2016 for complex rehabilitation technology items classified within the Medicare program as of January 1, 2014 as durable medical equipment that are individually configured for individuals to meet their specific and unique medical, physical, and functional needs and capacities for basic activities of daily living and instrumental activities of daily living identified as medically necessary to prevent hospitalization and/or institutionalization of a complex needs patient. Such items shall include, but not be limited to, complex rehabilitation power wheelchairs, highly configurable manual wheelchairs, adaptive seating and positioning systems, and other specialized equipment such as standing frames and gait trainers

From Tax Amnesty Fund (0470). $55,131
From Title XIX - Federal (0163).. 95,171

For the purpose of funding complex rehabilitation technology items classified within the Medicare program as of January 1, 2014 as durable medical equipment that are individually configured for individuals to meet their specific and unique medical, physical, and functional needs and capacities for basic activities of daily living and instrumental activities of daily living identified as medically necessary to prevent hospitalization and/or institutionalization of a complex needs patient. Such items shall include, but not be limited to, complex rehabilitation power wheelchairs, highly configurable manual wheelchairs, adaptive seating and positioning systems, and other specialized equipment such as standing frames and gait trainers. The related Healthcare Common Procedure Coding System (HCPCS) billing codes include, but are not limited to pure complex rehabilitation technology codes and mixed complex rehabilitation technology codes which contain a mix of complex rehabilitation technology products and standard mobility and accessory products, provided that the HCPCS codes defined by the National Coalition for Assistive and Rehab Technology (NCART) as CRT be reimbursed to the MO HealthNet allowables as of 04/01/2010. HCPCS codes adopted after 04/01/2010 shall be reimbursed at the current Medicare allowable. Manually priced items shall be reimbursed at ninety percent (90%) of the Manufacturer's Suggested Retail Price (MSRP) for manual priced manual and custom wheelchairs and accessories and ninety five (95%) of MSRP on manually priced power mobility devices and accessories, provided that not more than twenty-five percent (25%) of funds in this subsection may be used for managed care programs, and further provided that not more than ten percent (10%) flexibility is allowed between this subsection and the portions of sections 11.410, 11.435, 11.455, 11.460, 11.465, 11.470, 11.485, 11.490, 11.505, 11.510, 11.550, 11.555, and 11.595 that are not related to provider rate increases

From General Revenue Fund (0101) 4,122,171
From Title XIX - Federal (0163).. 7,229,164
Total. $11,501,637

Section 11.495.—To the Department of Social Services
Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund to the Ambulance Service Reimbursement Allowance Fund
From General Revenue Fund (0101). $18,236,543

Section 11.500.—To the Department of Social Services
Funds are to be transferred out of the State Treasury, chargeable to the Ambulance Service Reimbursement Allowance Fund to the General Revenue Fund as a result of recovering the Ambulance Service Reimbursement Allowance Fund
From Ambulance Service Reimbursement Allowance Fund (0958). $18,236,543

Section 11.505.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding the payment to comprehensive prepaid health care plans and for administration of the program as provided by federal or state law or for payments to programs authorized by the Frail Elderly Demonstration Project Waiver as provided by the Omnibus Budget Reconciliation Act of 1990 (P.L. 101-508, Section 4744) and by Section 208.152 (16), RSMo, provided that not more than twenty-five percent (25%) of funds in this subsection may be used for fee-for-service programs, and further provided that not more than ten percent (10%) flexibility is allowed between this subsection and the portions of sections 11.410, 11.435, 11.455, 11.460, 11.465, 11.470, 11.485, 11.490, 11.505, 11.510, 11.550, 11.555, and 11.595 that are not related to provider rate increases
From General Revenue Fund (0101). $287,837,577
From Title XIX - Federal (0163). 782,455,590
From Health Initiatives Fund (0275). 8,055,080
From Federal Reimbursement Allowance Fund (0142) 97,394,117
From Healthy Families Trust Fund (0625). 4,000,000
From Life Sciences Research Trust Fund (0763). 21,272,544
From Ambulance Service Reimbursement Allowance Fund (0958) 1,453,111
From Medicaid Managed Care Organization Reimbursement Allowance Fund (0160). 5,000
From Tax Amnesty Fund (0470) 2,240,154
Total. $1,204,703,173

Section 11.507.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding the payment to comprehensive statewide prepaid health care plans and for the administration of the program as provided by federal or state law or for payments to programs authorized by the Frail Elderly Demonstration Project Waiver as provided by the Omnibus Reconciliation Act or 1990 (P.L. 101-508, Section 4744) and by Section 208.152(16) RSMo and/or funding for payments under the MO HealthNet fee-for-service program provided that all enrollees covered under this section shall be covered under the MO HealthNet managed care program effective June 1, 2016. No MO HealthNet managed care

organization shall refuse to contract with any licensed Missouri medical doctor, doctor of osteopathy, licensed professional counselors, licensed social workers, physician assistants, nurse practitioners, psychiatric nurse practitioners, marriage and family therapist, occupational therapist, physical therapist, speech therapists, advanced practice registered nurse, psychiatrist, or psychologist who is located within the geographic area of a MO HealthNet managed care program and is able to meet the credentialing criteria established by the National Committee for Quality Assurance, and is willing, as a term of contract, to be paid at rates not less than one hundred percent of the MO HealthNet Medicaid fee-for-service fee schedule. A task force appointed by the House and Senate consisting of providers, payers, and consumer groups shall develop a strategy for implementation of a statewide care delivery model including but not limited to managed care beginning June 1, 2016. This section shall apply to those populations included in managed care as of June 1, 2015.

From General Revenue Fund (0101).	$151,438,788
From Title XIX - Federal (0163)..	396,250,802
From Uncompensated Care Fund (0108).	33,848,436
From Health Initiatives Fund (0275).	10,259,642
From Premium Fund (0885)	7,080,502
From Health Families Trust Fund (0625)	14,053,814
From Pharmacy Rebates Fund (0114).	581,199
From Pharmacy Reimbursement Allowance Fund (0144).	907,611
From Life Sciences Research Trust Fund (0763).	171,206
Total.	$614,592,000

SECTION 11.510.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding hospital care under the MO HealthNet fee-for-service program, and for a comprehensive chronic care risk management program, and for administration of these programs. The MO HealthNet Division shall track payments to out-of- state hospitals by location, provided that not more than twenty-five percent (25%) of funds in this subsection may be used for managed care programs, and further provided that not more than ten percent (10%) flexibility is allowed between this subsection and the portions of sections 11.410, 11.435, 11.455, 11.460, 11.465, 11.470, 11.485, 11.490, 11.505, 11.510, 11.550, 11.555, and 11.595 that are not related to provider rate increases

From General Revenue Fund (0101).	$1,081,839
From Title XIX - Federal (0163)..	355,767,911
From Federal Reimbursement Allowance Fund (0142)	177,385,755
From Pharmacy Reimbursement Allowance Fund (0144).	15,709

For Safety Net Payments
From Healthy Families Trust Fund (0625). 30,365,444

For Graduate Medical Education
From Healthy Families Trust Fund (0625). 10,000,000

For the purpose of funding a community-based care coordinating program that includes in-home visits and/or phone contact by a nurse care manager or electronic monitor. The purpose of such program shall be to ensure that patients are discharged from hospitals to an appropriate level of care and services and that targeted MO HealthNet beneficiaries with chronic illnesses and high-risk pregnancies receive care in the most cost-effective setting. The project shall be contingent upon adoption of an offsetting increase in the applicable provider tax and administered by the MO HealthNet Division's Disease Management Program
From General Revenue Fund (0101) 400,000
From Title XIX - Federal (0163). 600,000
From Federal Reimbursement Allowance Fund (0142) 200,000

For the purpose of continuing funding of the pager project facilitating medication compliance for chronically ill MO HealthNet participants identified by the division as having high utilization of acute care because of poor management of their condition. The project shall be contingent upon adoption of an offsetting increase in the applicable provider tax and administered by the MO HealthNet Division's Disease Management Program
From General Revenue Fund (0101) 150,000
From Title XIX - Federal (0163). 365,000
From Federal Reimbursement Allowance Fund (0142). 215,000
Total. $576,546,658

SECTION 11.515.—To the Department of Social Services
For the MO HealthNet Division
For payment to Tier 1 Safety Net Hospitals, by maximizing eligible costs for federal Medicaid funds, utilizing current state and local funding sources as match for services that are not currently matched with federal Medicaid payments
From Title XIX - Federal (0163). $8,000,000

SECTION 11.520.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding grants to Federally Qualified Health Centers
From General Revenue Fund (0101). $6,108,559
From Title XIX - Federal (0163). 7,696,009
From Tax Amnesty Fund (0470) 38,417
Total. $13,842,985

SECTION 11.525.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding medical homes affiliated with public entities and hospital owned medical homes
From Department of Social Services Intergovernmental Transfer Fund (0139). . . . $600,000
From Federal Reimbursement Allowance Fund (0142) 1,853,934
From Title XIX - Federal (0163). 6,900,000
Total. $9,353,934

SECTION 11.527.—To the Department of Social Services

For the MO HealthNet Division
For the purpose of funding a medical and behavior health home pilot for children in foster care in any city not within a county
From General Revenue Fund (0101). $250,000
From Title XIX - Federal (0163).. 450,000
Total. $700,000

SECTION 11.528.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding asthma related services
From General Revenue Fund (0101). $400,000
From Title XIX - Federal (0163).. 3,600,000
Total. $4,000,000

SECTION 11.529.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding a Regional Care Coordination Model in a county with a charter form of government and with more than nine hundred fifty thousand inhabitants
From General Revenue Fund (0101). $200,000
From Title XIX - Federal (0163).. 1,800,000
Total. $2,000,000

SECTION 11.530.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding payments to hospitals under the Federal Reimbursement Allowance Program including state costs to pay for an independent audit of Disproportionate Share Hospital payments as required by the Centers for Medicare and Medicaid Services, for the expenses of the Poison Control Center in order to provide services to all hospitals within the state, and for the Gateway to Better Health 1115 Demonstration
For the purpose of funding a continuation of the services provided through Medicaid Emergency Psychiatric Demonstration as required by 208.152(16), RSMo
From Federal Reimbursement Allowance Fund (0142). $1,022,818,735E

SECTION 11.535.—To the Department of Social Services
Funds are to be transferred out of the State Treasury, chargeable to the Department of Social Services Intergovernmental Transfer Fund to the General Revenue Fund for the purpose of providing the state match for Medicaid payments
From Department of Social Services Intergovernmental Transfer Fund (0139). $96,885,215

SECTION 11.540.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding payments to the Tier 1 Safety Net Hospitals and other public hospitals using intergovernmental transfers
From Department of Social Services Intergovernmental Transfer Fund
(0139). $43,348,801
From Title XIX - Federal (0163).. 71,505,748

Total. $114,854,549

SECTION 11.545.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding payments to the Department of Mental Health
From Department of Social Services Intergovernmental Transfer Fund (0139). $125,179,424
From Title XIX - Federal (0163). 194,011,173
Total. $319,190,597

SECTION 11.550.—To the Department of Social Services
For the MO HealthNet Division
For funding extending women's health services using fee-for-service or other alternative service delivery and reimbursement methodology approved by the director of the Department of Social Services, provided that not more than twenty-five percent (25%) of funds in this subsection may be used for managed care programs, and further provided that not more than ten percent (10%) flexibility is allowed between this subsection and the portions of sections 11.410, 11.435, 11.455, 11.460, 11.465, 11.470, 11.485, 11.490, 11.505, 11.510, 11.550, 11.555, and 11.595 that are not related to provider rate increases
From General Revenue Fund (0101). $1,598,704
From Title XIX - Federal (0163). 8,801,755
From Federal Reimbursement Allowance Fund (0142) 167,756
From Pharmacy Reimbursement Allowance Fund (0144). 49,034
Total. $10,617,249

SECTION 11.555.—To the Department of Social Services
For the MO HealthNet Division
For funding programs to enhance access to care for uninsured children using fee-for-services, prepaid health plans, or other alternative service delivery and reimbursement methodology approved by the director of the Department of Social Services. Provided that families of children receiving services under this section shall pay the following premiums to be eligible to receive such services: zero percent on the amount of a family's income which is less than 150 percent of the federal poverty level; four percent on the amount of a family's income which is less than 185 percent of the federal poverty level but greater than 150 percent of the federal poverty level; eight percent on the amount of a family's income which is less than 225 percent of the federal poverty level but greater than 185 percent of the federal poverty level; fourteen percent on the amount of a family's income which is less than 300 percent of the federal poverty level but greater than 225 percent of the federal poverty level not to exceed five percent of total income. Families with an annual income of more than 300 percent of the federal poverty level are ineligible for this program, provided that not more than twenty-five percent (25%) of funds in this subsection may be used for managed care programs, and further provided that not more than ten percent (10%) flexibility is

allowed between this subsection and the portions of sections 11.410, 11.435, 11.455, 11.460, 11.465, 11.470, 11.485, 11.490, 11.505, 11.510, 11.550, 11.555, and 11.595 that are not related to provider rate increases
From General Revenue Fund (0101). $3,864,122
From Title XIX - Federal (0163).. 74,583,966
From Federal Reimbursement Allowance Fund (0142) 7,719,204
Total. $86,167,292

SECTION 11.556.—To the Department of Social Services
For the MO HealthNet Division
For the Show-Me Healthy Babies Program authorized by Section 208.662, RSMo.
From General Revenue Fund (0101). $3,537,785
From Title XIX - Federal (0163).. 10,077,505
From Department of Social Services Federal Fund (0610). 57,500
Total. $13,672,790

SECTION 11.560.—To the Department of Social Services
Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund to the Federal Reimbursement Allowance Fund
From General Revenue Fund (0101). $632,107,500

SECTION 11.565.—To the Department of Social Services
Funds are to be transferred out of the State Treasury, chargeable to the Federal Reimbursement Allowance Fund to the General Revenue Fund as a result of recovering the Federal Reimbursement Allowance Fund
From Federal Reimbursement Allowance Fund (0142). $632,107,500

SECTION 11.570.—To the Department of Social Services
Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund to the Nursing Facility Reimbursement Allowance Fund
From General Revenue Fund (0101). $210,950,510

SECTION 11.575.—To the Department of Social Services
Funds are to be transferred out of the State Treasury, chargeable to the Nursing Facility Reimbursement Allowance Fund to the General Revenue Fund as a result of recovering the Nursing Facility Reimbursement Allowance Fund
From Nursing Facility Reimbursement Allowance Fund (0196).. . . . . $210,950,510

SECTION 11.580.—To the Department of Social Services
Funds are to be transferred out of the State Treasury, chargeable to the Nursing Facility Reimbursement Allowance Fund to the Nursing Facility Quality of Care Fund
From Nursing Facility Reimbursement Allowance Fund (0196).. . . . . $1,500,000

SECTION 11.585.—To the Department of Social Services
For the MO HealthNet Division

For the purpose of funding Nursing Facility Reimbursement Allowance payments as provided by law
From Nursing Facility Reimbursement Allowance Fund (0196). $325,332,526

SECTION 11.590.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding MO HealthNet services for the Department of Elementary and Secondary Education under the MO HealthNet fee-for-service program
From General Revenue Fund (0101). $242,525
From Title XIX - Federal (0163). 39,653,770
Total. $39,896,295

SECTION 11.595.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding healthcare benefits for non- Medicaid eligible blind individuals who receive the Missouri Blind Pension cash grant, provided that individuals under this section shall pay the following premiums to be eligible to receive such services: zero percent on the amount of a family's income which is less that 150 percent of the federal poverty level; four percent on the amount of a family's income which is less than 185 percent on the amount of the federal poverty level but greater than 150 percent of the federal poverty level; eight percent of the amount on a family's income which is less than 225 percent of the federal poverty level but greater than 185 percent of the federal poverty level: fourteen percent on the amount of a family's income which is less than 300 percent of the federal poverty level but greater than 225 percent of the federal poverty level not to exceed five percent of total income. Families with an annual income of more than 300 percent of the federal poverty level are ineligible for this program, provided that not more than twenty-five percent (25%) of funds in this subsection may be used for managed care programs, and further provided that not more than ten percent (10%) flexibility is allowed between this subsection and the portions of sections 11.410, 11.435, 11.455, 11.460, 11.465, 11.470, 11.485, 11.490, 11.505, 11.510, 11.550, 11.555, and 11.595 that are not related to provider rate increases
From General Revenue Fund (0101). $23,531,130

Bill Totals
General Revenue Fund. $1,532,392,881
Federal Funds. 4,567,772,498
Other Funds.. 2,509,021,896
Total. $8,609,187,275

Approved May 8, 2015

HB 12 [CCS SS SCS HCS HB 12]

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

Appropriates money for the expenses, grants, refunds, and distributions of statewide elected officials, the Judiciary, Office of the State Public Defender, and General Assembly

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2015 and ending June 30, 2016.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated, for the period beginning July 1, 2015 and ending June 30, 2016 as follows:

SECTION 12.005. — To the Governor

Personal Service and/or Expense and Equipment	$2,044,907
Personal Service and/or Expense and Equipment for the Mansion	98,715
From General Revenue Fund (0101) (Not to exceed 25.00 F.T.E.)	2,143,622
For the Governor's Security Detail	
Personal Service and/or Expense and Equipment	
From General Revenue Fund (0101) (Not to exceed 14 F.T.E.)	1,786,432
For the Ferguson Commission	
From Department of Social Services Federal Fund (0610)	500,000
From Department of Economic Development - Community Development Fund (0123)	275,000
Total (Not to exceed 39.00 F.T.E.)	$4,705,054

SECTION 12.010. — To the Governor

For expenses incident to emergency duties performed by the National Guard when ordered out by the Governor	
From General Revenue Fund (0101)	$4,000,001

SECTION 12.015. — To the Governor

For conducting special audits
From General Revenue Fund (0101). $30,000

SECTION 12.025.—To the Lieutenant Governor
Personal Service and/or Expense and Equipment
From General Revenue Fund (0101) (Not to exceed 7.00 F.T.E.). $457,028

SECTION 12.035.—To the Secretary of State
Personal Service and/or Expense and Equipment
From General Revenue Fund (0101). $8,970,038
From Election Administration Improvements Fund (0157). 273,249
From Secretary of State - Federal Fund (0195). 476,659
From Secretary of State's Technology Trust Fund Account (0266) 2,779,824
From Local Records Preservation Fund (0577). 1,329,812
From Wolfner Library Trust Fund (0928) 30,000
From Investors Education and Protection Fund (0829). 1,727,613
Total (Not to exceed 269.30 F.T.E.). $15,587,195

SECTION 12.040.—To the Secretary of State
For the purpose of receiving and expending grants, donations, contracts, and payments from private, federal, or other governmental agencies provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they will be expended, in writing, prior to the expenditure of said funds
From Secretary of State - Federal Fund (0166). $200,000

SECTION 12.045.—To the Secretary of State
For refunds of securities, corporations, uniform commercial code, and miscellaneous collections of the Secretary of State's Office
From General Revenue Fund (0101). $50,000

SECTION 12.050.—To the Secretary of State
For reimbursement to victims of securities fraud and other violations pursuant to Section 409.407, RSMo
From Investors Restitution Fund (0741). $2,000,000

SECTION 12.055.—To the Secretary of State
For expenses of initiative referendum and constitutional amendments
From General Revenue Fund (0101). $100,000

SECTION 12.060.—To the Secretary of State
For election costs associated with absentee ballots
From General Revenue Fund (0101). $50,000

SECTION 12.065.—To the Secretary of State
For election reform grants, transactions costs, election administration improvements within Missouri, and support of Help America Vote Act activities
From Election Administration Improvements Fund (0157). $8,966,495
From Election Improvement Revolving Loan Fund (0158). 50,000
Total. $9,016,495

Section 12.070.—To the Secretary of State
Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund such amounts as may become necessary, to the State Election Subsidy Fund
From General Revenue Fund (0101). $7,776,574

Section 12.075.—To the Secretary of State
For the state's share of special election costs as required by Chapter 115, RSMo
From State Election Subsidy Fund (0686). $7,776,574

Section 12.080.—To the Secretary of State
Funds are to be transferred out of the State Treasury, chargeable to the State Election Subsidy Fund, to the Election Administration Improvements Fund
From State Election Subsidy Fund (0686). $4,034,443

Section 12.085.—To the Secretary of State
For historical repository grants
From Secretary of State Records - Federal Fund (0150). $50,000

Section 12.090.—To the Secretary of State
For local records preservation grants
From Local Records Preservation Fund (0577). $400,000

Section 12.095.—To the Secretary of State
For preserving legal, historical, and genealogical materials and making them available to the public
From State Document Preservation Fund (0836). $25,000

For costs related to establishing and operating a St. Louis Record Center
From Missouri State Archives - St. Louis Trust Fund (0770). 1
Total. $25,001

Section 12.100.—To the Secretary of State
For aid to public libraries
From General Revenue Fund (0101). $723,776

Section 12.102.—To the Secretary of State
For the Remote Electronic Access for Libraries Program
From General Revenue Fund (0101). $2,000,000

Section 12.105.—To the Secretary of State
For all allotments, grants, and contributions from the federal government or from any sources that may be deposited in the State Treasury for the use of the Missouri State Library
From Secretary of State - Federal Fund (0195). $4,125,000

Section 12.110.—To the Secretary of State
For library networking grants and other grants and donations
From Library Networking Fund (0822). $900,000

SECTION 12.115.—To the Secretary of State
Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Library Networking Fund
From General Revenue Fund (0101). $800,000

SECTION 12.145.—To the State Auditor
Personal Service and/or Expense and Equipment
From General Revenue Fund (0101). $6,568,285
From State Auditor - Federal Fund (0115) 901,565
From Conservation Commission Fund (0609) 47,457
From Parks Sales Tax Fund (0613) 22,399
From Soil and Water Sales Tax Fund (0614). 21,606
From Petition Audit Revolving Trust Fund (0648).. 876,564
Total (Not to exceed 168.77 F.T.E.). $8,437,876

SECTION 12.150.—To the State Treasurer
Personal Service and/or Expense and Equipment
From State Treasurer's General Operations Fund (0164).. . . . . $1,890,304
From Central Check Mailing Service Revolving Fund (0515) 237,139

For the purpose of funding a department data feed with the Missouri Law Enforcement Data Exchange (MoDEx)
From General Revenue Fund (0101) 250,000

For Unclaimed Property Division administrative costs including personal service, expense and equipment for auctions, advertising, and promotions
From Abandoned Fund Account (0863) 2,142,856

For preparation and dissemination of information or publications, or for refunding overpayments
From Treasurer's Information Fund (0255). 8,000
Total (Not to exceed 50.40 F.T.E.). $4,528,299

SECTION 12.155.—To the State Treasurer
For issuing duplicate checks or drafts and outlawed checks as provided by law
From General Revenue Fund (0101). $1,000,000E

SECTION 12.160.—To the State Treasurer
For payment of claims for abandoned property transferred by holders to the state
From Abandoned Fund Account (0863). $22,500,000E

SECTION 12.165.—To the State Treasurer
For transfer of such sums as may be necessary to make payment of claims from the Abandoned Fund Account pursuant to Chapter 447, RSMo
From General Revenue Fund (0101). $1E

SECTION 12.170.—To the State Treasurer
Funds are to be transferred out of the State Treasury, chargeable to the

Abandoned Fund Account, to the General Revenue Fund
From Abandoned Fund Account (0863). $50,000,000E

SECTION 12.175.—To the State Treasurer
For refunds of excess interest from the Linked Deposit Program
From General Revenue Fund (0101). $2,500

SECTION 12.180.—To the State Treasurer
Funds are to be transferred out of the State Treasury, chargeable to the Debt Offset Escrow Fund, to the General Revenue Fund
From Debt Offset Escrow Fund (0753). $100,000

SECTION 12.185.—To the State Treasurer
Funds are to be transferred out of the State Treasury, chargeable to various funds, to the General Revenue Fund
From Other Funds (Various). $3,000,000E

SECTION 12.190.—To the State Treasurer
Funds are to be transferred out of the State Treasury, chargeable to the Abandoned Fund Account, to the State Public School Fund
From Abandoned Fund Account (0863). $1,500,000E

SECTION 12.195.—To the Attorney General
Personal Service and/or Expense and Equipment, and further provided that additional funding be used for veteran-related issues

From General Revenue Fund (0101)	$13,352,348
From Attorney General - Federal Fund (0136)	2,632,614
From Gaming Commission Fund (0286)	143,139
From Natural Resources Protection Fund-Water Pollution Permit Fee Subaccount (0568)	42,817
From Solid Waste Management Fund (0570)	43,317
From Petroleum Storage Tank Insurance Fund (0585)	79,620
From Motor Vehicle Commission Fund (0588)	50,763
From Health Spa Regulatory Fund (0589)	5,000
From Natural Resources Protection Fund-Air Pollution Permit Fee Subaccount (0594)	42,786
From Attorney General's Court Costs Fund (0603)	187,000
From Soil and Water Sales Tax Fund (0614)	14,961
From Merchandising Practices Revolving Fund (0631)	3,853,170
From Workers' Compensation Fund (0652)	478,255
From Workers' Compensation - Second Injury Fund (0653)	3,100,782
From Lottery Enterprise Fund (0657)	56,946
From Antitrust Revolving Fund (0666)	638,936
From Hazardous Waste Fund (0676)	308,120
From Safe Drinking Water Fund (0679)	14,990
From Inmate Incarceration Reimbursement Act Revolving Fund (0828)	141,877
From Mined Land Reclamation Fund (0906)	14,956
Total (Not to exceed 403.05 F.T.E.)	$25,202,397

SECTION 12.200.—To the Attorney General
For law enforcement, domestic violence, and victims' services
Expense and Equipment

From Attorney General - Federal Fund (0136).. . . . . $100,000

SECTION 12.205.—To the Attorney General
For a Medicaid fraud unit
Personal Service and/or Expense and Equipment
From General Revenue Fund (0101). $719,341
From Attorney General - Federal Fund (0136).. 2,062,779
Total (Not to exceed 28.00 F.T.E.). $2,782,120

SECTION 12.210.—To the Attorney General
For the Missouri Office of Prosecution Services
Personal Service and/or Expense and Equipment
From General Revenue Fund (0101). $109,135
From Attorney General - Federal Fund (0136).. 1,071,368
From Missouri Office of Prosecution Services Fund (0680) 2,033,166
From Missouri Office of Prosecution Services Revolving Fund (0844). 150,000
Total (Not to exceed 10.00 F.T.E.). $3,363,669

SECTION 12.215.—To the Attorney General
Funds are to be transferred out of the State Treasury, chargeable to the
Attorney General Federal Fund, to the Missouri Office of
Prosecution Services Fund
From Attorney General - Federal Fund (0136).. . . . . $100,000

SECTION 12.220.—To the Attorney General
For the fulfillment or failure of conditions, or other such developments,
necessary to determine the appropriate disposition of such funds,
to those individuals, entities, or accounts within the State Treasury,
certified by the Attorney General as being entitled to receive them
Expense and Equipment
From Attorney General Trust Fund (0794). $4,000,000

SECTION 12.225.—To the Attorney General
Funds are to be transferred out of the State Treasury, chargeable to the
General Revenue Fund, to the Attorney General's Court Costs
Fund
From General Revenue Fund (0101). $165,600

SECTION 12.230.—To the Attorney General
Funds are to be transferred out of the State Treasury, chargeable to the
General Revenue Fund, to the Antitrust Revolving Fund
From General Revenue Fund (0101). $69,000

SECTION 12.300.—To the Supreme Court
For the purpose of funding Judicial Proceedings and Review and expenses
of the members of the Appellate Judicial Commission and the
several circuit judicial commissions in circuits having the
non-partisan court plan, and for services rendered by clerks of the
Supreme Court, courts of appeals, and clerks in circuits having the
non-partisan court plan for giving notice of and conducting
elections as ordered by the Supreme Court
Personal Service and/or Expense and Equipment, provided that

one hundred percent (100%) flexibility is allowed between personal service and expense and equipment and one hundred percent (100%) flexibility is allowed between sections
From General Revenue Fund (0101). $5,201,469
From Judiciary - Federal Fund (0137) 500,185
From Supreme Court Publications Revolving Fund (0525). 150,000
Total (Not to exceed 83.00 F.T.E.). $5,851,654

SECTION 12.305.—To the Supreme Court
For the purpose of funding the State Courts Administrator, implementing and supporting an integrated case management system, grants and contributions of funds from the federal government or from any other source which may be deposited in the State Treasury for the use of the Supreme Court and other state courts, developing and implementing a program of statewide court automation, judicial education and training, and the Missouri Sentencing and Advisory Commission
Personal Service and/or Expense and Equipment, provided that one hundred percent (100%) flexibility is allowed between personal service and expense and equipment and one hundred percent (100%) flexibility is allowed between sections
From General Revenue Fund (0101). $11,570,568
From Judiciary - Federal Fund (0137) 8,206,627
From Basic Civil Legal Services Fund (0757). 5,096,662
From State Court Administration Revolving Fund (0831). 60,000
From Statewide Court Automation Fund (0270).. 5,218,031
From Judiciary Education and Training Fund (0847). 1,425,505
From Crime Victims' Compensation Fund (0681). 887,200
Total (Not to exceed 229.25 F.T.E.). $32,464,593

SECTION 12.310.—To the Supreme Court
Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Judiciary Education and Training Fund
From General Revenue Fund (0101). $1,372,957

SECTION 12.315.—To the Supreme Court
For the purpose of funding the Court of Appeals
Personal Service and/or Expense and Equipment, provided that one hundred percent (100%) flexibility is allowed between personal service and expense and equipment and one hundred percent (100%) flexibility is allowed between sections
From General Revenue Fund (0101) (Not to exceed 159.35 F.T.E.). $11,901,503

SECTION 12.320.—To the Supreme Court
For the purpose of funding the Circuit Courts, the court-appointed special advocacy program statewide office and programs provided in Section 476.777, RSMo, costs associated with creating the handbook and other programs as provided in Section 452.554, RSMo, making payments due from litigants in court proceedings under set-off against debts authority as provided in Section 488.020(3), RSMo, payments to counties for salaries of juvenile

court personnel as provided by Sections 211.393 and 211.394, RSMo, and the Commission on Retirement, Removal, and Discipline of Judges
Personal Service and/or Expense and Equipment, provided that one hundred percent (100%) flexibility is allowed between personal service and expense and equipment and one hundred percent (100%) flexibility is allowed between sections

From General Revenue Fund (0101). $146,123,770
From Judiciary - Federal Fund (0137) 1,985,944
From Third Party Liability Collections Fund (0120) 391,977
From State Court Administration Revolving Fund (0831).. 170,000
From Missouri CASA Fund (0590) 100,000
From Domestic Relations Resolution Fund (0852) 300,000
From Circuit Courts Escrow Fund (0718). 2,005,500
Total (Not to exceed 2,945.45 F.T.E.). $151,077,191

SECTION 12.325.—To the Supreme Court
Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Drug Court Resources Fund
From General Revenue Fund (0101). $6,736,778

SECTION 12.330.—To the Supreme Court
For the purpose of funding drug courts
Personal Service and/or Expense and Equipment, provided that one hundred percent (100%) flexibility is allowed between personal service and expense and equipment and one hundred percent (100%) flexibility is allowed between sections
From Drug Court Resources Fund (0733) (Not to exceed 4.00 F.T.E.). $6,930,505

SECTION 12.335.—To the Supreme Court
For the purpose of funding security assistance for the courthouse in a county within the 13th Judicial Circuit that contains both a Department of Corrections facility and a Department of Mental Health facility
Personal Service
From General Revenue Fund (0101)(Not to exceed 1.00 F.T.E.).. . . . . $51,885

SECTION 12.340.—To the Supreme Court
For the purpose of providing one-time funding for the juvenile detention facility and judicial facility in a county of the first classification with more than one hundred fifteen thousand but fewer than one hundred fifty thousand inhabitants
From General Revenue Fund (0101). $100,000

SECTION 12.400.—To the Office of the State Public Defender
For the purpose of funding the State Public Defender System
Personal Service and/or Expense and Equipment. $32,700,939
For payment of expenses as provided by Chapter 600, RSMo, associated with the defense of violent crimes and/or the contracting of criminal representation with entities outside of the Missouri Public Defender System. 3,721,071
From General Revenue Fund (0101) 36,422,010

For expenses authorized by the Public Defender Commission as provided by Section 600.090, RSMo

Personal Service	132,537
Expense and Equipment	2,850,756
From Legal Defense and Defender Fund (0670)	2,983,293

For refunds set-off against debts as required by Section 143.786, RSMo

From Debt Offset Escrow Fund (0753)	1,200,000

For all grants and contributions of funds from the federal government or from any other source which may be deposited in the State Treasury for the use of the Office of the State Public Defender

From Office of State Public Defender - Federal Fund (0112)	125,000
Total (Not to exceed 587.13 F.T.E.)	$40,730,303

SECTION 12.500.—To the Senate

Salaries of Members	$1,226,610
Mileage of Members	87,406
Members' Per Diem	226,100
Senate Contingent Expenses	10,292,633
Joint Contingent Expenses	225,000
From General Revenue Fund (0101)	12,057,749

Senate Contingent Expenses

From Senate Revolving Fund (0535)	40,000
Total Not to exceed 220.54 F.T.E.)	$12,097,749

SECTION 12.505.—To the House of Representatives

Salaries of Members	$5,861,145
Mileage of Members	395,491
Members' Per Diem	1,290,960
Representatives' Expense Vouchers	1,370,285
House Contingent Expenses	12,240,833
From General Revenue Fund (0101)	21,158,714

House Contingent Expenses

From House of Representatives Revolving Fund (0520)	45,000
Total (Not to exceed 435.38 F.T.E.)	$21,203,714

SECTION 12.510.—To the House of Representatives
For the payments for Organizational Dues

From General Revenue Fund (0101)	$240,000

SECTION 12.515.—To the Committee on Legislative Research
For payment of expenses of members, salaries and expenses of employees, and other necessary operating expenses, provided that not more than twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment

For the Legislative Research Administration	$550,000
For the Oversight Division	803,270
From General Revenue Fund (0101)(Not to exceed 24.00 F.T.E.)	1,353,270

For the purpose of funding a traffic study on Interstate 70
From General Revenue Fund (0101). 250,000
Total. $1,603,270

SECTION 12.520.—To the Committee on Legislative Research
For paper, printing, binding, editing, proofreading, and other necessary expenses of publishing the Supplement to the Revised Statutes of the State of Missouri
From Statutory Revision Fund (0546) (Not to exceed 1.25 F.T.E.). $209,005

SECTION 12.525.—To the Interim Committees of the General Assembly
For the Joint Committee on Administrative Rules. $137,005
For the Joint Committee on Public Employee Retirement. 166,673
For the Joint Committee on Education. 74,962
From General Revenue Fund (0101) (Not to exceed 8.00 F.T.E.). $378,640

Elected Officials Totals
General Revenue Fund. $51,071,181
Federal Funds. 21,684,729
Other Funds.. 50,800,240
Total. $123,556,150

Judiciary Totals
General Revenue Fund. $183,058,930
Federal Funds. 10,692,756
Other Funds.. 14,379,370
Total. $208,131,056

Public Defender Totals
General Revenue Fund. $36,422,010
Federal Funds. 125,000
Other Funds.. 2,983,293
Total. $39,530,303

General Assembly Totals
General Revenue Fund. $35,438,373
Other Funds.. 294,005
Total. $35,732,378

Approved May 8, 2015

HB 13 [CCS SCS HCS HB 13]

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

Appropriates money for real property leases and related services

AN ACT to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in

Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2015 and ending June 30, 2016; provided that no funds from these sections shall be expended for the purpose of costs associated with the travel or staffing of the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

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

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2015 and ending June 30, 2016 as follows:

SECTION 13.005.—To the Office of Administration
For the Division of Facilities Management, Design and Construction
For the payment of real property leases, utilities, systems furniture, structural modifications, including those of the Department of Corrections, and provided that not more than five percent (5%) flexibility is allowed between Sections 13.005, 13.010, and 13.015, with no more than five percent (5%) flexibility allowed between departments and one hundred percent (100%) flexibility between Federal Funds within this section

For the Department of Elementary and Secondary Education
Expense and Equipment
From General Revenue Fund (0101). $454,142
From Assistive Technology Federal Fund (0188). 30,885
From DESE - Federal Fund (0105). 894

From Vocational Rehabilitation Fund (0104) 2,016,184
From Assistive Technology Loan Revolving Fund (0889) 9,473
From Deaf Relay Service and Equipment Distribution Program Fund (0559) 21,546

For the Department of Revenue
Expense and Equipment
From General Revenue Fund (0101) 594,300

For the Department of Revenue
For the State Lottery Commission
Expense and Equipment
From Lottery Enterprise Fund (0657). 361,250

For the Office of Administration
Expense and Equipment
From General Revenue Fund (0101) 725,285
From OA Revolving Administrative Trust Fund (0505) 176,969
From State Facility Maintenance and Operation Fund (0501). 249,148

For the Ethics Commission

Expense and Equipment
From General Revenue Fund (0101) 98,767

For the Department of Agriculture
Expense and Equipment
From General Revenue Fund (0101) 149,030
From Agriculture Protection Fund (0970). 2,471
From Animal Health Laboratory Fee Fund (0292). 49,885
From Grain Inspection Fee Fund (0647). 25,694
From Petroleum Inspection Fund (0662).. 6,384

For the Department of Natural Resources
Expense and Equipment
From General Revenue Fund (0101) 403,793
From DNR - Federal Fund (0140) 281,939
From DNR Cost Allocation Fund (0500) 1,145,974

For the Department of Economic Development
Expense and Equipment
From General Revenue Fund (0101) 31,042
From Job Development and Training Fund (0155). 1,036,514
From Division of Tourism Supplemental Revenue Fund (0274). 4,058
From Manufactured Housing Fund (0582). 13,196

From Missouri Arts Council Trust Fund (0262) 40,781
From Public Service Commission Fund (0607) 921,954
From Special Employment Security Fund (0949) 216,038

For the Department of Insurance, Financial Institutions and Professional Registration
Expense and Equipment
From Division of Finance Fund (0550) 49,631
From Insurance Dedicated Fund (0566) 5,784
From Insurance Examiners Fund (0552) 11,215
From Professional Registration Fees Fund (0689). 9,088

For the Department of Labor and Industrial Relations
Expense and Equipment
From General Revenue Fund (0101) 11,869
From DOLIR - Commission on Human Rights - Federal Fund (0117). 6,399
From DOLIR Administrative Fund (0122). 1,336
From Unemployment Compensation Administration Fund (0948). 67,878
From Workers' Compensation Fund (0652) 229,802

For the Department of Public Safety
Expense and Equipment
From General Revenue Fund (0101) 93,411
From Justice Assistance Grant Program Fund (0782). 16,512
From State Emergency Management - Federal Fund (0145). 3,562
From Veterans' Commission Capital Improvement Trust Fund (0304). 170,092

For the Department of Public Safety

For the State Highway Patrol
Expense and Equipment
From General Revenue Fund (0101) 66,136
From Department of Public Safety - Federal Fund (0152) 2,069
From Federal Drug Seizure Fund (0194). 76,127
From State Highways and Transportation Department Fund (0644). 999,159

For the Department of Public Safety
For the Missouri Gaming Commission
Expense and Equipment
From Gaming Commission Fund (0286) 389,964

For the Department of Corrections
Expense and Equipment
From General Revenue Fund (0101) 6,160,661
From Working Capital Revolving Fund (0510) 174,914

For the Department of Mental Health
Expense and Equipment
From General Revenue Fund (0101) 2,289,349

For the Department of Health and Senior Services
Expense and Equipment
From General Revenue Fund (0101) 1,601,896
From Department of Health and Senior Services - Federal Fund (0143). 2,052,064

For the Department of Social Services
Expense and Equipment
From General Revenue Fund (0101) 9,551,303
From DSS Federal and Other Sources Fund (0610) 5,301,830
From Nursing Facility Quality of Care Fund (0271). 74,622

For the General Assembly
Expense and Equipment
From General Revenue Fund (0101) 7,212

For the Secretary of State
Expense and Equipment
From General Revenue Fund (0101) 578,032
From Local Records Preservation Fund (0577). 1,954

For the State Auditor
Expense and Equipment
From General Revenue Fund (0101) 8,339

For the Attorney General
Expense and Equipment
From General Revenue Fund (0101) 338,968
From Attorney General - Federal Fund (0136). 128,323
From Hazardous Waste Fund (0676) 6,766
From Missouri Office of Prosecution Services Fund (0680) 33,895
From Workers' Compensation - Second Injury Fund (0653) 82,704

From Workers' Compensation Fund (0652)	82,704

For the Judiciary
Expense and Equipment

From General Revenue Fund (0101)	2,153,660
From Judiciary - Federal Fund (0137)	19,957
From Judiciary Education and Training Fund (0847)	122,315
Total	$42,049,098

SECTION 13.010.—To the Office of Administration
For the Division of Facilities Management, Design and Construction
For operation of state-owned facilities, utilities, systems furniture, structural modifications, including those of the Department of Corrections, and provided that not more than five percent (5%) flexibility is allowed between Sections 13.005, 13.010, and 13.015, with no more than five percent (5%) flexibility allowed between departments and one hundred percent (100%) flexibility between Federal Funds within this section

For the Department of Elementary and Secondary Education
Expense and Equipment

From General Revenue Fund (0101).	$312,032
From DESE - Federal Fund (0105).	313,308
From Vocational Rehabilitation Fund (0104)	648,626

For the Department of Higher Education
Expense and Equipment

From General Revenue Fund (0101)	106,437

For the Department of Revenue
Expense and Equipment

From General Revenue Fund (0101)	1,905,218

For the Office of Administration
Expense and Equipment

From General Revenue Fund (0101)	2,466,616
From Children's Trust Fund (0694).	12,966
From State Facility Maintenance and Operation Fund (0501).	528,300

For the Department of Agriculture
Expense and Equipment

From General Revenue Fund (0101)	82,759
From Department of Agriculture - Federal Fund (0133)	18,798
From Agriculture Development Fund (0904)	1,497
From Agriculture Protection Fund (0970).	261,629
From Animal Care Reserve Fund (0295)	1,854
From Animal Health Laboratory Fee Fund (0292).	31,500
From Boll Weevil Suppression and Eradication Fund (0823)	2
From Commodity Council Merchandising Fund (0406)	2,639
From Grain Inspection Fees Fund (0647)	3,300
From State Milk Inspection Fees Fund (0645).	4,597
From Missouri Wine and Grape Fund (0787)	2,654

From Petroleum Inspection Fund (0662). 103,806
From Single - Purpose Animal Facilities Loan Program Fund (0408) 4,189

For the Department of Natural Resources
Expense and Equipment
From General Revenue Fund (0101) 315,460
From DNR - Federal Fund (0140) 242,537
From DNR Cost Allocation Fund (0500) 503,502

For the Department of Economic Development
Expense and Equipment
From General Revenue Fund (0101) 192,660
From Energy Federal Fund (0866). 43,772
From Job Development and Training Fund (0155). 743,900
From Department of Economic Development Administrative Fund (0547) 43,876
From Division of Tourism Supplemental Revenue Fund (0274). 101,170
From Energy Set-Aside Program Fund (0667). 23,571
From Public Service Commission Fund (0607) 79,868

For the Department of Insurance, Financial Institutions and Professional
Registration
Expense and Equipment
From Division of Credit Unions Fund (0548) 23,741
From Division of Finance Fund (0550) 177,088
From Insurance Dedicated Fund (0566) 324,111
From Insurance Examiners Fund (0552) 83,856
From Professional Registration Fees Fund (0689).. 188,369

For the Department of Labor and Industrial Relations
Expense and Equipment
From General Revenue Fund (0101) 63,387
From DOLIR - Commission on Human Rights - Federal Fund (0117). 34,140
From DOLIR Administrative Fund (0122).. 250,017
From Division of Labor Standards - Federal Fund (0186) 4,333
From Unemployment Compensation Administration Fund (0948). 920,319
From Special Employment Security Fund (0949) 41,038
From Workers' Compensation Fund (0652) 363,923

For the Department of Public Safety
Expense and Equipment
From General Revenue Fund (0101) 235,659
From State Emergency Management - Federal Fund (0145). 18,839
From Veterans' Commission Capital Improvement Trust Fund (0304). 103,012
For the Department of Public Safety
For the State Highway Patrol
Expense and Equipment
From State Highways and Transportation Department Fund (0644). 124,299

For the Department of Public Safety
For the Missouri Gaming Commission
Expense and Equipment
From Gaming Commission Fund (0286) 76,256

For the Department of Corrections
Expense and Equipment
From General Revenue Fund (0101) 909,419

For the Department of Mental Health
Expense and Equipment
From General Revenue Fund (0101) 757,788
From Department of Mental Health - Federal Fund (0148) 198,514
From Compulsive Gamblers Fund (0249) 1,399
From Health Initiatives Fund (0275). 6,294
From Mental Health Earnings Fund (0288). 3,497

For the Department of Health and Senior Services
Expense and Equipment
From General Revenue Fund (0101) 738,673
From Department of Health and Senior Services - Federal Fund (0143). 946,259

For the Department of Social Services
Expense and Equipment
From General Revenue Fund (0101) 5,396,812
From DOSS Federal and Other Sources Fund (0610). 661,501
From Temporary Assistance for Needy Families Fund (0199) 125,583
From Department of Social Services Educational Improvement Fund (0620) 5,057
From Early Childhood Development, Education and Care Fund (0859) 479
From Health Initiatives Fund (0275). 16,971
From Third Party Liability Collections Fund (0120) 26

For the Governor
Expense and Equipment
From General Revenue Fund (0101) 361,031

For the Lieutenant Governor
Expense and Equipment
From General Revenue Fund (0101) 30,032

For the General Assembly
Expense and Equipment
From General Revenue Fund (0101) 1,603,550

For the Secretary of State
Expense and Equipment
From General Revenue Fund (0101) 934,368
From Investor Education and Protection Fund (0829) 12,881
From Local Records Preservation Fund (0577). 17,026
From Secretary of State's Technology Trust Fund Account (0266) 6,526

For the State Auditor
Expense and Equipment
From General Revenue Fund (0101) 178,285

For the Attorney General
Expense and Equipment

From General Revenue Fund (0101) 435,145
From Attorney General - Federal Fund (0136). 133,121
From Gaming Commission Fund (0286) 4,494
From Hazardous Waste Fund (0676) 8,986
From Inmate Incarceration Reimbursement Act Revolving Fund (0828).. 9,023
From Lottery Enterprise Fund (0657). 4,501
From Natural Resources Protection Water Pollution Permit Fee
Subaccount Fund (0568). 8,986
From Workers' Compensation Second Injury Fund (0653) 29,540
From Workers' Compensation Fund (0652) 29,584

For the State Treasurer
Expense and Equipment
From State Treasurer's General Operations Fund (0164). 179,681

For the Judiciary
Expense and Equipment
From General Revenue Fund (0101). 218,384
Total. $26,108,846

SECTION 13.015.—To the Office of Administration
For the Division of Facilities Management, Design and Construction
For the operation of institutional facilities, utilities, systems furniture, structural modifications, including those of the Department of Corrections, and provided that not more than five percent (5%) flexibility is allowed between Sections 13.005, 13.010, and 13.015, with no more than five percent (5%) flexibility allowed between departments and one hundred percent (100%) flexibility between Federal Funds within this section

For the Department of Elementary and Secondary Education
Expense and Equipment
From General Revenue Fund (0101). $3,989,880

For the Department of Revenue
For the State Lottery Commission
Expense and Equipment
From Lottery Enterprise Fund (0657). 120,775

For the Department of Agriculture
Expense and Equipment
From State Fair Fee Fund (0410). 497,177

For the Department of Public Safety
Expense and Equipment
From Veterans' Commission Capital Improvement Trust Fund (0304). 2,786,011

For the Department of Public Safety
For the State Highway Patrol
Expense and Equipment
From General Revenue Fund (0101) 379,071
From Gaming Commission Fund (0286) 50,281

From Highway Patrol Academy Fund (0674). 28,611
From State Highways and Transportation Department Fund (0644).. 1,666,866

For the Department of Mental Health
Expense and Equipment
From General Revenue Fund (0101) 21,047,084

For the Department of Health and Senior Services
Expense and Equipment
From Department of Health and Senior Services - Federal Fund (0143). 10,652

For the Department of Social Services
Expense and Equipment
From General Revenue Fund (0101) 3,037,409
From DOSS Federal and Other Sources Fund (0610). 769,092
Total. $34,382,909

SECTION 13.020.—To the Office of Administration
For the Division of Facilities Management, Design and Construction
For the collection and payment of costs associated with state-owned, institutional, and state leased space occupied by non-state agencies
Expense and Equipment
From Office of Administration Revolving Administrative Trust Fund (0505). . . $1,500,000

SECTION 13.025.—To the Office of Administration
For the Division of Facilities Management, Design and Construction
For the Adjutant General
For the payment of real property leases, related services, utilities, systems furniture, structural modifications, and related expenses
Expense and Equipment
From Adjutant General - Federal Fund (0190).. . . . . $1,656,676

Bill Totals
General Revenue Fund. $71,014,354
Federal Funds. 18,531,107
Other Funds.. 13,446,298
Total. $102,991,759

Approved May 8, 2015

HB 14 [HCS HB 14]

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

Appropriates money for supplemental purposes

AN ACT to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2015.

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

There is appropriated out of the State Treasury, chargeable to the fund and for the agency and purpose designated, for the period ending June 30, 2015, as follows:

SECTION 14.005.—To the Department of Elementary and Secondary Education
For distributions to the public elementary and secondary schools in this state, pursuant to Chapters 144, 163, and 164, RSMo, pertaining to the School District Trust Fund
From School District Trust Fund (0688). $3,782,000

SECTION 14.010.—To the Department of Elementary and Secondary Education
For distributions to the free public schools for early childhood special education provided that no funds are used to support the distribution or sharing of any individually identifiable student data for non-educational purposes, marketing or advertising, as follows:
From Early Childhood Development, Education and Care Fund (0859). $3,400,000

SECTION 14.015.—To the Department of Elementary and Secondary Education
For the Office of Adult Learning and Rehabilitative Services
Expense and Equipment
From Vocational Rehabilitation Fund (0104). $300,000

SECTION 14.020.—To the Department of Elementary and Secondary Education
For the Missouri Assistive Technology Council
From Assistive Technology Trust Fund (0781). $230,000

SECTION 14.030.—To the Department of Revenue
For payment of fees to counties as a result of delinquent collections made by circuit attorneys or prosecuting attorneys and payment of collection agency fees
From General Revenue Fund (0101). $135,000

SECTION 14.035.—To the Department of Revenue
For refunds for overpayment or erroneous payment of any tax or any payment for tobacco taxes
From Health Initiatives Fund (0275). $100,000

SECTION 14.040.—To the Department of Revenue
Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the State Highways and Transportation Department Fund, for reimbursement of collection expenditures in excess of the three percent (3%) limit established by Article IV, Sections 29, 30(a), 30(b), and 30(c) of the Missouri Constitution
From General Revenue Fund (0101). $2,130,470

SECTION 14.050.—To the Department of Transportation
For Multimodal Operations fringe benefits
From Railroad Expense Fund (0659). $49,071

SECTION 14.055.—To the Department of Transportation
For Multimodal Operations Administration

From Railroad Expense Fund (0659) (Not to exceed 1.50 F.T.E.) $67,014

SECTION 14.060.—To the Department of Transportation
For the Aviation Program
For construction, capital improvements, and maintenance of publicly owned airfields, including land acquisition, and for printing charts and directories
From Aviation Trust Fund (0952). $2,500,000

SECTION 14.065.—To the Office of Administration
For the Division of Accounting
For paying the several counties of Missouri the amount that has been paid into the State Treasury by the United States Treasury as a refund from the leases of flood control lands, under the provisions of an Act of Congress approved June 28, 1938, to be distributed to certain counties in Missouri in accordance with the provisions of state law
From Office of Administration Federal Fund (0135). $1,800,000

SECTION 14.070.—To the Department of Agriculture
For the Division of Grain Inspection and Warehousing, provided that not more than five percent (5%) flexibility is allowed between personal service and expense and equipment
Personal Service. $235,283
Expense and Equipment.. 126,683
From Grain Inspection Fee Fund (0647) (Not to exceed 1.08 F.T.E.) $361,966

SECTION 14.075.—To the Department of Natural Resources
For Missouri State Parks
Parks Resale
From State Park Earnings Fund (0415).. . . . . $300,000

SECTION 14.080.—To the Department of Economic Development
For Missouri supplemental tax increment financing as provided in Section 99.845, RSMo. This appropriation may be used for the following projects: Kansas City Midtown, Independence Santa Fe Trail Neighborhood, St. Louis City Convention Hotel, Cupples Station, Springfield Jordan Valley Park, Kansas City Bannister Mall Retail/Three Trails Office, St. Louis Lambert Airport Eastern Perimeter, Old Post Office in Kansas City, 1200 Main Garage Project in Kansas City, Riverside Levee, Branson Landing, Eastern Jackson County Bass Pro, Kansas City East Village Project, Joplin Disaster Area, and St. Louis Innovation District. The presence of a project in this list is not an indication said project is nor shall be approved for tax increment financing. A listed project must have completed the application process and a certificate of approval must have been issued pursuant to Section 99.845 (10), RSMo, before a project may be disbursed funds subject to the appropriation
From Missouri Supplemental Tax Increment Financing Fund (0848).. . . . . $250,000

SECTION 14.085.—Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Missouri Supplemental Tax Increment Financing Fund
From General Revenue Fund (0101). $250,000

SECTION 14.090.—Funds are to be transferred out of the Residential Mortgage Licensing Fund, to the Division of Finance Fund, for the purpose of administering the Residential Mortgage Licensing Law
From Residential Mortgage Licensing Fund (0261). $300,000

SECTION 14.095.—To the Adjutant General
For Military Forces Contract Services
Expense and Equipment
From Adjutant General Federal Fund (0190). $1,329,736

SECTION 14.100.—To the Department of Public Safety
For the State Emergency Management Agency
For distribution of funds to local emergency planning commissions to implement the federal Hazardous Materials Transportation Uniform Safety Act of 1990
From State Emergency Management Federal Fund (0145). $348,000

SECTION 14.110.—To the Department of Mental Health
For the Office of the Director
For the purpose of paying overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees
From General Revenue Fund (0101). $4,448,992

SECTION 14.115.—To the Department of Health and Senior Services
For the Division of Senior and Disability Services
For the purpose of funding respite care, homemaker chore, personal care, adult day care, AIDS, children's waiver services, home-delivered meals, other related services, and program management under the Medicaid fee-for-service and managed care programs. Provided that individuals eligible for or receiving nursing home care must be given the opportunity to have those Medicaid dollars follow them to the community to the extent necessary to meet their unmet needs as determined by 19 CSR 30 81.030 and further be allowed to choose the personal care program option in the community that best meets the individuals' unmet needs. This includes the Consumer Directed Medicaid State Plan. And further provided that individuals eligible for the Medicaid Personal Care Option must be allowed to choose, from among all the program options, that option which best meets their unmet needs as determined by 19 CSR 30 81.030; and also be allowed to have their Medicaid funds follow them to the extent necessary to meet their unmet needs whichever option they choose. This language does not create any entitlements not established by statute.
From General Revenue Fund (0101). $8,036,358
From Department of Health and Senior Services Federal Fund (0143). 33,486,255
Total. $41,522,613

SECTION 14.120.—To the Department of Social Services
For the Family Support Division
For the purpose of funding Blind Pension and supplemental payments to

blind persons
From General Revenue Fund (0101). $729,021

SECTION 14.125.—To the Department of Social Services
For the Family Support Division
For the purpose of funding health care benefits for non-Medicaid eligible blind individuals who receive the Missouri Blind Pension cash grant, provided that individuals under this section shall pay the following premiums to be eligible to receive such services: zero percent on the amount of a family's income which is less that 150 percent of the federal poverty level; four percent on the amount of a family's income which is less than 185 percent on the amount of the federal poverty level but greater than 150 percent of the federal poverty level; eight percent on the amount of a family's income which is less than 225 percent of the federal poverty level but greater than 185 percent of the federal poverty level: fourteen percent on the amount of a family's income which is less than 300 percent of the federal poverty level but greater than 225 percent of the federal poverty level not to exceed five percent of total income. Families with an annual income of more than 300 percent of the federal poverty level are ineligible for this program
From General Revenue Fund (0101). $4,393,311

SECTION 14.130.—To the Department of Social Services
For the Family Support Division
For the purpose of supporting business enterprise programs for the blind
From Department of Social Services Federal Fund (0610). $2,922,976

SECTION 14.135.—To the Department of Social Services
For the Children's Division
For payment of attorney fees
From General Revenue Fund (0101). $5,501

SECTION 14.140.—To the Department of Social Services
For the Children's Division
For the purpose of funding children's treatment services including, but not limited to, home-based services, day treatment services, preventative services, child care, family reunification services, or intensive in-home services
From General Revenue Fund (0101). $1,631,674

SECTION 14.145.—To the Department of Social Services
For the Children's Division
For the purpose of funding placement costs including foster care payments; related services; expenses related to training of foster parents; residential treatment placements and therapeutic treatment services; and for the diversion of children from inpatient psychiatric treatment and services provided through comprehensive, expedited permanency systems of care for children and families
From General Revenue Fund (0101). $6,059,399
From Department of Social Services Federal Fund (0610). 3,390,227
Total. $9,449,626

SECTION 14.150.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding pharmaceutical payments under the MO HealthNet fee-for-service and managed care programs and for the administration of these programs and for the purpose of funding professional fees for pharmacists and for a comprehensive chronic care risk management program and to provide funding for clinical medication therapy services (MTS) provided by pharmacists with MTS Certificates as allowed under 338.010 RSMo to MO HealthNet (MHD) participants
From General Revenue Fund (0101). $82,265,732
From Title XIX - Federal (0163).. 45,725,946
From Pharmacy Rebates Fund (0114). 10,000,000

For the purpose of funding Medicare Part D Clawback payments and for funding MO HealthNet pharmacy payments

From General Revenue Fund (0101). 9,780,994
Total. $147,772,672

SECTION 14.152.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding physician services and related services including, but not limited to, clinic and podiatry services, telemedicine services, physician-sponsored services and fees, laboratory and x-ray services, and family planning services under the MO HealthNet fee-for-service and managed care programs, and for administration of these programs, and for a comprehensive chronic care risk management program and Major Medical Prior Authorization
From Third Party Liability Collections Fund (0120). $6,500,000

SECTION 14.156.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding Nursing Facility Federal Reimbursement Allowance payments as provided by law
From Nursing Facility Reimbursement Allowance Fund (0196).. . . . . $13,875,469

SECTION 14.157.—To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding MO HealthNet services for the Department of Elementary and Secondary Education under the MO HealthNet fee-for-service and managed care programs
From General Revenue Fund (0101). $180,046

SECTION 14.165.—To the Secretary of State
For ballot reprint costs as required by Chapter 116, RSMo
From State Election Subsidy Fund (0686). $679,343

SECTION 14.170.—To the Secretary of State
For the state's share of special election costs as required by Chapter 115, RSMo

From State Election Subsidy Fund (0686). $116,353

Bill Totals

General Revenue Fund.	$120,046,498
Federal Funds.	89,303,140
Other Funds.	41,065,520
Total.	$250,415,158

Approved April 27, 2015

HB 16 [HCS HB 16]

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

Appropriates money for supplemental purposes

AN ACT to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2015.

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

There is appropriated out of the State Treasury, chargeable to the fund and for the agency and purpose designated, for the period ending June 30, 2015, as follows:

SECTION 16.005.—To the Department of Public Safety
For the State Emergency Management Agency
For all allotments, grants, and contributions from federal and other sources that are deposited in the State Treasury for the use of the State Emergency Management Agency for alleviating distress from disasters
From Missouri Disaster Fund (0663). $124,291,299

To provide matching funds for federal grants and for emergency assistance expenses of the State Emergency Management Agency as provided in Section 44.032, RSMo
From General Revenue Fund (0101) 5,100,570

To provide for expenses of any state agency responding during a declared emergency at the direction of the governor provided the services furnish immediate aid and relief
From General Revenue Fund (0101). 3,455,010
Total. $132,846,879

Approved March 19, 2015

HB 17 [SS SCS HCS HB 17]

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

Appropriates money for capital improvement and other purposes as provided in Article IV, Section 28

AN ACT to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2015 and ending June 30, 2016.

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

There is appropriated out of the State Treasury, for the agency, program, and purpose stated, chargeable to the fund designated, for the period beginning July 1, 2015 and ending June 30, 2016 the unexpended balances available as of June 30, 2015 but not to exceed the amounts stated herein, as follows:

SECTION 17.125. — To the University of Missouri
For planning, design, and construction of strategic renovations and additions to Lafferre Hall
Representing expenditures originally authorized under the provisions of House Bill Section 2021.130, an Act of the 97th General Assembly, Second Regular Session
From Board of Public Buildings Bond Proceeds Fund (various). $38,500,000

SECTION 17.126. — To the University of Missouri
For planning, design, renovation, and construction of an experimental mines building on the Rolla campus, local matching funds must be provided on a 50/50 state/local match rate in order to be eligible for state funds pursuant to Section 173.480, RSMo
Representing expenditures originally authorized under the provisions of House Bill Section 2021.035, an Act of the 97th General Assembly, Second Regular Session
From General Revenue Fund (0101). $1,200,000

SECTION 17.127. — To the Coordinating Board for Higher Education
For planning, design, renovation, and construction of Geyer Hall at North Central Missouri College, local matching funds must be provided on a 50/50 state/local match rate in order to be eligible for state funds pursuant to Section 173.480, RSMo
Representing expenditures originally authorized under the provisions of House Bill Section 2021.105, an Act of the 97th General Assembly, Second Regular Session
From General Revenue Fund (0101). $1,400,000

SECTION 17.130. — To the Department of Transportation
For the Aviation Program
For the purpose of funding improvements to the levee system that surrounds an airport in a county of the first classification with

more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a home rule city with more than seventy-six thousand but fewer than ninety-one thousand inhabitants as the county seat
Representing expenditures originally authorized under the provisions of House Bill Section 2004.520, an Act of the 97th General Assembly, Second Regular Session
From General Revenue Fund (0101). $2,000,000

SECTION 17.135.—To the Office of Administration
For the Division of Facilities Management, Design and Construction
For emergency and unprogrammed requirements for facilities statewide
Representing expenditures originally authorized under the provisions of House Bill Section 18.006, an Act of the 97th General Assembly, First Regular Session
From Facilities Maintenance Reserve Fund (0124). $5,733,959

SECTION 17.140.—To the Office of Administration
For the Division of Facilities Management, Design and Construction
For statewide assessment, abatement, removal, remediation and management of hazardous materials and pollutants at state facilities
Representing expenditures originally authorized under the provisions of House Bill Section 18.007, an Act of the 97th General Assembly, First Regular Session
From Facilities Maintenance Reserve Fund (0124). $7,103,916

SECTION 17.145.—To the Office of Administration
For the Division of Facilities Management, Design and Construction
For the statewide roofing management system at state facilities
Representing expenditures originally authorized under the provisions of House Bill Section 18.008, an Act of the 97th General Assembly, First Regular Session
From Facilities Maintenance Reserve Fund (0124). $10,498,890

SECTION 17.150.—To the Office of Administration
For the Division of Facilities Management, Design and Construction
For statewide electrical improvements at state facilities
Representing expenditures originally authorized under the provisions of House Bill Section 18.009, an Act of the 97th General Assembly, First Regular Session
From Facilities Maintenance Reserve Fund (0124). $1,749,282

SECTION 17.155.—To the Office of Administration
For the Division of Facilities Management, Design and Construction
For maintenance, repairs and replacements, and improvements at facilities statewide
Representing expenditures originally authorized under the provisions of House Bill Section 18.010, an Act of the 97th General Assembly, First Regular Session
From Facilities Maintenance Reserve Fund (0124). $17,036,542
From Veterans Commission Capital Improvement Trust Fund (0304) 673,847

From State Highways and Transportation Department Fund (0644). 390,201
From Special Employment Security Fund (0949) 162,226
From Department of Social Services Federal Fund (0610). 102,422
Total. $18,365,238

SECTION 17.160.—To the Office of Administration
For the Division of Facilities Management, Design and Construction
For statewide elevator improvements at state facilities
Representing expenditures originally authorized under the provisions of
House Bill Section 18.011, an Act of the 97th General Assembly,
First Regular Session
From Facilities Maintenance Reserve Fund (0124). $3,360,614

SECTION 17.165.—To the Office of Administration
For the Division of Facilities Management, Design and Construction
For statewide fire safety improvements at state facilities
Representing expenditures originally authorized under the provisions of
House Bill Section 18.012, an Act of the 97th General Assembly,
First Regular Session
From Facilities Maintenance Reserve Fund (0124). $11,469,324

SECTION 17.170.—To the Office of Administration
For the Division of Facilities Management, Design and Construction
For statewide heating, ventilation and air conditioning improvements at
state facilities
Representing expenditures originally authorized under the provisions of
House Bill Section 18.013, an Act of the 97th General Assembly,
First Regular Session
From Facilities Maintenance Reserve Fund (0124). $13,924,025

SECTION 17.175.—To the Office of Administration
For the Division of Facilities Management, Design and Construction
For statewide plumbing improvements at state facilities
Representing expenditures originally authorized under the provisions of
House Bill Section 18.014, an Act of the 97th General Assembly,
First Regular Session
From Facilities Maintenance Reserve Fund (0124). $1,679,858

SECTION 17.180.—To the Office of Administration
For the Division of Facilities Management, Design and Construction
For security improvements at facilities statewide
Representing expenditures originally authorized under the provisions of
House Bill Section 18.016, an Act of the 97th General Assembly,
First Regular Session
From Facilities Maintenance Reserve Fund (0124). $2,775,311

SECTION 17.185.—To the Office of Administration
For planning and design for the replacement of the Fulton State Hospital
Representing expenditures originally authorized under the provisions of
House Bill Section 19.009, an Act of the 97th General
Assembly, First Regular Session
From General Revenue Fund (0101). $10,612,798

SECTION 17.190.—To the Office of Administration
For the completion of design and construction to replace Fulton State Hospital
Representing expenditures originally authorized under the provisions of House Bill Section 2005.197, an Act of the 97th General Assembly, Second Regular Session
From Fulton State Hospital Bond Proceeds Fund (various). $198,000,000

SECTION 17.201.—To the Office of Administration
For stonework, window repair, other structural repair, and renovations for the State Capitol Complex
Representing expenditures originally authorized under the provisions of House Bill Section 19.008, and Act of the 97th General Assembly, First Regular Session
From General Revenue Fund (0101) $1,000,000

SECTION 17.202.—To the Office of Administration
To provide funding for the reconstruction, replacement, or renovation of, or repair to, any infrastructure damaged by presidentially declared natural disasters in any home rule city with more than forty-seven thousand but fewer than fifty-two thousand inhabitants and partially located in any county of the first classification with more than one hundred fifteen thousand inhabitants
Representing expenditures originally authorized under the provisions of House Bill Section 19.060, and Act of the 97th General Assembly, First Regular Session
From Rebuild Damaged Infrastructure Fund (0814) $12,514,357

SECTION 17.205.—To the Office of Administration
For the Department of Agriculture
For the construction of storm shelters at the Missouri State Fairgrounds
Representing expenditures originally authorized under the provisions of House Bill Section 19.010, an Act of the 97th General Assembly, First Regular Session

From Department of Agriculture Federal Fund (0133).	$1,734,315
From Agriculture Protection Fund (0970).	590,365
Total.	$2,324,680

SECTION 17.215.—To the Department of Natural Resources
For the Division of State Parks
For capital improvement expenditures from recoupments, donations, and grants
Representing expenditures originally authorized under the provisions of House Bill Section 22.210, an Act of the 95th General Assembly, First Regular Session, House Bill Section 17.105, an Act of the 96th General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section 17.030, an Act of the 97th General Assembly, First Regular Session

From State Park Earnings Fund (0415).	$36,669,873
Department of Natural Resources Federal Fund (0140).	2,753,157
Total.	$39,423,030

SECTION 17.220.—To the Department of Natural Resources

For the Division of State Parks
For state park and historic site capital improvement expenditures, including design, construction, renovation, maintenance, repairs, replacements, improvements, adjacent land purchases, installation and replacement of interpretive exhibits, water and wastewater improvements, maintenance and repair to existing roadways, parking areas, and trails, acquisition, restoration, and marketing of endangered historic properties, and expenditure of recoupments, donations, and grants
Representing expenditures originally authorized under the provisions of House Bill Section 18.030, an Act of the 97th General Assembly, First Regular Session
From Parks Sales Tax Fund (0613). $2,979,815

SECTION 17.225.—To the Department of Natural Resources
For the Division of State Parks
For state park and historic site capital improvement expenditures, including design, construction, renovation, maintenance, repairs, replacements, improvements, adjacent land purchases, installation and replacement of interpretive exhibits, water and wastewater improvements, maintenance and repair to existing roadways, parking areas, and trails, acquisition, restoration, and marketing of endangered historic properties, and expenditure of recoupments, donations, and grants
Representing expenditures originally authorized under the provisions of House Bill Section 19.015, an Act of the 97th General Assembly, First Regular Session
From State Park Earnings Fund (0415). $1,202,647
Department of Natural Resources Federal Fund (0140). 49,530
Total. $1,252,177

SECTION 17.265.—To the Department of Conservation
For stream access acquisition and development; lake site acquisition and development; financial assistance to other public agencies or in partnership with other public agencies; land acquisition for upland wildlife, state forests, wetlands, and natural areas and additions to existing areas; for major improvements and repairs (including materials, supplies, and labor) to buildings, roads, hatcheries, and other departmental structures; and for soil conservation activities and erosion control on department land
Representing expenditures originally authorized under the provisions of House Bill Section 19.020, an Act of the 97th General Assembly, First Regular Session
From Conservation Commission Fund (0609). $19,300,000

SECTION 17.270.—To the Office of Administration
For the Department of Public Safety
For repairs, replacements, and improvements at Missouri State Highway Patrol facilities statewide
Representing expenditures originally authorized under the provisions of House Bill Section 18.035, an Act of the 97th General Assembly, First Regular Session

From State Highways and Transportation Department Fund (0644).. . . . . $6,337,967

SECTION 17.275.—To the Office of Administration
For the State Highway Patrol
For replacement of the Troop F garage
Representing expenditures originally authorized under the provisions of
House Bill Section 2021.150, an Act of the 97th General
Assembly, Second Regular Session
From Gaming Commission Fund (0286). $405,000
From State Highways and Transportation Department Fund (0644).. 3,735,000
Total. $4,140,000

SECTION 17.280.—To the Office of Administration
For the Department of Public Safety
For repairs, replacements, and improvements at state veterans' homes
Representing expenditures originally authorized under the provisions of
House Bill Section 18.040, an Act of the 97th General Assembly,
First Regular Session
From Missouri Veterans Commission Federal Fund (0184). $8,313,778
From Veterans Commission Capital Improvement Trust Fund (0304). 12,944,909
Total. $21,258,687

SECTION 17.285.—To the Office of Administration
For the Department of Public Safety
For design and construction of a storage building at the St. Louis Veterans
Home
Representing expenditures originally authorized under the provisions of
House Bill Section 19.035, an Act of the 97th General Assembly,
First Regular Session
From Missouri Veterans Commission Federal Fund (0184). $729,872
From Veterans Commission Capital Improvement Trust Fund (0304). 1,076,625
Total. $1,806,497

SECTION 17.290.—To the Office of Administration
For the Department of Public Safety
For installation of electronic medical records at veterans' homes statewide
Representing expenditures originally authorized under the provisions of
House Bill Section 19.040, an Act of the 97th General Assembly,
First Regular Session
From Missouri Veterans Commission Federal Fund (0184). $1,601,600
From Veterans Commission Capital Improvement Trust Fund (0304). 1,978,069
Total. $3,579,669

SECTION 17.295.—To the Office of Administration
For the Department of Public Safety
For installation of anti-wander systems at veterans' homes statewide
Representing expenditures originally authorized under the provisions of
House Bill Section 19.045, an Act of the 97th General Assembly,
First Regular Session
From Missouri Veterans Commission Federal Fund (0184). $1,598,899
From Veterans Commission Capital Improvement Trust Fund (0304). 2,275,522
Total. $3,874,421

SECTION 17.305.—To the Office of Administration Section
For the Adjutant General - Missouri National Guard
For statewide maintenance and repair at National Guard facilities
Representing expenditures originally authorized under the provisions of
House Bill Section 18.045, an Act of the 97th General Assembly,
First Regular Session
From Facilities Maintenance Reserve Fund (0124). $4,309,587
From Adjutant General Federal Fund (0190). 12,468,386
Total. $16,777,973

SECTION 17.310.—To the Department of Public Safety
For the Adjutant General - Missouri National Guard
For design and construction of National Guard Facilities statewide
Representing expenditures originally authorized under the provisions of
House Bill Section 19.050, an Act of the 97th General Assembly,
First Regular Session
From Adjutant General Federal Fund (0190). $2,611,025

SECTION 17.330.—To the Office of Administration
For the Office of the Attorney General
For maintenance and repair at the Broadway Building in Jefferson City
Representing expenditures originally authorized under the provisions of
House Bill Section 18.050, an Act of the 97th General Assembly,
First Regular Session
From Merchandising Practices Revolving Fund (0631). $2,063,871
From Attorney General Federal Fund (0136). 381,980
Total. $2,445,851

SECTION 17.335.—To the University of Missouri
For planning, design, renovation, and construction of a Free Enterprise
Center on the Kansas City campus, local matching funds must be
provided on a 50/50 state/local match rate in order to be eligible
for state funds pursuant to Section 173.480, RSMo
Representing expenditures originally authorized under the provisions of
House Bill Section 2021.020, an Act of the 97th General Assembly,
Second Regular Session
From General Revenue Fund (0101). $7,400,000

SECTION 17.340.—To the University of Missouri
For planning, design, renovation, and construction of the College of
Business Administration Building on the St. Louis campus, local
matching funds must be provided on a 50/50 state/local match rate
in order to be eligible for state funds pursuant to Section 173.480,
RSMo
Representing expenditures originally authorized under the provisions of
House Bill Section 2021.025, an Act of the 97th General Assembly,
Second Regular Session
From General Revenue Fund (0101). $10,000,000

SECTION 17.345.—To the University of Missouri
For planning, design, renovation, and construction of an applied learning
center on the Columbia campus, local matching funds must be

provided on a 50/50 state/local match rate in order to be eligible for state funds pursuant to Section 173.480, RSMo
Representing expenditures originally authorized under the provisions of House Bill Section 2021.040, an Act of the 97th General Assembly, Second Regular Session
From General Revenue Fund (0101). $10,000,000

SECTION 17.350.—To Missouri Southern State University
For planning, design, renovation, and construction of science laboratories in Reynold's Hall, local matching funds must be provided on a 50/50 state/local match rate in order to be eligible for state funds pursuant to Section 173.480, RSMo
Representing expenditures originally authorized under the provisions of House Bill Section 2021.062, an Act of the 97th General Assembly, Second Regular Session
From General Revenue Fund (0101). $1,500,000

SECTION 17.355.—To the Coordinating Board for Higher Education
For planning, design, renovation, and construction of the Hickey building on the Webb City campus of Crowder College, local matching funds must be provided on a 50/50 state/local match rate in order to be eligible for state funds pursuant to Section 173.480, RSMo
Representing expenditures originally authorized under the provisions of House Bill Section 2021.097, an Act of the 97th General Assembly, Second Regular Session
From General Revenue Fund (0101). $375,000

Approved June 5, 2015

HB 18 [SCS HCS HB 18]

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

Appropriates money for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities

AN ACT to appropriate money for purposes for the several departments and offices of state government; for the purchase of equipment; for planning, expenses, and for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems; for grants, refunds, distributions, planning, expenses, and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions; and to transfer money among certain funds, from the funds designated for the fiscal period beginning July 1, 2015 and ending June 30, 2016.

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

There is appropriated out of the State Treasury, for the agency, program, and purpose stated, chargeable to the fund designated for the period beginning July 1, 2015 and ending June 30, 2016, as follows:

SECTION 18.005.—To the Office of Administration
For the State Lottery Commission
For building repair and electrical replacements at the Missouri Lottery Commission Headquarters
From Lottery Enterprise Fund (0657). $1,473,719

SECTION 18.010.—Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Facilities Maintenance Reserve Fund
From General Revenue Fund (0101). $73,400,000

SECTION 18.015.—To the Office of Administration
For the Division of Facilities Management, Design and Construction
For emergency and unprogrammed requirements at state facilities, provided that $5,707,430 shall not be allotted or expended until after January 1, 2016
From Facilities Maintenance Reserve Fund (0124). $10,872,364

SECTION 18.016.—To the Office of Administration
For the Division of Facilities Management, Design and Construction
For statewide plumbing improvements at state facilities, provided that $1,426,858 shall not be allotted or expended until after January 1, 2016
From Facilities Maintenance Reserve Fund (0124). $2,718,091

SECTION 18.017.—To the Office of Administration
For the Division of Facilities Management, Design and Construction
For statewide electrical improvements at state facilities, provided that $1,426,858 shall not be allotted or expended until after January 1, 2016
From Facilities Maintenance Reserve Fund (0124). $2,718,091

SECTION 18.018.—To the Office of Administration
For the Division of Facilities Management, Design and Construction
For statewide heating, ventilation, and air conditioning improvements at state facilities, provided that $5,318,288 shall not be allotted or expended until after January 1, 2016
From Facilities Maintenance Reserve Fund (0124). $10,131,067

SECTION 18.019.—To the Office of Administration
For the Division of Facilities Management, Design and Construction
For statewide life safety improvements at state facilities, provided that $1,167,429 shall not be allotted or expended until after January 1, 2016
From Facilities Maintenance Reserve Fund (0124). $2,223,893

SECTION 18.020.—To the Office of Administration
For the Division of Facilities Management, Design and Construction
For statewide assessment, abatement, removal, remediation, and

management of hazardous materials and pollutants at state facilities, provided that $518,858 shall not be allotted or expended until after January 1, 2016
From Facilities Maintenance Reserve Fund (0124). $988,397

SECTION 18.021.—To the Office of Administration
For the Division of Facilities Management, Design and Construction
For the statewide roofing management system at state facilities, provided that $3,761,715 shall not be allotted or expended until after January 1, 2016
From Facilities Maintenance Reserve Fund (0124). $7,165,876

SECTION 18.022.—To the Office of Administration
For the Division of Facilities Management, Design and Construction
For security improvements at state facilities, provided that $1,349,029 shall not be allotted or expended until after January 1, 2016
From Facilities Maintenance Reserve Fund (0124). $2,569,832

SECTION 18.023.—To the Office of Administration
For the Missouri House of Representatives
For the purpose of renovating committee hearing room space
From Facilities Maintenance Reserve Fund (0124). $500,000

SECTION 18.025.—To the Office of Administration
For the Division of Facilities Management, Design and Construction
For maintenance, repairs, replacements, and improvements at state facilities, provided that $8,108,596 of the Facilities Maintenance Reserve Fund shall not be allotted or expended until after January 1, 2016
From Facilities Maintenance Reserve Fund (0124). $12,986,728
From Special Employment Security Fund (0949) 400,000
From Department of Social Services Federal Fund (0610) 300,000
From State Highways and Transportation Department Fund (0644).. 750,000
From Veterans Commission Capital Improvement Trust Fund (0304). 500,000
Total. $14,936,728

SECTION 18.030.—To the Office of Administration
For the Division of Facilities Management, Design and Construction
For receipt and disbursement of federal or state emergency management funds
From Office of Administration Federal Fund (0135). $250,000

SECTION 18.035.—To the Office of Administration
For the Division of Facilities Management, Design and Construction
For projects that are identified as having an energy savings payback and renewable energy opportunities at all state-owned facilities from grants and contributions, but not loans, provided that $454,000 of the Facilities Maintenance Reserve Fund shall not be allotted or expended until after January 1, 2016
From Facilities Maintenance Reserve Fund (0124). $864,847
From Grants and Contributions Fund (0723). 250,000
Total. $1,114,847

SECTION 18.040.—To the Office of Administration

For the Division of Facilities Management, Design and Construction
For the receipt and disbursement of recovered costs related to capital improvements
From Office of Administration Revolving Administrative Trust Fund (0505). . . . $250,000

SECTION 18.045.—To the Department of Natural Resources
For the Division of State Parks
For state park and historic site capital improvement expenditures, including design, construction, renovation, maintenance, repairs, replacements, improvements, adjacent land purchases, installation and replacement of interpretive exhibits, water and wastewater improvements, maintenance and repair to existing roadways, parking areas, and trails, acquisition, restoration, and marketing of endangered historic properties, and expenditure of recoupments, donations, and grants
From Park Sales Tax Fund (0613). $12,845,750
From State Park Earnings Fund (0415) 12,835,750
From Historic Preservation Revolving Fund (0430) 500,000
From Department of Natural Resources Federal Fund (0140). 1,800,000
Total. $27,981,500

SECTION 18.050.—To the Department of Conservation
For stream access acquisition and development; lake site acquisition and development; financial assistance to other public agencies or in partnership with other public agencies; land acquisition for upland wildlife, state forests, wetlands, and natural areas and additions to existing areas; for major improvements and repairs including materials, supplies, and labor to buildings, roads, hatcheries, and other departmental structures; and for soil conservation activities and erosion control on department land
From Conservation Commission Fund (0609). $33,000,000

SECTION 18.055.—To the Office of Administration
For the Department of Public Safety
For repairs, replacements, and improvements at Missouri State Highway Patrol facilities statewide
From State Highways and Transportation Department Fund (0644). $1,661,548

SECTION 18.060.—To the Office of Administration
For the Department of Public Safety
For repairs, replacements, and improvements at state veterans' homes and state veterans' cemeteries
From Veterans Commission Capital Improvement Trust Fund (0304). $700,168

SECTION 18.065.—To the Office of Administration
For the Adjutant General - Missouri National Guard
For statewide maintenance and repair at National Guard facilities
From Adjutant General Federal Fund (0190). $20,000,000

SECTION 18.070.—To the Office of Administration
For the Department of Social Services
For building replacement at the Delmina Woods Youth Center

From Department of Social Services Educational Improvement Fund (0620). $50,813

SECTION 18.075.—To the Office of Administration
For the Department of Elementary and Secondary Education
For reconstruction of a school building damaged by severe weather in a county of the third classification without a township form of government and with more than twenty-three thousand but fewer than twenty-six thousand inhabitants and with a city of the third classification with more than five thousand but fewer than six thousand inhabitants as the county seat
From General Revenue Fund (0101). $200,000

SECTION 18.080.—To the Office of Administration
For the Board of Public Buildings
For the purchase of a building to consolidate state leased space in the Kansas City Area
From General Revenue Fund (0101). $850,000

Bill Totals
General Revenue Fund. $74,450,000
Federal Funds. 22,350,000
Other Funds.. 64,967,748
Total. $161,767,748

Approved June 5, 2015

HB 19 [SCS HCS HB 19]

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

Appropriates money for capital improvements

AN ACT to appropriate money for planning and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions; and to transfer money among certain funds, from the funds herein designated for the fiscal period beginning July 1, 2015 and ending June 30, 2016.

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

There is appropriated out of the State Treasury, for the agency, program, and purpose stated, chargeable to the fund designated for the period beginning July 1, 2015 and ending June 30, 2016, as follows:

SECTION 19.015.—To the Office of Administration
For the Division of Accounting
For payment of rent by the state for state agencies occupying Board of Public Buildings revenue bond financed buildings. Funds are to be used for principal, interest, bond issuance costs, and reserve fund requirements of Board of Public Buildings bonds provided the term shall not exceed 15 years for the projects in Sections 19.020

to 19.130
From General Revenue Fund (0101). $15,050,000

Section 19.020.—To the Coordinating Board for Higher Education
For repair and renovations including masonry and roof repairs and
window replacements at Crowder College
From Board of Public Buildings Bond Proceeds Fund (Various). $1,983,872

Section 19.025.—To the Coordinating Board for Higher Education
For repair and renovations including accessibility improvements,
classroom and office renovations, floor, ceiling, and roof
replacements at East Central College
From Board of Public Buildings Bond Proceeds Fund (Various). $1,849,015

Section 19.030.—To the Coordinating Board for Higher Education
For repair and renovations including library remodeling and window
replacements at Jefferson College
From Board of Public Buildings Bond Proceeds Fund (Various). $2,122,144

Section 19.035.—To the Coordinating Board for Higher Education
For repair and renovations including fire safety improvements, parking lot
repairs, HVAC system repair and renovations, and roof
replacements at Metropolitan Community College
From Board of Public Buildings Bond Proceeds Fund (Various). $4,002,094

Section 19.040.—To the Coordinating Board for Higher Education
For repair and renovations including energy efficiency improvements,
interior remodeling, and roof replacements at Mineral Area College
From Board of Public Buildings Bond Proceeds Fund (Various). $1,882,981

Section 19.045.—To the Coordinating Board for Higher Education
For repair and renovations including plumbing upgrades, roof repair, and
window replacements at Moberly Area Community College
From Board of Public Buildings Bond Proceeds Fund (Various). $2,068,081

Section 19.050.—To the Coordinating Board for Higher Education
For repair and renovations including fire safety improvements, electrical,
HVAC, plumbing system, and window replacements at North Central
Missouri College
From Board of Public Buildings Bond Proceeds Fund (Various). $1,518,406

Section 19.055.—To the Coordinating Board for Higher Education
For repair and renovations including brick exterior, HVAC system,
parking lot, and roof replacements at Ozarks Technical
Community College
From Board of Public Buildings Bond Proceeds Fund (Various). $3,312,940

Section 19.060.—To the Coordinating Board for Higher Education
For repair and renovations including automated accessibility doors, boiler,
HVAC system, and parking lot replacement at St. Charles Community
College
From Board of Public Buildings Bond Proceeds Fund (Various). $2,382,612

SECTION 19.065.—To the Coordinating Board for Higher Education
For repair and renovations including updating science labs and new finishes for ceilings, floors, and walls at St. Louis Community College
From Board of Public Buildings Bond Proceeds Fund (Various). $5,245,143

SECTION 19.070.—To the Coordinating Board for Higher Education
For repair and renovations including accessible elevators, floor, HVAC system, roof, and window replacements at State Fair Community College
From Board of Public Buildings Bond Proceeds Fund (Various). $1,994,724

SECTION 19.075.—To the Coordinating Board for Higher Education
For repair and renovations including electrical, elevator and HVAC systems upgrades, and parking lot and sidewalk repairs at Three Rivers Community College
From Board of Public Buildings Bond Proceeds Fund (Various). $1,900,868

SECTION 19.080.—To State Technical College of Missouri
For repair and renovations including foundation and parking lot repairs, HVAC system, and door and window replacements
From Board of Public Buildings Bond Proceeds Fund (Various). $1,071,984

SECTION 19.085.—To the University of Central Missouri
For repair and renovations including cabinetry, flooring, lighting, support infrastructure repair, and exterior renovations
From Board of Public Buildings Bond Proceeds Fund (Various). $12,262,520

SECTION 19.090.—To Southeast Missouri State University
For repair and renovations including accessibility and fire safety improvements, electrical, mechanical, plumbing systems, roof, and window replacements
From Board of Public Buildings Bond Proceeds Fund (Various). $10,082,458

SECTION 19.095.—To Missouri State University
For repair and renovations including exterior masonry and parking lot upgrades, sprinkler system installation, electrical, plumbing, fire safety, and HVAC system replacements
From Board of Public Buildings Bond Proceeds Fund (Various). $18,925,377

SECTION 19.100.—To Lincoln University
For repair and renovations including foundation and exterior masonry repairs, electrical, HVAC, mechanical, plumbing system, and roof replacement
From Board of Public Buildings Bond Proceeds Fund (Various). $4,039,140

SECTION 19.105.—To Truman State University
For repair and renovations including accessibility improvements, energy efficient lighting, and HVAC system replacement for Baldwin Hall
From Board of Public Buildings Bond Proceeds Fund (Various). $9,209,822

SECTION 19.110.—To Northwest Missouri State University
For repair and renovations including electrical system repairs and window replacements

From Board of Public Buildings Bond Proceeds Fund (Various). $6,884,126

Section 19.115.—To Missouri Southern State University
For repair and renovations including science laboratory renovations in Reynolds Hall
From Board of Public Buildings Bond Proceeds Fund (Various). $5,228,422

Section 19.120.—To Missouri Western State University
For repair and renovations including entryway repairs, bathroom renovations, ceiling, floor, fiber optic cable, HVAC system, and window replacements
From Board of Public Buildings Bond Proceeds Fund (Various). $4,810,951

Section 19.125.—To Harris-Stowe State University
For repair and renovations including hazmat remediation, upgrades to windows, HVAC, electrical systems, plumbing, and finishes for Vashon Center
From Board of Public Buildings Bond Proceeds Fund (Various). $2,204,580

Section 19.130.—To the University of Missouri
For repair and renovations including accessibility and fire safety improvements, repair of Benton Hall, science laboratory renovations, and HVAC replacements
From Board of Public Buildings Bond Proceeds Fund (Various). $56,517,740

Section 19.135.—To the Office of Administration
For the Department of Elementary and Secondary Education
For repair and renovations to facilities statewide
From Board of Public Buildings Bond Proceeds Fund (Various). $4,499,739

Section 19.140.—To the Office of Administration
For the Division of Facilities Management, Design and Construction
For repair and renovations at facilities statewide
From Board of Public Buildings Bond Proceeds Fund (Various). $13,444,468

Section 19.145.—To the Office of Administration
For repair and renovations to the State Capitol Building
From Board of Public Buildings Bond Proceeds Fund (Various). $40,000,000

Section 19.150.—To the Office of Administration
For repair and renovations to the State Capitol Annex
From Board of Public Buildings Bond Proceeds Fund (Various). $35,000,000

Section 19.155.—To the Office of Administration
For the Department of Agriculture
For repair and renovations at State Fair facilities
From Board of Public Buildings Bond Proceeds Fund (Various). $2,876,500

Section 19.160.—To the Office of Administration
For the Department of Public Safety
For repair and renovations to state veterans' homes
From Board of Public Buildings Bond Proceeds Fund (Various). $14,500,000

Section 19.165.—To the Office of Administration
For the Department of Corrections
For repair and renovations at facilities statewide
From Board of Public Buildings Bond Proceeds Fund (Various). $13,521,545

Section 19.170.—To the Office of Administration
For the Department of Mental Health
For repair and renovations at facilities statewide
From Board of Public Buildings Bond Proceeds Fund (Various). $15,006,465

Section 19.175.—To the Office of Administration
For the Department of Social Services
For repair and renovations at facilities statewide
From Board of Public Buildings Bond Proceeds Fund (Various). $3,970,367

Section 19.180.—To the University of Missouri
For planning, design, and construction of a business incubator in St. Louis
From Missouri Development Finance Board Bond Proceeds Fund
(Various). $8,000,000

Section 19.185.—To the Office of Administration
For payment of debt service for the St. Louis Incubator project bonds
issued through the Missouri Development Finance Board provided
the term shall not exceed 20 years for the project in Section 19.180
From General Revenue Fund (0101). $625,000

Section 19.191.—To the Department of Natural Resources
For the Division of State Parks
For repair and renovation at state parks and historic sites in the Central
region
From Board of Public Buildings Bond Proceeds Fund (Various). $653,720

Section 19.196.—To the Department of Natural Resources
For the Division of State Parks
For repair and renovation at state parks and historic sites in the Lakes
region
From Board of Public Buildings Bond Proceeds Fund (Various). $3,005,070

Section 19.201.—To the Department of Natural Resources
For the Division of State Parks
For repair and renovation at state parks and historic sites in the Northeast
region
From Board of Public Buildings Bond Proceeds Fund (Various). $2,054,654

Section 19.206.—To the Department of Natural Resources
For the Division of State Parks
For repair and renovation at state parks and historic sites in the Kansas
City region
From Board of Public Buildings Bond Proceeds Fund (Various). $713,068

Section 19.211.—To the Department of Natural Resources
For the Division of State Parks

For repair and renovation at state parks and historic sites in the Southeast region
From Board of Public Buildings Bond Proceeds Fund (Various). $1,581,992

SECTION 19.216.—To the Department of Natural Resources
For the Division of State Parks
For repair and renovation at state parks and historic sites in the St. Louis region
From Board of Public Buildings Bond Proceeds Fund (Various). $1,991,496

SECTION 19.221.—To the State Historical Society
For the planning, design, and construction of the State Historical Society building and museum located in any home rule city with more than one hundred eight thousand but fewer than one hundred sixteen thousand inhabitants
From Missouri Development Finance Board Bond Proceeds Fund (Various). . $35,000,000

SECTION 19.226.—To the Office of Administration
For payment of debt services for the State Historical Society project bonds issued through the Missouri Development Finance Board provided the term shall not exceed 20 years for the project listed in Section 19.221
From General Revenue Fund (0101). $2,700,000

SECTION 19.230.—To the Department of Natural Resources
For funding expenditures related to surface water improvements
From General Revenue Fund (0101). $1,000,000

SECTION 19.235.—To the Office of Administration
For the Division of Accounting
For payment of rent by the state for state agencies occupying Board of Public Buildings revenue bond financed buildings. Funds are to be used for principal, interest, bond issuance costs, and reserve fund requirements of Board of Public Buildings bonds provided the term shall not exceed 10 years for the projects in Section 19.135, 19.140, 19.155 - 19.175, and 19.191 - 19.216 and further provided the term shall not exceed 20 years for the projects in Section 19.145 and 19.150
From Facilities Maintenance Reserve Fund (0124). $6,875,000

Bill Totals
General Revenue Fund. $19,375,000
Other Funds. 357,319,084
Total. $376,694,084

Approved June 5, 2015

HB 41 [SCS HB 41]

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

Removes portions of the school funding formula that are no longer relevant due to the passage of time

AN ACT to repeal sections 163.021 and 165.011, RSMo, section 163.011 as enacted by house bill no. 1689, ninety-seventh general assembly, second regular session, and section 163.031 as enacted by house bill no. 1689, ninety-seventh general assembly, second regular session, and to enact in lieu thereof four new sections relating to state aid for schools.

SECTION
A. Enacting clause.
163.011. Definitions — method of calculating state aid.
163.021. Eligibility for state aid, requirements — evaluation of correlation of rates and assessed valuation, report, calculation — further requirements — exception — operating levy less than performance levy, requirements.
163.031. State aid — amount, how determined — categorical add-on revenue, determination of amount — waiver of rules — deposits to teachers' fund and incidental fund, when — state adequacy target adjustment, when.
165.011. Tuition — accounting of school moneys, funds — uses — transfers to and from incidental fund, when — transfers to debt service fund, when — one-time transfer for Carthage School district — deduction for unlawful transfers — transfer of unrestricted funds.

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

SECTION A. ENACTING CLAUSE. — Sections 163.021 and 165.011, RSMo, section 163.011 as enacted by house bill no. 1689, ninety-seventh general assembly, second regular session, and section 163.031 as enacted by house bill no. 1689, ninety-seventh general assembly, second regular session, are repealed and four new sections enacted in lieu thereof, to be known as sections 163.011, 163.021, 163.031, and 165.011, to read as follows:

163.011. DEFINITIONS — METHOD OF CALCULATING STATE AID. — As used in this chapter unless the context requires otherwise:

(1) "Adjusted operating levy", the sum of tax rates for the current year for teachers' and incidental funds for a school district as reported to the proper officer of each county pursuant to section 164.011;

(2) "Average daily attendance", the quotient or the sum of the quotients obtained by dividing the total number of hours attended in a term by resident pupils between the ages of five and twenty-one by the actual number of hours school was in session in that term. To the average daily attendance of the following school term shall be added the full-time equivalent average daily attendance of summer school students. "Full-time equivalent average daily attendance of summer school students" shall be computed by dividing the total number of hours, except for physical education hours that do not count as credit toward graduation for students in grades nine, ten, eleven, and twelve, attended by all summer school pupils by the number of hours required in section 160.011 in the school term. For purposes of determining average daily attendance under this subdivision, the term "resident pupil" shall include all children between the ages of five and twenty-one who are residents of the school district and who are attending kindergarten through grade twelve in such district. If a child is attending school in a district other than the district of residence and the child's parent is teaching in the school district or is a regular employee of the school district which the child is attending, then such child shall be considered a resident pupil of the school district which the child is attending for such period of time when the district of residence is not otherwise liable for tuition. Average daily attendance for students

below the age of five years for which a school district may receive state aid based on such attendance shall be computed as regular school term attendance unless otherwise provided by law;

(3) "Current operating expenditures":

(a) For the fiscal year 2007 calculation, "current operating expenditures" shall be calculated using data from fiscal year 2004 and shall be calculated as all expenditures for instruction and support services except capital outlay and debt service expenditures minus the revenue from federal categorical sources; food service; student activities; categorical payments for transportation costs pursuant to section 163.161; state reimbursements for early childhood special education; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515; the vocational education entitlement for the district, as provided for in section 167.332; and payments from other districts;

(b) In every fiscal year subsequent to fiscal year 2007, current operating expenditures shall be the amount in paragraph (a) of this subdivision plus any increases in state funding pursuant to sections 163.031 and 163.043 subsequent to fiscal year 2005, not to exceed five percent, per recalculation, of the state revenue received by a district in the 2004-05 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments for any district from the first preceding calculation of the state adequacy target. Beginning on July 1, 2010, current operating expenditures shall be the amount in paragraph (a) of this subdivision plus any increases in state funding pursuant to sections 163.031 and 163.043 subsequent to fiscal year 2005 received by a district in the 2004-05 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments for any district from the first preceding calculation of the state adequacy target;

(4) "District's tax rate ceiling", the highest tax rate ceiling in effect subsequent to the 1980 tax year or any subsequent year. Such tax rate ceiling shall not contain any tax levy for debt service;

(5) "Dollar-value modifier", an index of the relative purchasing power of a dollar, calculated as one plus fifteen percent of the difference of the regional wage ratio minus one, provided that the dollar value modifier shall not be applied at a rate less than 1.0:

(a) "County wage per job", the total county wage and salary disbursements divided by the total county wage and salary employment for each county and the City of St. Louis as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year;

(b) "Regional wage per job":

a. The total Missouri wage and salary disbursements of the metropolitan area as defined by the Office of Management and Budget divided by the total Missouri metropolitan wage and salary employment for the metropolitan area for the county signified in the school district number or the City of St. Louis, as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year and recalculated upon every decennial census to incorporate counties that are newly added to the description of metropolitan areas; or if no such metropolitan area is established, then:

b. The total Missouri wage and salary disbursements of the micropolitan area as defined by the Office of Management and Budget divided by the total Missouri micropolitan wage and salary employment for the micropolitan area for the county signified in the school district number, as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year, if a micropolitan area for such county has been established and recalculated upon every decennial census to incorporate counties that are newly added to the description of micropolitan areas; or

c. If a county is not part of a metropolitan or micropolitan area as established by the Office of Management and Budget, then the county wage per job, as defined in paragraph (a) of this subdivision, shall be used for the school district, as signified by the school district number;

(c) "Regional wage ratio", the ratio of the regional wage per job divided by the state median wage per job;

(d) "State median wage per job", the fifty-eighth highest county wage per job;

(6) "Free and reduced lunch pupil count", for school districts not eligible for and those that do not choose the USDA Community Eligibility Option, the number of pupils eligible for free and reduced lunch on the last Wednesday in January for the preceding school year who were enrolled as students of the district, as approved by the department in accordance with applicable federal regulations. For eligible school districts that choose the USDA Community Eligibility Option, the free and reduced lunch pupil count shall be the percentage of free and reduced lunch students calculated as eligible on the last Wednesday in January of the most recent school year that included household applications to determine free and reduced lunch count multiplied by the district's average daily attendance figure;

(7) "Free and reduced lunch threshold" shall be calculated by dividing the total free and reduced lunch pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(8) "Limited English proficiency pupil count", the number in the preceding school year of pupils aged three through twenty-one enrolled or preparing to enroll in an elementary school or secondary school who were not born in the United States or whose native language is a language other than English or are Native American or Alaskan native, or a native resident of the outlying areas, and come from an environment where a language other than English has had a significant impact on such individuals' level of English language proficiency, or are migratory, whose native language is a language other than English, and who come from an environment where a language other than English is dominant; and have difficulties in speaking, reading, writing, or understanding the English language sufficient to deny such individuals the ability to meet the state's proficient level of achievement on state assessments described in Public Law 107-10, the ability to achieve successfully in classrooms where the language of instruction is English, or the opportunity to participate fully in society;

(9) "Limited English proficiency threshold" shall be calculated by dividing the total limited English proficiency pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(10) "Local effort":

(a) For the fiscal year 2007 calculation, "local effort" shall be computed as the equalized assessed valuation of the property of a school district in calendar year 2004 divided by one hundred and multiplied by the performance levy less the percentage retained by the county assessor and collector plus one hundred percent of the amount received in fiscal year 2005 for school purposes from intangible taxes, fines, escheats, payments in lieu of taxes and receipts from state-assessed railroad and utility tax, one hundred percent of the amount received for school purposes pursuant to the merchants' and manufacturers' taxes under sections 150.010 to 150.370, one hundred percent of the amounts received for school purposes from federal properties under sections 12.070 and 12.080 except when such amounts are used in the calculation of federal impact aid pursuant to P.L. 81-874, fifty percent of Proposition C revenues received for school purposes from the school district trust fund under section 163.087, and one hundred percent of any local earnings or income taxes received by the district for school purposes. Under this paragraph, for a special district established under sections 162.815 to 162.940 in a county with a charter form of government and with more than one million inhabitants, a tax levy of zero shall be utilized in lieu of the performance levy for the special school district;

(b) In every year subsequent to fiscal year 2007, "local effort" shall be the amount calculated under paragraph (a) of this subdivision plus any increase in the amount received for school purposes from fines. If a district's assessed valuation has decreased subsequent to the calculation outlined in paragraph (a) of this subdivision, the district's local effort shall be calculated using the district's current assessed valuation in lieu of the assessed valuation utilized in the calculation outlined in paragraph (a) of this subdivision. When a change in a school district's boundary lines occurs because of a boundary line change, annexation, attachment, consolidation, reorganization, or dissolution under section 162.071, 162.081, sections 162.171 to 162.201, section 162.221, 162.223, 162.431, 162.441, or 162.451, or in the event that a school district assumes any territory from a district that ceases to exist for any reason, the department of elementary and secondary education shall make a proper adjustment to each affected district's local effort, so that each district's local effort figure conforms to the new boundary lines of the district. The department shall compute the local effort figure by applying the calendar year 2004 assessed valuation data to the new land areas resulting from the boundary line change, annexation, attachment, consolidation, reorganization, or dissolution and otherwise follow the procedures described in this subdivision;

(11) "Membership" shall be the average of:

(a) The number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in September of the previous year and who were in attendance one day or more during the preceding ten school days; and

(b) The number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in January of the previous year and who were in attendance one day or more during the preceding ten school days, plus the full-time equivalent number of summer school pupils. "Full-time equivalent number of part-time students" is determined by dividing the total number of hours for which all part-time students are enrolled by the number of hours in the school term. "Full-time equivalent number of summer school pupils" is determined by dividing the total number of hours for which all summer school pupils were enrolled by the number of hours required pursuant to section 160.011 in the school term. Only students eligible to be counted for average daily attendance shall be counted for membership;

(12) "Operating levy for school purposes", the sum of tax rates levied for teachers' and incidental funds plus the operating levy or sales tax equivalent pursuant to section 162.1100 of any transitional school district containing the school district, in the payment year, not including any equalized operating levy for school purposes levied by a special school district in which the district is located;

(13) "Performance district", any district that has met performance standards and indicators as established by the department of elementary and secondary education for purposes of accreditation under section 161.092 and as reported on the final annual performance report for that district each year; for calculations to be utilized for payments in fiscal years subsequent to fiscal year 2018, the number of performance districts shall not exceed twenty-five percent of all public school districts;

(14) "Performance levy", three dollars and forty-three cents;

(15) "School purposes" pertains to teachers' and incidental funds;

(16) "Special education pupil count", the number of public school students with a current individualized education program or services plan and receiving services from the resident district as of December first of the preceding school year, except for special education services provided through a school district established under sections 162.815 to 162.940 in a county with a charter form of government and with more than one million inhabitants, in which case the sum of the students in each district within the county exceeding the special education threshold of each respective district within the county shall be counted within the special district and not in the district of residence for purposes of distributing the state aid derived from the special education pupil count;

(17) "Special education threshold" shall be calculated by dividing the total special education pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(18) "State adequacy target", the sum of the current operating expenditures of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, divided by the total average daily attendance of all included performance districts. The department of elementary and secondary education shall first calculate the state adequacy target for fiscal year 2007 and recalculate the state adequacy target every two years using the most current available data. The recalculation shall never result in a decrease from the previous state adequacy target amount. Should a recalculation result in an increase in the state adequacy target amount, fifty percent of that increase shall be included in the state adequacy target amount in the year of recalculation, and fifty percent of that increase shall be included in the state adequacy target amount in the subsequent year. The state adequacy target may be adjusted to accommodate available appropriations as provided in subsection **[**8**] 7** of section 163.031;

(19) "Teacher", any teacher, teacher-secretary, substitute teacher, supervisor, principal, supervising principal, superintendent or assistant superintendent, school nurse, social worker, counselor or librarian who shall, regularly, teach or be employed for no higher than grade twelve more than one-half time in the public schools and who is certified under the laws governing the certification of teachers in Missouri;

(20) "Weighted average daily attendance", the average daily attendance plus the product of twenty-five hundredths multiplied by the free and reduced lunch pupil count that exceeds the free and reduced lunch threshold, plus the product of seventy-five hundredths multiplied by the number of special education pupil count that exceeds the special education threshold, plus the product of six-tenths multiplied by the number of limited English proficiency pupil count that exceeds the limited English proficiency threshold. For special districts established under sections 162.815 to 162.940 in a county with a charter form of government and with more than one million inhabitants, weighted average daily attendance shall be the average daily attendance plus the product of twenty-five hundredths multiplied by the free and reduced lunch pupil count that exceeds the free and reduced lunch threshold, plus the product of seventy-five hundredths multiplied by the sum of the special education pupil count that exceeds the threshold for each county district, plus the product of six-tenths multiplied by the limited English proficiency pupil count that exceeds the limited English proficiency threshold. None of the districts comprising a special district established under sections 162.815 to 162.940 in a county with a charter form of government and with more than one million inhabitants, shall use any special education pupil count in calculating their weighted average daily attendance.

163.021. ELIGIBILITY FOR STATE AID, REQUIREMENTS — EVALUATION OF CORRELATION OF RATES AND ASSESSED VALUATION, REPORT, CALCULATION — FURTHER REQUIREMENTS — EXCEPTION — OPERATING LEVY LESS THAN PERFORMANCE LEVY, REQUIREMENTS. — 1. A school district shall receive state aid for its education program only if it:

(1) Provides for a minimum of one hundred seventy-four days and one thousand forty-four hours of actual pupil attendance in a term scheduled by the board pursuant to section 160.041 for each pupil or group of pupils, except that the board shall provide a minimum of one hundred seventy-four days and five hundred twenty-two hours of actual pupil attendance in a term for kindergarten pupils. If any school is dismissed because of inclement weather after school has been in session for three hours, that day shall count as a school day including afternoon session kindergarten students. When the aggregate hours lost in a term due to inclement weather

decreases the total hours of the school term below the required minimum number of hours by more than twelve hours for all-day students or six hours for one-half-day kindergarten students, all such hours below the minimum must be made up in one-half day or full day additions to the term, except as provided in section 171.033;

(2) Maintains adequate and accurate records of attendance, personnel and finances, as required by the state board of education, which shall include the preparation of a financial statement which shall be submitted to the state board of education the same as required by the provisions of section 165.111 for districts;

(3) Levies an operating levy for school purposes of not less than one dollar and twenty-five cents after all adjustments and reductions on each one hundred dollars assessed valuation of the district;

(4) Computes average daily attendance as defined in subdivision (2) of section 163.011 as modified by section 171.031. Whenever there has existed within the district an infectious disease, contagion, epidemic, plague or similar condition whereby the school attendance is substantially reduced for an extended period in any school year, the apportionment of school funds and all other distribution of school moneys shall be made on the basis of the school year next preceding the year in which such condition existed.

2. For the 2006-07 school year and thereafter, no school district shall receive more state aid, as calculated under subsections 1 and 2 of section 163.031, for its education program, exclusive of categorical add-ons, than it received per weighted average daily attendance for the school year 2005-06 from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts, unless it has an operating levy for school purposes, as determined pursuant to section 163.011, of not less than two dollars and seventy-five cents after all adjustments and reductions. Any district which is required, pursuant to article X, section 22 of the Missouri Constitution, to reduce its operating levy below the minimum tax rate otherwise required under this subsection shall not be construed to be in violation of this subsection for making such tax rate reduction. Pursuant to section 10(c) of article X of the state constitution, a school district may levy the operating levy for school purposes required by this subsection less all adjustments required pursuant to article X, section 22 of the Missouri Constitution if such rate does not exceed the highest tax rate in effect subsequent to the 1980 tax year. Nothing in this section shall be construed to mean that a school district is guaranteed to receive an amount not less than the amount the school district received per eligible pupil for the school year 1990-91. The provisions of this subsection shall not apply to any school district located in a county of the second classification which has a nuclear power plant located in such district or to any school district located in a county of the third classification which has an electric power generation unit with a rated generating capacity of more than one hundred fifty megawatts which is owned or operated or both by a rural electric cooperative except that such school districts may levy for current school purposes and capital projects an operating levy not to exceed two dollars and seventy-five cents less all adjustments required pursuant to article X, section 22 of the Missouri Constitution.

3. No school district shall receive more state aid, as calculated in section 163.031, for its education program, exclusive of categorical add-ons, than it received per eligible pupil for the school year 1993-1994, if the state board of education determines that the district was not in compliance in the preceding school year with the requirements of section 163.172, until such time as the board determines that the district is again in compliance with the requirements of section 163.172.

4. No school district shall receive state aid, pursuant to section 163.031, if such district was not in compliance, during the preceding school year, with the requirement, established pursuant to section 160.530 to allocate revenue to the professional development committee of the district.

5. No school district shall receive more state aid, as calculated in subsections 1 and 2 of section 163.031, for its education program, exclusive of categorical add-ons, than it received per weighted average daily attendance for the school year 2005-06 from the foundation formula, line

14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts, if the district did not comply in the preceding school year with the requirements of subsection [6] **5** of section 163.031.

6. Any school district that levies an operating levy for school purposes that is less than the performance levy, as such term is defined in section 163.011, shall provide written notice to the department of elementary and secondary education asserting that the district is providing an adequate education to the students of such district. If a school district asserts that it is not providing an adequate education to its students, such inadequacy shall be deemed to be a result of insufficient local effort. The provisions of this subsection shall not apply to any special district established under sections 162.815 to 162.940.

163.031. STATE AID — AMOUNT, HOW DETERMINED — CATEGORICAL ADD-ON REVENUE, DETERMINATION OF AMOUNT — WAIVER OF RULES — DEPOSITS TO TEACHERS' FUND AND INCIDENTAL FUND, WHEN — STATE ADEQUACY TARGET ADJUSTMENT, WHEN. — 1. The department of elementary and secondary education shall calculate and distribute to each school district qualified to receive state aid under section 163.021 an amount determined by multiplying the district's weighted average daily attendance by the state adequacy target, multiplying this product by the dollar value modifier for the district, and subtracting from this product the district's local effort and[, in years not governed under subsection 4 of this section,] subtracting payments from the classroom trust fund under section 163.043.

2. Other provisions of law to the contrary notwithstanding:

(1) For districts with an average daily attendance of more than three hundred fifty in the school year preceding the payment year:

(a) [For the 2006-07 school year, the state revenue per weighted average daily attendance received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the state revenue received by a district in the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the sum of one plus the product of one-third multiplied by the remainder of the dollar value modifier minus one, and dividing this product by the weighted average daily attendance computed for the 2005-06 school year;

(b) For the 2007-08 school year, the state revenue per weighted average daily attendance received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the state revenue received by a district in the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the sum of one plus the product of two-thirds multiplied by the remainder of the dollar value modifier minus one, and dividing this product by the weighted average daily attendance computed for the 2005-06 school year;

(c)] For the 2008-09 school year, the state revenue per weighted average daily attendance received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the state revenue received by a district in the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the dollar value modifier, and dividing this product by the weighted average daily attendance computed for the 2005-06 school year;

[(d)] **(b)** For each year subsequent to the 2008-09 school year, the amount shall be no less than that computed in paragraph [(c)] **(a)** of this subdivision, multiplied by the weighted average daily attendance pursuant to section 163.036, less any increase in revenue received from the classroom trust fund under section 163.043;

(2) For districts with an average daily attendance of three hundred fifty or less in the school year preceding the payment year:

(a) **[**For the 2006-07 school year, the state revenue received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the greater of state revenue received by a district in the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the sum of one plus the product of one-third multiplied by the remainder of the dollar value modifier minus one;

(b) For the 2007-08 school year, the state revenue received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the greater of state revenue received by a district in the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the sum of one plus the product of two-thirds multiplied by the remainder of the dollar value modifier minus one;

(c)**]** For the 2008-09 school year, the state revenue received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the greater of state revenue received by a district in the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the dollar value modifier;

[(d)**]** **(b)** For each year subsequent to the 2008-09 school year, the amount shall be no less than that computed in paragraph **[**(c)**]** **(a)** of this subdivision;

(3) The department of elementary and secondary education shall make an addition in the payment amount specified in subsection 1 of this section to assure compliance with the provisions contained in this subsection.

3. School districts that meet the requirements of section 163.021 shall receive categorical add-on revenue as provided in this subsection. The categorical add-on for the district shall be the sum of: seventy-five percent of the district allowable transportation costs under section 163.161; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515; the vocational education entitlement for the district, as provided for in section 167.332; and the district educational and screening program entitlements as provided for in sections 178.691 to 178.699. The categorical add-on revenue amounts may be adjusted to accommodate available appropriations.

4. **[**In the 2006-07 school year and each school year thereafter for five years, those districts entitled to receive state aid under the provisions of subsection 1 of this section shall receive state aid in an amount as provided in this subsection.

(1) For the 2006-07 school year, the amount shall be fifteen percent of the amount of state aid calculated for the district for the 2006-07 school year under the provisions of subsection 1 of this section, plus eighty-five percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(2) For the 2007-08 school year, the amount shall be thirty percent of the amount of state aid calculated for the district for the 2007-08 school year under the provisions of subsection 1 of this section, plus seventy percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(3) For the 2008-09 school year, the amount of state aid shall be forty-four percent of the amount of state aid calculated for the district for the 2008-09 school year under the provisions of subsection 1 of this section plus fifty-six percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial

reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(4) For the 2009-10 school year, the amount of state aid shall be fifty-eight percent of the amount of state aid calculated for the district for the 2009-10 school year under the provisions of subsection 1 of this section plus forty-two percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(5) For the 2010-11 school year, the amount of state aid shall be seventy-two percent of the amount of state aid calculated for the district for the 2010-11 school year under the provisions of subsection 1 of this section plus twenty-eight percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(6) For the 2011-12 school year, the amount of state aid shall be eighty-six percent of the amount of state aid calculated for the district for the 2011-12 school year under the provisions of subsection 1 of this section plus fourteen percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(7) (a) a. For the 2006-07 school year, if a school district experiences a decrease in summer school average daily attendance of more than twenty percent from the district's 2005-06 summer school average daily attendance, an amount equal to the product of the percent reduction that is in excess of twenty percent of the district's summer school average daily attendance multiplied by the funds generated by the district's summer school program in the 2005-06 school year shall be subtracted from the district's current year payment amount.

b. For the 2007-08 school year, if a school district experiences a decrease in summer school average daily attendance of more than thirty percent from the district's 2005-06 summer school average daily attendance, an amount equal to the product of the percent reduction that is in excess of thirty percent of the district's summer school average daily attendance multiplied by the funds generated by the district's summer school program in the 2005-06 school year shall be subtracted from the district's payment amount.

c. For the 2008-09 school year, if a school district experiences a decrease in summer school average daily attendance of more than thirty-five percent from the district's 2005-06 summer school average daily attendance, an amount equal to the product of the percent reduction that is in excess of thirty-five percent of the district's summer school average daily attendance multiplied by the funds generated by the district's summer school program in the 2005-06 school year shall be subtracted from the district's payment amount.

d. Notwithstanding the provisions of this paragraph, no such reduction shall be made in the case of a district that is receiving a payment under section 163.044 or any district whose regular school term average daily attendance for the preceding year was three hundred fifty or less.

e. This paragraph shall not be construed to permit any reduction applied under this paragraph to result in any district receiving a current-year payment that is less than the amount calculated for such district under subsection 2 of this section.

(b) If a school district experiences a decrease in its gifted program enrollment of more than twenty percent from its 2005-06 gifted program enrollment in any year governed by this subsection, an amount equal to the product of the percent reduction in the district's gifted program enrollment multiplied by the funds generated by the district's gifted program in the 2005-06 school year shall be subtracted from the district's current year payment amount.

5.**]** For any school district meeting the eligibility criteria for state aid as established in section 163.021, but which is considered an option district under section 163.042 and therefore receives no state aid, the commissioner of education shall present a plan to the superintendent

of the school district for the waiver of rules and the duration of said waivers, in order to promote flexibility in the operations of the district and to enhance and encourage efficiency in the delivery of instructional services as provided in section 163.042.

[6.] **5.** (1) No less than seventy-five percent of the state revenue received under the provisions of subsections 1[,] **and** 2[, and 4] of this section shall be placed in the teachers' fund, and the remaining percent of such moneys shall be placed in the incidental fund. No less than seventy-five percent of one-half of the funds received from the school district trust fund distributed under section 163.087 shall be placed in the teachers' fund. One hundred percent of revenue received under the provisions of section 163.161 shall be placed in the incidental fund. One hundred percent of revenue received under the provisions of sections 168.500 to 168.515 shall be placed in the teachers' fund.

(2) A school district shall spend for certificated compensation and tuition expenditures each year:

(a) An amount equal to at least seventy-five percent of the state revenue received under the provisions of subsections 1[,] **and** 2[, and 4] of this section;

(b) An amount equal to at least seventy-five percent of one-half of the funds received from the school district trust fund distributed under section 163.087 during the preceding school year; and

(c) Beginning in fiscal year 2008, as much as was spent per the second preceding year's weighted average daily attendance for certificated compensation and tuition expenditures the previous year from revenue produced by local and county tax sources in the teachers' fund, plus the amount of the incidental fund to teachers' fund transfer calculated to be local and county tax sources by dividing local and county tax sources in the incidental fund by total revenue in the incidental fund.

In the event a district fails to comply with this provision, the amount by which the district fails to spend funds as provided herein shall be deducted from the district's state revenue received under the provisions of subsections 1[,] **and** 2[, and 4] of this section for the following year, provided that the state board of education may exempt a school district from this provision if the state board of education determines that circumstances warrant such exemption.

[7.] **6.** If a school district's annual audit discloses that students were inappropriately identified as eligible for free and reduced lunch, special education, or limited English proficiency and the district does not resolve the audit finding, the department of elementary and secondary education shall require that the amount of aid paid pursuant to the weighting for free and reduced lunch, special education, or limited English proficiency in the weighted average daily attendance on the inappropriately identified pupils be repaid by the district in the next school year and shall additionally impose a penalty of one hundred percent of such aid paid on such pupils, which penalty shall also be paid within the next school year. Such amounts may be repaid by the district through the withholding of the amount of state aid.

[8.] **7.** Notwithstanding any provision of law to the contrary, in any fiscal year during which the total formula appropriation is insufficient to fully fund the entitlement calculation of this section, the department of elementary and secondary education shall adjust the state adequacy target in order to accommodate the appropriation level for the given fiscal year. In no manner shall any payment modification be rendered for any district qualified to receive payments under subsection 2 of this section based on insufficient appropriations.

165.011. TUITION — ACCOUNTING OF SCHOOL MONEYS, FUNDS — USES — TRANSFERS TO AND FROM INCIDENTAL FUND, WHEN — TRANSFERS TO DEBT SERVICE FUND, WHEN — ONE-TIME TRANSFER FOR CARTHAGE SCHOOL DISTRICT — DEDUCTION FOR UNLAWFUL TRANSFERS — TRANSFER OF UNRESTRICTED FUNDS. — 1. The following funds are created for the accounting of all school moneys: teachers' fund, incidental fund, capital projects fund and debt service fund. The treasurer of the school district shall open an account for each fund

specified in this section, and all moneys received from the county school fund and all moneys derived from taxation for teachers' wages shall be placed to the credit of the teachers' fund. All tuition fees, state moneys received under section 163.031, and all other moneys received from the state except as herein provided shall be placed to the credit of the teachers' and incidental funds at the discretion of the district board of education, except as provided in subsection [6] **5** of section 163.031. Money received from other districts for transportation and money derived from taxation for incidental expenses shall be credited to the incidental fund. All money derived from taxation or received from any other source for the erection of buildings or additions thereto and the remodeling or reconstruction of buildings and the furnishing thereof, for the payment of lease-purchase obligations, for the purchase of real estate, or from sale of real estate, schoolhouses or other buildings of any kind, or school furniture, from insurance, from sale of bonds other than refunding bonds shall be placed to the credit of the capital projects fund. All moneys derived from the sale or lease of sites, buildings, facilities, furnishings, and equipment by a school district as authorized under section 177.088 shall be credited to the capital projects fund. Money derived from taxation for the retirement of bonds and the payment of interest thereon shall be credited to the debt service fund, which shall be maintained as a separate bank account. Receipts from delinquent taxes shall be allocated to the several funds on the same basis as receipts from current taxes, except that where the previous years' obligations of the district would be affected by such distribution, the delinquent taxes shall be distributed according to the tax levies made for the years in which the obligations were incurred. All refunds received shall be placed to the credit of the fund from which the original expenditures were made. Money donated to the school districts shall be placed to the credit of the fund where it can be expended to meet the purpose for which it was donated and accepted. Money received from any other source whatsoever shall be placed to the credit of the fund or funds designated by the board.

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

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

4. Other provisions of law to the contrary notwithstanding, the school board of a school district that meets the provisions of subsection [6] **5** of section 163.031 may transfer from the incidental fund to the capital projects fund the sum of:

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

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

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

(4) The amount necessary to repay costs of one or more guaranteed energy savings performance contracts to renovate buildings in the school district, provided that the contract is only for energy conservation measures as defined in section 640.651 and provided that the contract specifies that no payment or total of payments shall be required from the school district until at least an equal total amount of energy and energy-related operating savings and payments from the vendor pursuant to the contract have been realized by the school district; plus

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

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

(b) Seven percent of the state adequacy target multiplied by the district's weighted average daily attendance, provided that transfer amounts in excess of current year obligations of the capital projects fund authorized under this subdivision may be transferred only by a resolution of the school board approved by a majority of the board members in office when the resolution is voted on and identifying the specific capital projects to be funded directly by the district by the transferred funds and an estimated expenditure date.

5. Beginning in the 2006-07 school year, a district meeting the provisions of subsection **[**6**]** **5** of section 163.031 and not making the transfer under subdivision (5) of subsection 4 of this section, nor making payments or expenditures related to obligations made under section 177.088 may transfer from the incidental fund to the debt service fund or the capital projects fund the greater of:

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

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

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

7. Beginning in the 2006-07 school year, the department of elementary and secondary education shall deduct from a school district's state aid calculated pursuant to section 163.031 an amount equal to the amount of any transfer of funds from the incidental fund to the capital projects fund or debt service fund performed during the previous year in violation of this section; except that the state aid shall be deducted over no more than five school years following the school year of an unlawful transfer based on a plan from the district approved by the commissioner of elementary and secondary education.

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

Approved July 14, 2015

HB 50 [SCS HCS HB 50]

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

Changes the requirements for disclosure of information regarding insurance holding companies

AN ACT to repeal sections 382.010, 382.040, 382.050, 382.060, 382.080, 382.095, 382.110, 382.160, 382.170, 382.180, 382.190, 382.195, 382.220, and 382.230, RSMo, and to enact in lieu thereof twenty-nine new sections relating to the business of insurance, with a penalty provision.

SECTION

A. Enacting clause.
382.010. Definitions.
382.040. Securities of domestic insurers, regulation of trading in — divestment of a controlling interest, procedure.
382.050. Statement, contents.
382.060. Approval of merger or acquisition of control, when — hearing, notice — consolidated hearing, when — change of control, restoration of capital, when.
382.080. Prohibited acts.
382.095. Acquisitions where change of control of insurer, subject to order, when — contents, requirements — violations, penalties.
382.110. Registration, form, contents, exempted matter.
382.160. Exemption from registration and reports, how and when.
382.170. Disclaimer of affiliation, effect of.
382.175. Enterprise risk report, contents, filing of, due date.
382.180. Failure to file registration statement, summary, or enterprise risk report a violation.
382.190. Transactions with affiliates, how conducted.
382.195. Prohibited transactions, exceptions.
382.220. Director, powers of — insurer liable for examination costs.
382.225. Supervisory college, powers of director — insurer liable for expenses of director's participation in supervisory college.
382.230. Certain information confidential, exception — private civil action, director not required to testify — permissible acts of the director.
382.277. Violation, basis for disapproving dividends or distributions and placing insurer under order of suspension.
382.278. Inapplicability of certain provisions to certain holding companies.
382.500. Applicability — findings of general assembly.
382.505. Definitions.
382.510. Risk management framework to be maintained.
382.515. ORSA to be conducted, when.
382.520. ORSA summary report required, when, contents.
382.525. Exemptions — waiver — ORSA required, when.
382.530. ORSA summary report to be prepared consistent with ORSA guidance manual — review, procedures.
382.535. Information and ORSA summary report is proprietary and contains trade secrets, confidentiality — permissible acts by director — no waiver of confidentiality or privilege.
382.540. Violation, failure to file ORSA summary report.
382.545. Severability clause.
382.550. Effective date — first filing date.

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

SECTION A. ENACTING CLAUSE. — Sections 382.010, 382.040, 382.050, 382.060, 382.080, 382.095, 382.110, 382.160, 382.170, 382.180, 382.190, 382.195, 382.220, and 382.230, RSMo, are repealed and twenty-nine new sections enacted in lieu thereof, to be known as sections 382.010, 382.040, 382.050, 382.060, 382.080, 382.095, 382.110, 382.160, 382.170, 382.175, 382.180, 382.190, 382.195, 382.220, 382.225, 382.230, 382.277, 382.278, 382.500, 382.505, 382.510, 382.515, 382.520, 382.525, 382.530, 382.535, 382.540, 382.545, and 382.550, to read as follows:

382.010. DEFINITIONS. — As used in sections 382.010 to 382.300, the following words and terms have the meanings indicated unless the context clearly requires otherwise:

(1) An "affiliate" of, or person "affiliated" with, a specific person, is a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified;

(2) **[**The term**]** "Control", **[**including the terms**]** "controlling", "controlled by" **[**and**], or** "under common control with", **[**means**]** the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with power to vote, or holds proxies representing, ten percent or more of the voting securities of any other person. This presumption may be rebutted by a showing made in the manner provided by section 382.170 that control does not exist in fact. The director may determine, after furnishing all persons in interest notice and opportunity to be heard and making specific findings of fact to support such determination, that control exists in fact, notwithstanding the absence of a presumption to that effect;

(3) **[**The term**]** "Director" **[**means**],** the director of the department of insurance, financial institutions and professional registration, his **or her** deputies, or the department of insurance, financial institutions and professional registration, as appropriate;

(4) **"Enterprise risk", any activity, circumstance, event, or series of events involving one or more affiliates of an insurer that, if not remedied promptly, is likely to have a material adverse effect upon the financial condition or liquidity of the insurer or its insurance holding company system as a whole including, but not limited to, anything that would cause the insurer's risk-based capital to fall into company action level as set forth in section 375.1255 or would cause the insurer to be in hazardous financial condition as set forth in section 375.539;**

(5) [An**]** "Insurance holding company system" **[**consists of**],** two or more affiliated persons, one or more of which is an insurer;

[(5) The term**] (6)** "Insurer" **[**means**],** an insurance company as defined in section 375.012, including a reciprocal or interinsurance exchange, and which is qualified and licensed by the department of insurance, financial institutions and professional registration of Missouri to transact the business of insurance in this state; but it shall not include any company organized and doing business under **[**chapters**] chapter** 377, 378, or 380**, agencies, authorities, or instrumentalities of the United States, its possessions and territories, the Commonwealth of Puerto Rico, the District of Columbia, or a state or political subdivision of a state**;

[(6) A**] (7)** "Person" **[**is**],** an individual, corporation, **limited liability company,** partnership, association, joint stock company, **[**business**]** trust, unincorporated organization, or any similar entity, or any combination of the foregoing acting in concert, but **[**is not any securities broker performing no more than the usual and customary broker's function**] shall not include any joint venture partnership exclusively engaged in owning, managing, leasing, or developing real or tangible personal property**;

[(7)**] (8)** A "securityholder" of a specified person is one who owns any security of that person, including common stock, preferred stock, debt obligations, and any other security convertible into or evidencing the right to acquire any of the foregoing;

[(8)**] (9)** A "subsidiary" of a specified person is an affiliate controlled by that person directly, or indirectly through one or more intermediaries;

[(9)**] (10)** The term "voting security" includes any security convertible into or evidencing a right to acquire a voting security.

382.040. SECURITIES OF DOMESTIC INSURERS, REGULATION OF TRADING IN — DIVESTMENT OF A CONTROLLING INTEREST, PROCEDURE. — **1.** No person other than the

issuer shall commence a tender offer for or a request or invitation for tenders of, or enter into any agreement to exchange securities for, seek to acquire, or acquire, in the open market or otherwise, any voting security of a domestic insurer if, after the consummation thereof, he **or she** would, directly or indirectly, or by conversion or by exercise of any right to acquire, be in control of the insurer, and no person shall enter into an agreement to merge with or otherwise to acquire control of a domestic insurer unless, at the time the offer, request, or invitation is commenced or the agreement is entered into, or prior to the acquisition of the securities if no offer or agreement is involved, he **or she** has filed with the director and has sent to the insurer a statement containing the information required by section 382.050 and the offer, request, invitation, agreement or acquisition has been approved by the director in the manner prescribed by sections 382.010 to 382.300.

2. For purposes of sections 382.040 to 382.090, any controlling person of a domestic insurer seeking to divest its controlling interest in the domestic insurer in any manner shall file with the director, with a copy to the insurer, confidential notice of its proposed divestiture at least thirty days prior to the cessation of control. The director shall determine those instances in which the party or parties seeking to divest or to acquire a controlling interest in an insurer shall be required to file for and obtain approval of the transaction. The information shall remain confidential until the conclusion of the transaction. If the statement referred to in subsection 1 of this section is otherwise filed, the provisions of this subsection shall not apply.

3. With respect to a transaction subject to this section, the acquiring person shall also file a preacquisition notification with the director which shall contain the information set forth in subsection 3 of section 382.095. A failure to file the notification may be subject to the penalties specified in subsection 7 of section 382.095.

4. For purposes of this section, a domestic insurer shall include any person controlling a domestic insurer unless such person, as determined by the director, is either directly or through its affiliates primarily engaged in business other than the business of insurance; however, such person shall file a preacquisition notification with the director containing the information set forth in section 382.095 thirty days prior to the proposed effective date of the acquisition. Any person who fails to file the preacquisition notification required by this section shall be subject to the penalties provided in subsection 5 of section 382.095. For the purposes of sections 382.040, 382.050, 382.060, 382.070, 382.080 and 382.090, "person" shall not include any securities broker holding, in the usual and customary broker's function, less than twenty percent of the voting securities of an insurance company or of any person which controls an insurance company.

382.050. STATEMENT, CONTENTS. — 1. The statement to be filed with the director shall be made under oath or affirmation and shall contain the following **[**information**]**:

(1) The name and address of each person hereinafter called "acquiring party" by whom or on whose behalf the merger or other acquisition of control referred to in section 382.040 is to be effected, and

(a) If that person is an individual, his **or her** principal occupation and all offices and positions held during the past five years, and any conviction of crimes other than minor traffic violations during the past ten years; and

(b) If that person is not an individual, a report of the nature of its business operations during the past five years or for such lesser period as that person and any predecessors thereof have been in existence;

(c) An informative description of the business intended to be done by that person and its subsidiaries; and

(d) A list of all individuals who are or who have been selected to become directors or executive officers of such person, or who perform or will perform functions appropriate to such

positions. The list shall include for each such individual the information required by paragraph (a) of subdivision (1) of subsection 1 of this section;

(2) The source, nature and amount of the consideration to be used in effecting the merger or other acquisition of control, a description of any transaction wherein funds were or are to be obtained for any such purpose, including any pledge of the insurer's stock or the stock of any subsidiaries or controlling affiliates, and the identity of persons furnishing such consideration, but, where a source of the consideration is a loan made in the lender's ordinary course of business, the identity of the lender shall remain confidential, if the person filing the statement so requests;

(3) Fully audited financial information as to the earnings and financial condition of each acquiring party for the preceding five fiscal years of each such acquiring party, or for such lesser period as such acquiring party and any predecessors thereof shall have been in existence, and similar unaudited information as of a date not earlier than ninety days prior to the filing of the statement;

(4) Any plans or proposals which each acquiring party may have to liquidate the insurer, to sell its assets, to merge or consolidate it with any person, or to make any other material change in its business or corporate structure or management;

(5) The number of shares of any security referred to in section 382.040 which each acquiring party proposes to acquire;

(6) The terms of the proposed offer, request, invitation, agreement, or acquisition referred to in section 382.040, and a statement as to the method by which the fairness of the proposal was arrived at;

(7) The amount of each class of any security referred to in section 382.040 which is beneficially owned or concerning which there is a right to acquire beneficial ownership by each acquiring party;

(8) A full description of any contracts, arrangements or understandings with respect to any security referred to in section 382.040 in which any acquiring party proposes to be or is involved, including but not limited to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guarantees of loans, guarantees against loss or guarantees of profits, division of losses or profits, or the giving or withholding of proxies. Such description shall identify the persons with whom such contracts, arrangements or understandings have been or will be entered into;

(9) A description of the purchase of any security referred to in section 382.040 during the twelve calendar months preceding the filing of the statement by any acquiring party, including the dates of purchase, names of the purchasers, and consideration paid or agreed to be paid therefor;

(10) A description of any recommendations to purchase any security referred to in section 382.040 made during the twelve calendar months preceding the filing of the statement by any acquiring party, or by anyone based upon interviews or at the suggestion of such acquiring party;

(11) Copies of the form of all tender offers for, requests or invitations for tenders of, exchange offers for, and agreements to acquire or exchange any securities referred to in section 382.040, and of the form of additional soliciting material, if distributed, relating thereto;

(12) The terms of any agreement, contract or understanding made with or proposed to be made with any broker-dealer as to solicitation of securities referred to in section 382.040 for tender, and the amount of any fees, commissions or other compensation to be paid to broker-dealers with regard thereto; **[**and**]**

(13) **An agreement by the person required to file the statement referred to in section 382.040 that the annual report specified in section 382.175 will be provided for so long as control exists;**

(14) An acknowledgment by the person required to file the statement referred to in section 382.040 that such person and all subsidiaries within its control in the insurance holding company system shall provide information to the director upon request as necessary to evaluate enterprise risk to the insurer; and

(15) Such additional information as the director may by rule or regulation prescribe as necessary or appropriate for the protection of policyholders of the insurer or in the public interest.

2. If the person required to file the statement referred to in section 382.040 is a partnership, limited partnership, syndicate or other group, the director may require that the information called for by subdivisions (1) to **[**(13)**]** **(15)** of subsection 1 of this section shall be given with respect to each partner of such partnership or limited partnership, each member of such syndicate or group, and each person who controls such partner or member. If any such partner, member or person is a corporation or the person required to file the statement referred to in section 382.040 is a corporation, the director may require that the information called for by subdivisions (1) to **[**(13)**]** **(15)** of subsection 1 of this section shall be given with respect to the corporation, each officer and director of the corporation, and each person who is directly or indirectly the beneficial owner of more than ten percent of the outstanding voting securities of the corporation.

3. If any material change occurs in the facts set forth in the statement filed with the director and sent to the insurer pursuant to this section, an amendment setting forth the change, together with copies of all documents and other material relevant to the change, shall be filed with the director and shall be sent to the insurer within two business days after the person learns of the change.

4. If any offer, request, invitation, agreement or acquisition referred to in section 382.040 is proposed to be made by means of a registration statement under the Securities Act of 1933 or in circumstances requiring the disclosure of similar information under the Securities Exchange Act of 1934, or under a state law requiring similar registration or disclosure, the person required to file the statement referred to in section 382.040 may utilize such documents in furnishing the information called for by that statement.

382.060. **APPROVAL OF MERGER OR ACQUISITION OF CONTROL, WHEN — HEARING, NOTICE — CONSOLIDATED HEARING, WHEN — CHANGE OF CONTROL, RESTORATION OF CAPITAL, WHEN.** — 1. The director shall **[**hold a public hearing on the proposed**]** **approve any** merger or other acquisition of control referred to in section 382.040 **[**and shall thereafter approve such merger or acquisition of control unless he finds by a preponderance of the evidence**]** **unless after a public hearing the director finds** that:

(1) After the change of control the domestic insurer referred to in section 382.040 would not be able to satisfy the requirements for the issuance of a license to write the line or lines of insurance for which it is presently licensed;

(2) The effect of the merger or other acquisition of control would be substantially to lessen competition in insurance in this state or tend to create a monopoly therein. In applying the competitive standard in this subdivision:

(a) The informational requirements of subsection 3 of section 382.095 and the standards of subsection 4 of section 382.095 shall apply;

(b) The merger or other acquisition of control shall not be disapproved if the director finds that any of the situations meeting the criteria provided by subsection 4 of section 382.095 exist; and

(c) The director may condition the approval of the merger or other acquisition on the removal of the basis of disapproval within a specified period of time;

(3) The financial condition of any acquiring party is such as might jeopardize the financial stability of the insurer, or prejudice the interest of its policyholders;

(4) The plans or proposals which the acquiring party has to liquidate the insurer, to sell its assets or to consolidate or merge it with any person, or to make any other material change in its business or corporate structure or management are unfair and unreasonable to policyholders of the insurer and contrary to the public interest;

(5) The competence, experience or integrity of those persons who would control the operation of the insurer are such that it would be contrary to the interest of policyholders of the insurer and of the public to permit the merger or other acquisition of control; or

(6) The acquisition is likely to be hazardous or prejudicial to the insurance buying public.

2. Any disapproval made by the director shall be in writing and shall contain specific findings of fact supporting it.

3. The public hearing referred to above in this section shall be held within thirty days after the statement required by section 382.040 is filed, and at least twenty days' notice thereof shall be given by the director to the person filing the statement. Not less than seven days' notice of the public hearing shall be given by the person filing the statement to the insurer and to such other persons and in such manner as may be designated by the director. The director shall make a determination within thirty days after the conclusion of the hearing. At the hearing, the person filing the statement, the insurer, any person to whom notice of hearing was sent, and any other person whose interests may be affected thereby shall have the right to present evidence, examine and cross-examine witnesses, and offer oral and written arguments and in connection therewith may conduct discovery proceedings in the same manner as is presently allowed in the circuit courts of this state. All discovery proceedings shall be concluded not later than three days prior to the commencement of the public hearing.

4. **If the proposed acquisition of control requires the approval of more than one state insurance commissioner, the public hearing referred to in subsection 3 of this section may be held on a consolidated basis upon request of the person filing the statement referred to in section 382.040. Such person shall file the statement referred to in section 382.040 with the National Association of Insurance Commissioners within five days of making the request for a public hearing. A state insurance commissioner may opt out of a consolidated hearing and shall provide notice to the applicant of the opt out within ten days of the receipt of the statement referred to in section 382.040. A hearing conducted on a consolidated basis shall be public and shall be held within the United States before the insurance commissioners of the states in which the insurers are domiciled. Such commissioners shall hear and receive evidence. A state insurance commissioner may attend such hearing in person or by telecommunication.**

5. In connection with a change of control of a domestic insurer, any determination by the director that the person acquiring control of the insurer shall be required to maintain or restore the capital of the insurer to the level required by the laws and regulations of this state shall be made not later than sixty days after the date of notification of the change of control submitted under subsection 1 of section 382.040.

6. The director may retain at the acquiring party's expense any attorneys, actuaries, accountants and other experts not otherwise a part of the director's staff as may be reasonably necessary to assist the director in reviewing the proposed acquisition of control.

382.080. PROHIBITED ACTS. — The following shall be violations of sections **[**382.010 to 382.300**] 382.040 to 382.090**:

(1) The failure to file any statement, amendment, or other material required to be filed pursuant to section 382.040 or 382.050; or

(2) The effectuation or any attempt to effectuate an acquisition of control of, **divestiture of,** or merger with**[,]** a domestic insurer covered by sections **[**382.010 to 382.300, within the thirty-day period referred to in section 382.060, without approval by the director or after disapproval by the director**] 382.040 to 382.090, unless the director has given approval**.

382.095. ACQUISITIONS WHERE CHANGE OF CONTROL OF INSURER, SUBJECT TO ORDER, WHEN — CONTENTS, REQUIREMENTS — VIOLATIONS, PENALTIES. — 1. As used in this section, the following terms mean:

(1) "Acquisition", any agreement, arrangement or activity the consummation of which results in a person acquiring directly or indirectly the control of another person, and includes but is not limited to the acquisition of voting securities, the acquisition of assets, bulk reinsurance and mergers;

(2) "Involved insurer" includes an insurer which either acquires or is acquired, is affiliated with an acquirer or acquired or is the result of a merger.

2. Except as provided in this subsection, this section applies to any acquisition in which there is a change in control of an insurer authorized to do business in this state. This section shall not apply to the following **[**as provided in section 382.060**]**:

(1) **[**An acquisition subject to approval or disapproval by the director;

(2)**]** A purchase of securities solely for investment purposes so long as such securities are not used by voting or otherwise to cause or attempt to cause the substantial lessening of competition in any insurance market in this state. If a purchase of securities results in a presumption of control under subdivision (2) of section 382.010, it is not solely for investment purposes unless the commissioner of insurance or other appropriate person of the insurer's state of domicile accepts a disclaimer of control or affirmatively finds that control does not exist and such disclaimer action or affirmative finding is communicated by such person to the director;

[(3)**]** **(2)** The acquisition of a person by another person when both persons are neither directly nor through affiliates primarily engaged in the business of insurance, if preacquisition notification is filed with the director in accordance with subsection 3 of this section thirty days prior to the proposed effective date of the acquisition; however, such preacquisition notification is not required for exclusion from this section if the acquisition would otherwise be excluded from this section by any other subdivision of this subsection;

[(4)**]** **(3)** The acquisition of already affiliated persons;

[(5)**]** **(4)** An acquisition if, as an immediate result of the acquisition:

(a) In no market would the combined market share of the involved insurers exceed five percent of the total market;

(b) There would be no increase in any market share; or

(c) In no market would the combined market share of the involved insurers exceed twelve percent of the total market, and the market share of the involved insurer after the acquisition would increase by two percent of the total market or less. For the purpose of this subdivision, a "market" means direct written insurance premium in this state for a line of business as contained in the annual statement required to be filed by insurers licensed to do business in this state;

[(6)**]** **(5)** An acquisition for which a preacquisition notification would be required pursuant to this section due solely to the resulting effect on the ocean marine insurance line of business;

[(7)**]** **(6)** An acquisition of an insurer whose domiciliary commissioner or other appropriate person affirmatively finds that such insurer is in failing condition; there is a lack of feasible alternative to improving such condition; the public benefits of improving such insurer's condition through the acquisition exceed the public benefits that would arise from not lessening competition; and such findings are communicated by such person to the director.

3. An acquisition covered by **[**subdivisions (1) to (7) of**]** subsection 2 of this section may be subject to an order pursuant to subsection 5 of this section, unless the acquiring person files a preacquisition notification and the waiting period described in this subsection has expired. The acquired person or acquiring person may file a preacquisition notification. The director shall give confidential treatment to information submitted under this subsection. The preacquisition notification shall be in such form and contain such information as prescribed by the National Association of Insurance Commissioners relating to those markets which, under subdivision **[**(5)**]** **(4)** of subsection 2 of this section cause the acquisition not to be exempted from the provisions of this section. The director may require such additional material and information as he **or she** deems necessary to determine whether the proposed acquisition, if consummated, would violate the competitive standard of subsection 4 of this section. The required information may include an opinion of an economist as to the competitive impact of the acquisition in this state accompanied by a summary of the education and experience of such person indicating his **or her** ability to render an informed opinion. The waiting period required shall begin on the date of receipt by the director of a preacquisition notification and shall end on the earlier of the thirtieth

day after the date of such receipt, or termination of the waiting period by the director. Prior to the end of the waiting period, the director on a one-time basis may require the submission of additional needed information relevant to the proposed acquisition, in which event the waiting period shall end on the earlier of the thirtieth day after receipt of such additional information by the director or termination of the waiting period by the director.

4. (1) The director may enter an order under subsection 5 of this section with respect to an acquisition if there is substantial evidence that the effect of the acquisition may be substantially to lessen competition in any line of insurance in this state or tend to create a monopoly therein or if the insurer fails to file adequate information in compliance with subsection 3 of this section.

(2) In determining whether a proposed acquisition would violate the competitive standard of subdivision (1) of this subsection, the director shall consider the following:

(a) Any acquisition covered under subsection 2 of this section involving two or more insurers competing in the same market is prima facie evidence of violation of the competitive standards:

a. If the market is highly concentrated and the involved insurers possess the following share of the market:

Insurer A	Insurer B
4%	4% or more
10%	2% or more
15%	1% or more; or

b. If the market is not highly concentrated and the involved insurers possess the following share of the market:

Insurer A	Insurer B
5%	5% or more
10%	4% or more
15%	3% or more
19%	1% or more

A highly concentrated market is one in which the share of the four largest insurers is seventy-five percent or more of the market. Percentages not shown in the tables are to be interpolated proportionately to the percentages that are shown. If more than two insurers are involved, exceeding the total of the two columns in the table is prima facie evidence of violation of the competitive standard in subdivision (1) of this subsection. For the purpose of this subdivision, the insurer with the largest share of the market shall be deemed to be insurer A;

(b) There is a significant trend toward increased concentration when the aggregate market share of any grouping of the largest insurers in the market, from the two largest to the eight largest, has increased by seven percent or more of the market over a period of time extending from any base year five to ten years prior to the acquisition up to the time of the acquisition. Any acquisition or merger covered under subsection 2 of this section involving two or more insurers competing in the same market is prima facie evidence of violation of the competitive standard in subdivision (1) of this subsection if:

a. There is a significant trend toward increased concentration in the market;

b. One of the insurers involved is one of the insurers in a grouping of such large insurers showing the requisite seven percent or more increase in the market share; and

c. Another involved insurer's market is two percent or more.

(3) For the purposes of subdivision (2) of this subsection:

(a) The term "insurer" includes any company or group of companies under common management, ownership or control;

(b) The term "market" means the relevant product and geographical markets. In determining the relevant product and geographical markets, the director shall give due consideration to, among other things, the definitions or guidelines, if any, promulgated by the National Association of Insurance Commissioners and to information, if any, submitted by

parties to the acquisition. In the absence of sufficient information to the contrary, the relevant product market is assumed to be the direct written insurance premium for a line of business, such line being that used in the annual statement required to be filed by insurers doing business in this state, and the relevant geographical market is assumed to be this state;

(c) The burden of showing prima facie evidence of violation of the competitive standard rests upon the director.

(4) Even though an acquisition is not prima facie violative of the competitive standard under subdivision (2) of this subsection, the director may establish that the requisite anticompetitive effect exists based upon other substantial evidence. Even though an acquisition is prima facie violative of the competitive standard under subdivision (2) of this subsection, a party may establish the absence of the requisite anticompetitive effect, based upon other substantial evidence. Relevant factors in making a determination under this subdivision include, but are not limited to, the following: market shares, volatility of ranking of market leaders, number of competitors, concentration, trend of concentration in the industry, and ease of entry and exit into the market.

(5) An order **[**may**]** **shall** not be entered under subsection 5 of this section if:

(a) The acquisition will yield substantial economies of scale or economies in resource use that cannot be feasibly achieved in any other way, and the public benefits which would arise from such economies exceed the public benefits which would arise from not lessening competition; or

(b) The acquisition will substantially increase the availability of insurance, and the public benefits of such increase exceed the public benefits which would arise from not lessening competition.

5. If an acquisition violates the standards of this section, the director may enter an order:

(1) Requiring an involved insurer to cease and desist from doing business in this state with respect to the line or lines of insurance involved in the violation; or

(2) Denying the application of an acquired or acquiring insurer for a license to do business in this state. Such an order shall not be entered unless there is a hearing, notice of such hearing is issued prior to the end of the waiting period and not less than fifteen days prior to the hearing, and the hearing is concluded and the order is issued no later than sixty days after the end of the waiting period. Every order shall be accompanied by a written decision of the director setting forth his **or her** findings of fact and conclusions of law. An order entered under this subsection shall not become final earlier than thirty days after it is issued, during which time any involved insurer may submit a plan to remedy the anticompetitive impact of the acquisition within a reasonable time. Based upon such plan or other information, the director shall specify the conditions, if any, under the time period during which the aspects of the acquisition causing a violation of the standards of this section would be remedied and the order vacated or modified. An order issued pursuant to this subsection shall not apply if the acquisition is not consummated.

6. Any person who violates a cease and desist order of the director under subsection 5 of this section, and while such order is in effect, may, after notice and hearing and upon order of the director, be subject at the discretion of the director to any one or more of the following:

(1) A monetary penalty of not more than ten thousand dollars for every day of violation; or

(2) Suspension or revocation of such person's license.

7. Any insurer or other person who fails to make any filing required by this section and who also fails to demonstrate a good faith effort to comply with any such filing requirement shall be subject to a fine of not more than fifty thousand dollars.

8. Sections 382.260 and 382.280 do not apply to acquisitions covered by subsection 2 of this section.

382.110. REGISTRATION, FORM, CONTENTS, EXEMPTED MATTER. — 1. Every insurer subject to registration shall file a registration statement on a form provided by the director containing current information about:

(1) The capital structure, general financial condition, ownership and management of the insurer and any person controlling the insurer;

(2) The identity of every member of the insurance holding company system;

(3) The following agreements in force, relationships subsisting, and transactions currently outstanding between the insurer and its affiliates:

(a) Loans, other investments, or purchases, sales or exchanges of securities of the affiliates by the insurer or of the insurer by its affiliates;

(b) Purchases, sales, or exchanges of assets;

(c) Transactions not in the ordinary course of business;

(d) Guarantees or undertakings for the benefit of an affiliate which result in an actual contingent exposure of the insurer's assets to liability, other than insurance contracts entered into in the ordinary course of the insurer's business;

(e) All management and service contracts and all cost-sharing arrangements; and

(f) Reinsurance agreements;

(g) Dividends and other distributions to shareholders; and

(h) Consolidated tax allocation agreements;

(4) Any pledge of the insurer's stock, including stock of any subsidiary or controlling affiliate, for a loan made to any member of the insurance holding company system; **[**and**]**

(5) **Financial statements of or within an insurance holding company system, including all affiliates, if requested by the director. Financial statements may include, but are not limited to, annual audited financial statements filed with the United States Securities and Exchange Commission (SEC) under the Securities Act of 1933, as amended, or the Securities Exchange Act of 1934, as amended. An insurer required to file financial statements under this subdivision may satisfy such requirement by providing the director with the most recently filed parent corporation financial statements that have been filed with the SEC;**

(6) Statements that the insurer's board of directors oversees corporate governance and internal controls and that the insurer's officers or senior management have approved, implemented, and continue to maintain and monitor corporate governance and internal control procedures;

(7) Other matters concerning transactions between registered insurers and any affiliates as may be included from time to time in any registration forms adopted or approved by the director**; and**

(8) Any other information required by the director by rule.

2. All registration statements shall contain a summary outlining all items in the current registration statement representing changes from the prior registration statement.

3. No information need be disclosed on the registration statement filed pursuant to subsection 1 of this section if such information is not material for the purposes of that subsection. Unless the director by rule, regulation or order provides otherwise, sales, purchases, exchanges, loans or extensions of credit, or investments, involving one-half of one percent or less of an insurer's admitted assets as of the thirty-first day of December next preceding shall not be deemed material for purposes of subsection 1 of this section.

4. Any person within an insurance holding company system subject to registration shall be required to provide complete and accurate information to an insurer, where such information is reasonably necessary to enable the insurer to comply with the provisions of sections 382.010 to 382.300.

382.160. EXEMPTION FROM REGISTRATION AND REPORTS, HOW AND WHEN. — The provisions of sections 382.100 **[**and 382.110**] to 382.180** shall not apply to any insurer, information or transaction if and to the extent that the director by rule, regulation, or order shall exempt the same from such provisions.

382.170. Disclaimer of affiliation, effect of. — Any person may file with the director a disclaimer of affiliation with any authorized insurer or the disclaimer may be filed by the insurer or any member of an insurance holding company system. The disclaimer shall fully disclose all material relationships and bases for affiliation between such person and such insurer as well as the basis for disclaiming such affiliation. **[**After a disclaimer has been filed, the insurer shall be relieved of any duty to register or report under section 382.110 which may arise out of the insurer's relationship with such person unless and until the director disallows the disclaimer. The director shall disallow the disclaimer only after furnishing all parties in interest with notice and opportunity to be heard and after making specific findings of fact to support the disallowance.**] A disclaimer of affiliation shall be deemed to have been granted unless the director, within thirty days following receipt of a complete disclaimer, notifies the filing party that the disclaimer is disallowed. In the event of disallowance, the disclaiming party may request an administrative hearing, which shall be granted. The disclaiming party shall be relieved of its duty to register under this section if approval of the disclaimer has been granted by the director or if the disclaimer is deemed to have been approved.**

382.175. Enterprise risk report, contents, filing of, due date. — Upon request of the director, the ultimate controlling person of every insurer subject to registration shall file an annual enterprise risk report. The report shall be appropriate to the nature, scale, and complexity of the operations of the insurance holding company and shall, to the best of the ultimate controlling person's knowledge and belief, identify the material risks within the insurance holding company system, if any, that could pose enterprise risk to the insurer. The report shall be filed with the lead state insurance commissioner of the insurance holding company system as determined by procedures within the Financial Analysis Handbook adopted by the National Association of Insurance Commissioners. The first enterprise risk report shall be due and filed no later than May 1, 2016, and annually thereafter by the first day of May each year, unless the lead state insurance commissioner extends the time for filing for good cause shown.

382.180. Failure to file registration statement, summary, or enterprise risk report a violation. — The failure to file a registration statement **[**or any amendment thereto**], summary of the registration statement, or enterprise risk filing required under sections 382.100 to 382.180** within the time specified for the filing is a violation of sections **[**382.010 to 382.300**] 382.100 to 382.180**.

382.190. Transactions with affiliates, how conducted. — Material transactions by registered insurers with their affiliates are subject to the following standards:

(1) The terms shall be fair and reasonable;

(2) Charges or fees for services shall be reasonable;

(3) Expenses incurred and payment received shall be allocated to the insurer in conformity with customary insurance accounting practices consistently applied;

(4) The books, accounts and records of each party shall be maintained so as to clearly and accurately disclose the precise nature and details of the transactions **including such accounting information as is necessary to support the reasonableness of the charges or fees to the respective parties**; **[**and**]**

(5) The insurer's surplus as regards policyholders following any dividends or distributions to shareholder affiliates shall be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs**; and**

(6) Agreements for cost-sharing services and management shall include such provisions as required by the director by rule.

382.195. Prohibited transactions, exceptions. — 1. The following transactions involving a domestic insurer and any person in its holding company system **[**may**], including**

amendments or modifications of affiliate agreements previously filed under this section that are subject to any materiality standards contained in subdivisions (1) to (7) of this subsection, shall not be entered into unless the insurer has notified the director in writing of its intention to enter into such transaction at least thirty days prior thereto, or such shorter period as the director may permit, and the director has not disapproved it within such period:

(1) Sales, purchases, exchanges, loans **[**or**]**, extensions of credit, **[**guarantees,**]** or investments if such transactions are equal to or exceed, with respect to nonlife insurers, the lesser of three percent of the insurer's admitted assets or twenty-five percent of surplus as regards policyholders, or with respect to life insurers, three percent of the insurer's admitted assets, each as of the thirty-first day of December of the preceding year;

(2) Loans or extensions of credit to any person who is not an affiliate, where the insurer makes such loans or extensions of credit with agreement or understanding that the proceeds of such transactions, in whole or in substantial part, are to be used to make loans or extensions of credit to, to purchase assets of, or to make investments in, any affiliate of the insurer making such loans or extensions of credit provided such transactions are equal to or exceed, with respect to nonlife insurers, the lesser of three percent of the insurer's admitted assets or twenty-five percent of surplus as regards policyholders, or with respect to life insurers, three percent of the insurer's admitted assets; each as of the thirty-first day of December of the preceding year;

(3) Reinsurance agreements or modifications thereto**, including:**

(a) All reinsurance pooling agreements;

(b) Agreements in which the reinsurance premium or a change in the insurer's liabilities**, or the projected reinsurance premium or a change in the insurer's liabilities in any of the next three years** equals or exceeds five percent of the insurer's surplus as regards policyholders, as of the thirty-first day of December of the preceding year, including those agreements which may require as consideration the transfer of assets from an insurer to a nonaffiliate, if an agreement or understanding exists between the insurer and nonaffiliate that any portion of such assets will be transferred to one or more affiliates of the insurer;

(4) All management agreements, **tax allocation agreements,** service contracts**,** and all cost-sharing arrangements; **[**and**]**

(5) **Guarantees when made by a domestic insurer; provided, however, that a guarantee which is quantifiable as to amount is not subject to the notice requirements of this subdivision unless it exceeds the lesser of one-half of one percent of the insurer's admitted assets or ten percent of surplus as regards policyholders as of the thirty-first day of December next preceding. Further, all guarantees which are not quantifiable as to amount are subject to the notice requirements of this subdivision;**

(6) Direct or indirect acquisitions or investments in a person that controls the insurer or in an affiliate of the insurer in an amount which, together with its present holding in such investments, exceeds two and one- half percent of the insurer's surplus to policyholders. Direct or indirect acquisitions or investments in subsidiaries acquired under section 382.020 or authorized under any other provision of this chapter or in nonsubsidiary insurance affiliates that are subject to the provisions of this chapter are exempt from such requirement; and

(7) Any material transactions, specified by regulation, which the director determines may adversely affect the interests of the insurer's policyholders.

The notice for amendments or modifications shall include the reasons for the change and the financial impact on the domestic insurer.

2. The provisions of **subsection 1 of** this section shall not be deemed to authorize or permit any transactions which, in the case of an insurer not a member of the same holding company system, would be otherwise contrary to law.

[2.**] 3.** A domestic insurer **[**may**] shall** not enter into transactions which are part of a plan or series of like transactions with persons within the **insurance** holding company system if the

purpose of those separate transactions is to avoid the statutory threshold amount and thus avoid the review that would occur otherwise. If the director determines that such separate transactions were entered into over any twelve-month period for such purpose, [he] **the director** may exercise his **or her** authority under section 382.265.

4. In reviewing transactions under subsection 1 of this section, the director shall consider whether the transactions comply with the standards set forth in section 382.190 and whether they may adversely affect the interest of policyholders.

5. The director shall be notified within thirty days of any investment of the domestic insurer in any one corporation if the total investment in the corporation by the insurance holding company system exceeds ten percent of the corporation's voting securities.

382.220. DIRECTOR, POWERS OF — INSURER LIABLE FOR EXAMINATION COSTS. — 1. Subject to the limitation contained in this section and in addition to all the other powers with which the director is vested by law relating to the examination of insurers, the director may [order] **examine** any insurer registered under the provisions of sections [382.010 to 382.300] **382.100 to 382.180 and its affiliates to ascertain the financial condition of the insurer including the enterprise risk to the insurer by the ultimate controlling party, by any entity or combination of entities within the insurance holding company system, or by the insurance company system on a consolidated basis.**

2. The director may order any insurer registered under sections 382.100 to 382.180 to produce such records, books, or other information papers in the possession of the insurer or its affiliates as [shall be] **are reasonably** necessary to [ascertain the financial condition or legality of conduct of the insurer. In the event the insurer fails to comply with the order, the director may examine such affiliates to obtain such information] **determine compliance with this chapter**.

3. To determine compliance with this chapter, the director may order any insurer registered under sections 382.100 to 382.180 to produce information not in the possession of the insurer if the insurer is able to obtain access to such information under contractual relationships, statutory obligations, or other methods. In the event the insurer is unable to obtain the information requested by the director, the insurer shall provide the director with a detailed explanation of the reason that the insurer is unable to obtain the information and the identity of the holder of such information. Whenever it appears to the director that the detailed explanation is without merit, the director shall have the power to examine the insurer to determine compliance with this section pursuant to the director's authority under section 374.205 and this section.

[2.] **4.** The director may retain at the registered insurer's expense such attorneys, actuaries, accountants and other experts not otherwise a part of the director's staff as shall be reasonably necessary to assist in the conduct of the examination under this section. Any persons so retained shall be under the direction and control of the director and shall act in a purely advisory capacity.

[3.] **5.** Each registered insurer producing for examination records, books and papers pursuant to this section shall be liable for and shall pay the expense of such examination in accordance with the provisions of section 374.220.

6. In the event the insurer fails to comply with an order, the director shall have the power to examine the affiliates to obtain the information. The director shall have the power to issue subpoenas, administer oaths, and examine under oath any person for purposes of determining compliance with this section. Upon the failure or refusal of any person to obey a subpoena, the director may petition a court of competent jurisdiction, and upon proper showing, the court may enter an order compelling the witness to appear and testify or produce documentary evidence. Failure to obey the court order shall be punishable as contempt of court. Every person shall be obligated to attend as a witness at the place specified in the subpoena, when subpoenaed, anywhere within the state. He or she shall be entitled to the same fees and mileage, if claimed, as a witness in section 491.280, which fees, mileage, and actual expense, if any, necessarily incurred in securing

the attendance of witnesses and their testimony, shall be itemized, charged against, and paid by the company being examined.

382.225. SUPERVISORY COLLEGE, POWERS OF DIRECTOR — INSURER LIABLE FOR EXPENSES OF DIRECTOR'S PARTICIPATION IN SUPERVISORY COLLEGE. — 1. With respect to any insurer registered under sections 382.100 to 382.180 and in accordance with subsection 3 of this section, the director shall also have the power to participate in a supervisory college for any domestic insurer that is part of an insurance holding company system with international operations in order to determine compliance by the insurer with this chapter. The powers of the director with respect to supervisory colleges include, but are not limited to, the following:

(1) Initiating the establishment of a supervisory college;

(2) Clarifying the membership and participation of other supervisors in the supervisory college;

(3) Clarifying the functions of the supervisory college and the role of other regulators including the establishment of a group-wide supervisor or host, who may be the director;

(4) Coordinating the ongoing activities of the supervisory college, including planning meetings, supervisory activities, and processes for information sharing; and

(5) Establishing a crisis management plan.

2. Each registered insurer subject to this section shall be liable for and shall pay the reasonable expenses of the director's participation in a supervisory college in accordance with subsection 3 of this section including reasonable travel expenses. For purposes of this section, a supervisory college may be convened as either a temporary or permanent forum for communication and cooperation between the regulators charged with the supervision of the insurer or its affiliates, and the director may establish a regular assessment to the insurer for the payment of such expenses.

3. In order to assess the business strategy, financial position, legal and regulatory position, risk exposure, risk management and governance processes, and as part of the examination of individual insurers in accordance with section 382.220, the director may participate in a supervisory college with other regulators charged with supervision of the insurer or its affiliates including other state, federal, and international regulatory agencies. The director may enter into agreements in accordance with subsection 3 of section 382.230 providing the basis for cooperation between the director and the other regulatory agencies and the activities of the supervisory college. Nothing in this section shall delegate to the supervisory college the authority of the director to regulate or supervise the insurer or its affiliates within the director's jurisdiction.

382.230. CERTAIN INFORMATION CONFIDENTIAL, EXCEPTION — PRIVATE CIVIL ACTION, DIRECTOR NOT REQUIRED TO TESTIFY — PERMISSIBLE ACTS OF THE DIRECTOR. — 1. All information, documents and copies thereof **in the possession or control of the director that are** obtained by or disclosed to the director or any other person in the course of an examination or investigation made **[**pursuant to**]** **under** section 382.220 and all information reported **[**pursuant to section**]** **under subdivisions (13) and (14) of subsection 1 of section 382.050 and sections** 382.100 **to 382.210** shall be given confidential treatment and **privileges; shall not be subject to the provisions of chapter 610;** shall not be subject to subpoena **[**and**];** shall not be made public by the director, the National Association of Insurance Commissioners, or any other person, except to the chief insurance regulatory official of other states**[**,**]; and shall not be subject to discovery or admissible as evidence in any private civil action. However, the director is authorized to use the documents, materials, or other information in furtherance of any regulatory or legal action brought as a part of the director's official duties. The director shall not otherwise make the documents, materials, or other information public** without the prior written consent of the insurer to which it pertains unless

the director, after giving the insurer and its affiliates who would be affected thereby, notice and opportunity to be heard, determines that the interests of policyholders, shareholders or the public will be served by the publication thereof, in which event [he] **the director** may publish all or any part thereof in such manner as he **or she** may deem appropriate.

2. Neither the director nor any person who receives documents, materials, or other information while acting under the authority of the director or with whom such documents, materials, or other information is shared under sections 382.010 to 382.300 shall be permitted or required to testify in any private civil action concerning any confidential documents, materials, or other information subject to subsection 1 of this section.

3. In order to assist in the performance of the director's duties, the director:

(1) May share documents, materials, or other information including the confidential and privileged documents, materials, or other information subject to subsection 1 of this section with other state, federal, and international financial regulatory agencies, with the National Association of Insurance Commissioners and its affiliates and subsidiaries, and with state, federal, and international law enforcement authorities including members of any supervisory college described in section 382.225; provided that the recipient agrees in writing to maintain the confidentiality and privileged status of such documents, materials, or other information, and has verified in writing the legal authority to maintain confidentiality;

(2) Notwithstanding the provisions of subsection 1 of this section and subdivision (1) of this subsection, may share confidential and privileged documents, materials, or other information reported under section 382.175 only with the directors of states having statutes or regulations substantially similar to subsection 1 of this section and who have agreed in writing not to disclose such information;

(3) May receive documents, materials, or other information including otherwise confidential and privileged documents, materials, or information from the National Association of Insurance Commissioners and its affiliates and subsidiaries and from regulatory and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as confidential or privileged any documents, materials, or other information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or other information; and

(4) Shall enter into a written agreement with the National Association of Insurance Commissioners governing sharing and use of information provided under sections 382.010 to 382.300 consistent with this subsection that shall:

(a) Specify procedures and protocols regarding the confidentiality and security of information shared with the National Association of Insurance Commissioners and its affiliates and subsidiaries under sections 382.010 to 382.300 including procedures and protocols for sharing by the National Association of Insurance Commissioners with other state, federal, and international regulators;

(b) Specify that ownership of information shared with the National Association of Insurance Commissioners and its affiliates and subsidiaries under sections 382.010 to 382.300 remains with the director and that the National Association of Insurance Commissioner's use of such information is subject to the direction of the director;

(c) Require prompt notice to be given to an insurer whose confidential information in the possession of the National Association of Insurance Commissioners under sections 382.010 to 382.300 is subject to a request or subpoena to the National Association of Insurance Commissioners for disclosure or production; and

(d) Require the National Association of Insurance Commissioners and its affiliates and subsidiaries to consent to intervention by an insurer in any judicial or administrative action in which the National Association of Insurance Commissioners and its affiliates and

subsidiaries may be required to disclose confidential information about the insurer shared with the National Association of Insurance Commissioners and its affiliates and subsidiaries under sections 382.010 to 382.300.

4. The sharing of information by the director under sections 382.010 to 382.300 shall not constitute a delegation of regulatory or rulemaking authority, and the director is solely responsible for the administration, execution, and enforcement of the provisions of sections 382.010 to 382.300.

5. No waiver of any applicable privilege or claim of confidentiality in the documents, materials, or other information shall occur as a result of disclosure of such documents, materials, or other information to the director under this section or as a result of sharing as authorized in sections 382.010 to 382.300.

6. Documents, materials, or other information in the possession or control of the National Association of Insurance Commissioners under sections 382.010 to 382.300 shall be confidential by law and privileged, shall not be subject to disclosure under chapter 610, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action.

382.277. VIOLATION, BASIS FOR DISAPPROVING DIVIDENDS OR DISTRIBUTIONS AND PLACING INSURER UNDER ORDER OF SUSPENSION. — **Whenever it appears to the director that any person has committed a violation of sections 382.040 to 382.090 and the violation prevents the full understanding of the enterprise risk to the insurer by affiliates or by the insurance holding company system, the violation may serve as an independent basis for disapproving dividends or distributions and for placing the insurer under an order of suspension in accordance with section 375.1160.**

382.278. INAPPLICABILITY OF CERTAIN PROVISIONS TO CERTAIN HOLDING COMPANIES. — **The provisions of subdivisions (13) and (14) of subsection 1 of section 382.050, subdivision (5) of subsection 1 of section 382.110, and sections 382.175 and 382.220 shall not apply to an insurance holding company or its affiliates if the insurance company affiliates of such insurance holding company had total premiums, direct and ceded, of less than one hundred fifty million dollars in the preceding year and such insurance holding company certifies in writing to the director that more than twenty-five percent of the employees of its affiliates, not including insurance affiliates or the holding company itself, are engaged in agricultural operations.**

382.500. APPLICABILITY — FINDINGS OF GENERAL ASSEMBLY. — **1. The provisions of sections 382.500 to 382.550 shall apply to all insurers domiciled in this state that are not exempt under section 382.525.**

2. The general assembly finds and declares that an own risk and solvency assessment (ORSA) summary report contains confidential and sensitive information related to an insurer or insurance group's identification of risks material and relevant to the insurer or insurance group filing such report. Such information includes proprietary and trade secret information that has the potential for harm and competitive disadvantage to the insurer or insurance group if such information is made public. An ORSA summary report shall be a confidential document filed with the director, shall be shared only as stated in sections 382.500 to 382.550 to assist the director in the performance of the director's duties, and shall not be subject to public disclosure.

382.505. DEFINITIONS. — **As used in sections 382.500 to 382.550, the following terms shall mean:**

(1) "Director", the director of the department of insurance, financial institutions and professional registration;

(2) "Insurance group", those insurers and affiliates included within an insurance holding company system as defined in sections 382.010 to 382.300;

(3) "Insurer", the same meaning as such term is defined in section 382.010; except that, insurer shall not include agencies, authorities, or instrumentalities of the United States, its possessions and territories, the Commonwealth of Puerto Rico, the District of Columbia, or a state or political subdivision of a state;

(4) "NAIC", the National Association of Insurance Commissioners;

(5) "Own risk and solvency assessment" or "ORSA", a confidential internal assessment appropriate to the nature, scale, and complexity of an insurer or insurance group conducted by such insurer or insurance group of the material and relevant risks associated with the insurer's or insurance group's current business plan, and the sufficiency of capital resources to support such risks;

(6) "ORSA guidance manual", the current version of the Own Risk and Solvency Assessment Guidance Manual developed and adopted by the National Association of Insurance Commissioners (NAIC), as amended. A change in the ORSA guidance manual shall be effective on January first following the calendar year in which the changes have been adopted by the NAIC;

(7) "ORSA summary report", a confidential high- level summary of an insurer's or insurance group's own risk and solvency assessment.

382.510. RISK MANAGEMENT FRAMEWORK TO BE MAINTAINED. — An insurer shall maintain a risk management framework to assist the insurer with identifying, assessing, monitoring, managing, and reporting on its material and relevant risks. Such requirement may be satisfied if the insurance group of which the insurer is a member maintains a risk management framework applicable to the operations of the insurer.

382.515. ORSA TO BE CONDUCTED, WHEN. — Subject to the provisions of section 382.525, an insurer or the insurance group of which the insurer is a member shall conduct an ORSA consistent with a process comparable to the ORSA guidance manual. An ORSA shall be conducted no less than annually and additionally at any time when there are significant changes to the risk profile of the insurer or the insurance group of which the insurer is a member, as determined by the insurer or the insurance group.

382.520. ORSA SUMMARY REPORT REQUIRED, WHEN, CONTENTS. — 1. Upon the director's request and no more than once each year, an insurer shall submit to the director an ORSA summary report or any combination of reports that together contain the information described in the ORSA guidance manual applicable to the insurer and to the insurance group of which the insurer is a member. Notwithstanding any request from the director, if the insurer is a member of an insurance group, the insurer shall submit the report or reports required under this subsection if the director is the lead state regulator of the insurance group as determined by the procedures within the Financial Analysis Handbook adopted by the National Association of Insurance Commissioners.

2. The report or reports shall include a signature of the insurer's or insurance group's chief risk officer or other executive having responsibility for the oversight of the insurer's enterprise risk management process attesting to the best of his or her belief and knowledge that the insurer applies the enterprise risk management process described in the ORSA summary report and that a copy of the report has been provided to the insurer's board of directors or the appropriate committee thereof.

3. An insurer may comply with subsection 1 of this section by providing the most recent and substantially similar report or reports provided by the insurer or another member of an insurance group of which the insurer is a member to the director of another state or to a supervisor or regulator of a foreign jurisdiction if such report or

reports provide information that is comparable to the information described in the ORSA guidance manual. Any such report or reports in a language other than English shall be accompanied by a translation of such report or reports into the English language.

382.525. EXEMPTIONS — WAIVER — ORSA REQUIRED, WHEN. — 1. An insurer shall be exempt from the requirements of sections 382.500 to 382.550 if:

(1) The insurer has annual direct written and unaffiliated assumed premium, including international direct and assumed premium but excluding premiums reinsured with the Federal Crop Insurance Corporation and Federal Flood Program, of less than five hundred million dollars; and

(2) The insurance group of which the insurer is a member has annual direct written and unaffiliated assumed premium, including international direct and assumed premium but excluding premiums reinsured with the Federal Crop Insurance Corporation and the Federal Flood Program, of less than one billion dollars.

2. If an insurer qualifies for exemption under subdivision (1) of subsection 1 of this section, but the insurance group of which the insurer is a member does not qualify for exemption under subdivision (2) of subsection 1 of this section, the ORSA summary report that may be required under section 382.520 shall include every insurer within the insurance group. Such requirement may be satisfied by the submission of more than one ORSA summary report for any combination of insurers, provided any combination of reports includes every insurer within the insurance group.

3. If an insurer does not qualify for exemption under subdivision (1) of subsection 1 of this section, but the insurance group of which the insurer is a member qualifies for exemption under subdivision (2) of subsection 1 of this section, the only ORSA summary report that may be required under section 382.520 is the report applicable to such insurer.

4. An insurer that does not qualify for exemption under subsection 1 of this section may apply to the director for a waiver from the requirements of sections 382.500 to 382.550 based upon unique circumstances. In deciding whether to grant the insurer's request for waiver, the director may consider the type and volume of business written, ownership and organizational structure, and any other factor the director considers relevant to the insurer or insurance group of which the insurer is a member. If the insurer is part of an insurance group with insurers domiciled in more than one state, the director shall coordinate with the lead state director or regulator and with the other domiciliary state directors or regulators in considering whether to grant the insurer's request for a waiver.

5. Notwithstanding the exemptions in this section, the director may require that an insurer maintain a risk management framework, conduct an ORSA, and file an ORSA summary report:

(1) Based on unique circumstances, including but not limited to the type and volume of business written, ownership and organization structure, federal agency requests, and international supervisor requests;

(2) If the insurer has risk-based capital for company action level event as set forth in section 375.1255 or other applicable risk-based capital law, meets one or more of the standards of an insurer deemed to be in hazardous financial condition as defined in section 375.539, or otherwise exhibits qualities of a troubled insurer as determined by the director.

6. If an insurer that qualifies for an exemption under subsection 1 of this section subsequently no longer qualifies for such exemption due to changes in premium as reflected in the insurer's most recent annual statement or in the most recent annual statements of the insurers within the insurance group of which the insurer is a member, the insurer shall have one year following the year in which the threshold is exceeded to comply with the requirements of sections 382.500 to 382.550.

382.530. ORSA SUMMARY REPORT TO BE PREPARED CONSISTENT WITH ORSA GUIDANCE MANUAL — REVIEW, PROCEDURES. — 1. An ORSA summary report shall be prepared consistent with the ORSA guidance manual, subject to the requirements of subsection 2 of this section. Documentation and supporting information shall be maintained and made available upon examination or upon request of the director.

2. The review of an ORSA summary report and any additional requests for information shall be made using similar procedures currently used in the analysis and examination of multistate or global insurers and insurance groups.

382.535. INFORMATION AND ORSA SUMMARY REPORT IS PROPRIETARY AND CONTAINS TRADE SECRETS, CONFIDENTIALITY — PERMISSIBLE ACTS BY DIRECTOR — NO WAIVER OF CONFIDENTIALITY OR PRIVILEGE. — 1. Documents, materials, or other information, including the ORSA summary report, in the possession of or control of the department of insurance, financial institutions and professional registration that are obtained by, created by, or disclosed to the director or any other person under sections 382.500 to 382.550 is recognized by this state as being proprietary and to contain trade secrets. All such documents, materials, or other information shall be confidential by law and privileged, shall not be subject to disclosure under chapter 610, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action; except that, the director is authorized to use such documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the director's official duties. The director shall not otherwise make such documents, materials, or other information public without the prior written consent of the insurer.

2. Neither the director nor any person who receives documents, materials, or other ORSA-related information, through examination or otherwise, while acting under the authority of the director or with whom such documents, materials, or other ORSA-related information are shared under sections 382.500 to 382.550 shall be permitted or required to testify in any private civil action concerning any confidential documents, materials, or other ORSA-related information subject to subsection 1 of this section.

3. In order to assist in the performance of the director's regulatory duties, the director:

(1) May, upon request, share documents, materials, or other ORSA-related information, including the confidential and privileged documents, materials, or other ORSA-related information subject to subsection 1 of this section, including proprietary and trade secret documents and materials with other state, federal, and international financial regulatory agencies, including members of any supervisory college authorized under this chapter, with the NAIC, and with any third-party consultants designated by the director; provided that, the recipient agrees in writing prior to receiving any such documents, materials, or other ORSA-related information to maintain the confidentiality and privileged status of such documents, materials, or other ORSA-related information and has verified in writing the legal authority to maintain confidentiality; and

(2) May receive documents, materials, or other ORSA-related information, including otherwise confidential and privileged documents, materials, or information, including proprietary and trade secret information or documents, from regulatory officials of other foreign or domestic jurisdictions, including members of any supervisory college authorized under this chapter, and from the NAIC, and shall maintain as confidential or privileged any documents, materials, or other ORSA-related information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or other ORSA-related information; and

(3) Shall enter into a written agreement with the NAIC or a third-party consultant governing sharing and use of ORSA-related information provided under sections 382.500 to 382.550 that is consistent with this subsection and that shall:

(a) Specify procedures and protocols regarding the confidentiality and security of information shared with the NAIC or a third-party consultant under sections 382.500 to 382.550, including procedures and protocols for sharing by the NAIC with other state regulators from states in which the insurance group has domiciled insurers. The agreement shall provide that the recipient agrees in writing to maintain the confidentiality and privileged status of ORSA-related documents, materials, or other ORSA-related information and has verified in writing the legal authority to maintain confidentiality;

(b) Specify that ownership of information shared with the NAIC or third-party consultant under sections 382.500 to 382.550 remains with the director and that the NAIC's or a third-party consultant's use of such information is subject to the direction of the director;

(c) Prohibit the NAIC or third-party consultant from storing any information shared under sections 382.500 to 382.550 in a permanent database after the underlying analysis is completed;

(d) Require prompt notice to be given to an insurer whose confidential information in the possession of the NAIC or a third-party consultant under sections 382.500 to 382.550 is subject to a request or subpoena to the NAIC or a third-party consultant for disclosure or production;

(e) Require the NAIC or a third-party consultant to consent to intervention by an insurer in any judicial or administrative action in which the NAIC or a third-party consultant may be required to disclose confidential information about the insurer shared with the NAIC or a third-party consultant under sections 382.500 to 382.550; and

(f) In the case of an agreement involving a third- party consultant, provide for the insurer's written consent.

4. The sharing of information and documents by the director under sections 382.500 to 382.550 shall not constitute a delegation of regulatory or rulemaking authority, and the director is solely responsible for the administration, execution, and enforcement of the provisions of sections 382.500 to 382.550.

5. No waiver of any applicable privilege or claim of confidentiality in the documents, proprietary and trade secret materials, or other ORSA-related information shall occur as a result of disclosure of such documents, materials, or ORSA-related information to the director under this section or as a result of sharing as authorized in sections 382.500 to 382.550.

6. Documents, materials, or other ORSA-related information in the possession or control of the NAIC or third-party consultants under sections 382.500 to 382.550 shall be confidential by law and privileged, shall not be subject to disclosure under chapter 610, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action.

382.540. VIOLATION, FAILURE TO FILE ORSA SUMMARY REPORT. — 1. Subject to subsection 1 of section 374.215, any insurer failing without just cause to timely file an ORSA summary report as required in sections 382.500 to 382.550 commits a level two violation under section 374.049 with respect to each day's delay.

2. The director may enforce the provisions of sections 382.500 to 382.550 under sections 374.046 to 374.049.

382.545. SEVERABILITY CLAUSE. — If any provision of sections 382.500 to 382.550 or the application thereof to any person or circumstance is held invalid, such determination shall not affect the provisions or applications of sections 382.500 to 382.550 which may be given effect without the invalid provision or application, and to that end the provisions of sections 382.500 to 382.550 are severable.

382.550. EFFECTIVE DATE — FIRST FILING DATE. — Sections 382.500 to 382.550 shall become effective January 1, 2016. The first filing of ORSA summary reports shall be in 2016 in accordance with section 382.520.

Approved June 3, 2015

HB 63 [SS SCS HCS#2 HB 63]

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

Changes the laws regarding persons seeking public office

AN ACT to repeal sections 162.481 and 162.491, RSMo, and to enact in lieu thereof four new sections relating to persons seeking public office, with an emergency clause.

SECTION
- A. Enacting clause.
- 115.308. Inapplicability of sections 115.307 to 115.405, when.
- 162.025. Superintendents ineligible for school board membership.
- 162.481. Elections in urban school districts, held when — elections in Springfield, post-2000 census urban school districts, St. Charles County, and Buchanan County.
- 162.491. Directors may be nominated by petition, when — contents of petition, certain districts — no petition required, Buchanan County.
- B. Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Sections 162.481 and 162.491, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 115.308, 162.025, 162.481, and 162.491, to read as follows:

115.308. INAPPLICABILITY OF SECTIONS 115.307 TO 115.405, WHEN. — Sections 115.307 to 115.405 shall not apply to candidates for special district offices; township offices in township organization counties; or city, town, and village offices.

162.025. SUPERINTENDENTS INELIGIBLE FOR SCHOOL BOARD MEMBERSHIP. — No person shall be a candidate for a member or director of the school board in any district in this state if such person has previously been employed by the district as the district's superintendent.

162.481. ELECTIONS IN URBAN SCHOOL DISTRICTS, HELD WHEN — ELECTIONS IN SPRINGFIELD, POST-**2000** CENSUS URBAN SCHOOL DISTRICTS, ST. CHARLES COUNTY, AND BUCHANAN COUNTY. — 1. Except as otherwise provided in this section **and in section 162.492**, all elections of school directors in urban **school** districts shall be held biennially at the same times and places as municipal elections.

2. **[**In any urban district which includes all or the major part of a city which first obtained a population of more than seventy-five thousand inhabitants by reason of the 1960 federal decennial census, elections of directors shall be held on municipal election days of even-numbered years. The directors of the prior district shall continue as directors of the urban district until their successors are elected as herein provided. On the first Tuesday in April, 1964, four directors shall be elected, two for terms of two years to succeed the two directors of the prior district who were elected in 1960 and two for terms of six years to succeed the two directors of

the prior district who were elected in 1961. The successors of these directors shall be elected for terms of six years. On the first Tuesday in April, 1968, two directors shall be elected for terms to commence on November 5, 1968, and to terminate on the first Tuesday in April, 1974, when their successors shall be elected for terms of six years. No director shall serve more than two consecutive six-year terms after October 13, 1963.

3.] Except as otherwise provided in subsections **3,** 4, and 5 of this section, hereafter when a seven-director district becomes an urban **school** district, the directors of the prior seven-director district shall continue as directors of the urban **school** district until the expiration of the terms for which they were elected and until their successors are elected as provided in this subsection. The first biennial school election for directors shall be held in the urban **school** district at the time provided in subsection 1 which is on the date of or subsequent to the expiration of the terms of the directors of the prior district which are first to expire, and directors shall be elected to succeed the directors of the prior district whose terms have expired. If the terms of two directors only have expired, the directors elected at the first biennial school election in the urban **school** district shall be elected for terms of six years. If the terms of four directors have expired, two directors shall be elected for terms of six years and two shall be elected for terms of four years. At the next succeeding biennial election held in the urban district, successors for the remaining directors of the prior seven-director district shall be elected. If only two directors are to be elected they shall be elected for terms of six years each. If four directors are to be elected, two shall be elected for terms of six years and two shall be elected for terms of two years. After seven directors of the urban district have been elected under this subsection, their successors shall be elected for terms of six years.

[4.] **3.** In any school district in [any city with a population of one hundred thousand or more inhabitants which is located within a county of the first classification that adjoins no other county of the first classification, or any school district which becomes an urban school district by reason of the 2000 federal decennial census] **which a majority of the district is located in any home rule city with more than one hundred fifty-five thousand but fewer than two hundred thousand inhabitants**, elections shall be held annually at the same times and places as general municipal elections for all years where one or more terms expire, and the terms shall be for three years and until their successors are duly elected and qualified for all directors elected on and after August 28, 1998.

4. For any school district which becomes an urban school district by reason of the 2000 federal decennial census, elections shall be held annually at the same times and places as general municipal elections for all years where one or more terms expire, and the terms shall be for three years and until their successors are duly elected and qualified for all directors elected on and after August 28, 2001.

5. In any school district in any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants which becomes an urban school district by reason of the 2010 federal decennial census, elections shall be held annually at the same times and places as general municipal elections for all years where one or more terms expire, and the terms shall be for three years and until their successors are duly elected and qualified for all directors elected on and after April 2, 2012.

6. In any urban school district in a county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a home rule city with more than seventy-six thousand but fewer than ninety-one thousand inhabitants as the county seat, elections shall be held annually at the same times and places as general municipal elections for all years where one or more terms expire, and upon expiration of any term after August 28, 2015, the term of office shall be for three years and until their successors are duly elected and qualified.

162.491. DIRECTORS MAY BE NOMINATED BY PETITION, WHEN — CONTENTS OF PETITION, CERTAIN DISTRICTS — NO PETITION REQUIRED, BUCHANAN COUNTY. — 1.

Directors for urban school districts, other than those districts containing the greater part of a city of over one hundred thirty thousand inhabitants, may be nominated by petition to be filed with the secretary of the board and signed by a number of voters in the district equal to ten percent of the total number of votes cast for the director receiving the highest number of votes cast at the next preceding biennial election**, except as provided in subsection 4 of this section**.

2. This section shall not be construed as providing the sole method of nominating candidates for the office of school director in urban districts which do not contain the greater part of a city of over three hundred thousand inhabitants.

3. A director for any urban school district containing a city of greater than one hundred thirty thousand inhabitants and less than three hundred thousand inhabitants may be nominated as an independent candidate by filing with the secretary of the board a petition signed by five hundred registered voters of such school district.

4. In any urban school district located in a home rule city with more than seventy-one thousand but fewer than seventy-nine thousand inhabitants, a candidate for director shall file a declaration of candidacy with the secretary of the board and shall not be required to submit a petition.

SECTION B. EMERGENCY CLAUSE. — Because of the need to ensure uniform and final election practices in township organization counties, and cities, towns, and villages, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force upon its passage and approval.

Vetoed April 3, 2015
Overridden April 8, 2015

HB 88 [HB 88]

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

Designates July 3 of each year as "Organ Donor Recognition Day"

AN ACT to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of organ donor recognition day.

SECTION
A. Enacting clause.
9.157. July 3, Organ Donor Recognition Day.

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

SECTION A. ENACTING CLAUSE. — Chapter 9, RSMo, is amended by adding thereto one new section, to be known as section 9.157, to read as follows:

9.157. JULY 3, ORGAN DONOR RECOGNITION DAY. — July third of each year shall be known and designated as "Organ Donor Recognition Day". It is recommended to the people of the state that the day be appropriately observed through activities which will increase awareness of organ donation.

Approved July 2, 2015

HB 92 [SS HB 92]

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

Changes the laws regarding the Department of Natural Resources

AN ACT to repeal sections 29.380, 259.010, 259.020, 259.030, 259.050, 259.070, 259.080, 259.100, 259.190, 259.210, 260.200, 260.225, 260.235, 260.250, 260.320, 260.325, 260.330, 260.335, 260.345, 260.395, 260.500, 444.600, 444.773, 621.250, 640.115, 643.075, 643.078, 644.011, 644.016, 644.051, 644.056, and 644.145, RSMo, and to enact in lieu thereof thirty-six new sections relating to the department of natural resources.

SECTION

A. Enacting clause.
29.380. Solid waste management districts, authority to audit, when.
259.010. Council established.
259.020. Council membership.
259.030. Council officers.
259.050. Definitions.
259.052. Oil and gas resources fund created, use of moneys.
259.070. Powers and duties of council — rulemaking, procedure.
259.080. Permits — fee structure proposal.
259.100. Spacing of wells, exception, noncommercial gas wells.
259.190. Contraband, seizure and sale — proceeds and bond forfeitures paid into oil and gas remedial fund, purpose.
259.210. Threatened violations — injunction.
260.200. Definitions.
260.225. Duties of department — rules and regulations, promulgation of, procedures — model solid waste management plans, contents — coordination with other state agencies.
260.235. Appeal, judicial review, procedure — injunction based on seriousness of threat to environment — performance bond required, forfeited, when.
260.250. Major appliances, waste oil, yard waste and batteries, disposal restricted — recycling of certain items, addressed in solid waste management plan.
260.320. Executive board, meetings, selection of officers — powers, duties — contractual authority.
260.324. Grants, familial relationships not a disqualifier — voting restrictions.
260.325. Solid waste management plan, submitted to department, contents, procedures — approval, revision of plan — funds may be made available, purpose — audits.
260.330. Landfill fee, amount — solid waste management fund, created, purpose — department to enforce — transfer station, fee charged — free disposal day, notice.
260.335. Distribution of fund moneys, uses — grants, distribution of moneys — advisory board, solid waste, duties.
260.345. Solid waste advisory board, members — qualifications — duties and powers — removal of board member for failure to attend meetings, when — report — meetings.
260.395. Transportation of hazardous waste, how permitted — fees, how determined — notice prior to issuance of permit — permit not required of whom — application for certification, when — permit maintained for postclosure care period — leachate collection system required — railroad hazardous waste transportation, fee.
260.500. Definitions.
444.600. Permit — investigation, decision, hearing, court review — appeals.
444.773. Director to investigate applications — decision to issue or deny — denial of permit, appeal, procedure — commission to issue decision.
444.980. Appeal of permit decision, procedure.
621.250. Appeals from decisions of certain environmental commissions to be heard by administrative hearing commission — procedure.
640.115. Information to be furnished — approval of supplies — system changes to conform to rules — permit applications — appeals.
643.075. Construction without permit prohibited — denial, appeal, procedure — fee, exemption — natural resources protection fund, air pollution permit fee subaccount — city or county permit granted, effect.
643.078. Operation without permit prohibited — single permit for multiple sources — information to be submitted, time period — validation of permit, terms and conditions — time period — director shall enforce federal standards — appeal — city or county permit granted, effect.
643.650. Sulfur dioxide, ambient air quality monitoring or modeling network.

644.011. Statement of policy.
644.016. Definitions.
644.051. Prohibited acts — permits required, when, fee — bond required of permit holders, when — permit application procedures — rulemaking — limitation on use of permit fee moneys — permit shield provisions.
644.056. Investigations, when — misrepresentation or failure to disclose a violation, when — abatement orders, when — permits terminated, when — hearings — appeals.
644.145. Affordability finding required, when — definitions — procedures to be adopted — appeal of determination — annual report, contents.

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

SECTION A. ENACTING CLAUSE. — Sections 29.380, 259.010, 259.020, 259.030, 259.050, 259.070, 259.080, 259.100, 259.190, 259.210, 260.200, 260.225, 260.235, 260.250, 260.320, 260.325, 260.330, 260.335, 260.345, 260.395, 260.500, 444.600, 444.773, 621.250, 640.115, 643.075, 643.078, 644.011, 644.016, 644.051, 644.056, and 644.145, RSMo, are repealed and thirty-six new sections enacted in lieu thereof, to be known as sections 29.380, 259.010, 259.020, 259.030, 259.050, 259.052, 259.070, 259.080, 259.100, 259.190, 259.210, 260.200, 260.225, 260.235, 260.250, 260.320, 260.324, 260.325, 260.330, 260.335, 260.345, 260.395, 260.500, 444.600, 444.773, 444.980, 621.250, 640.115, 643.075, 643.078, 643.650, 644.011, 644.016, 644.051, 644.056, and 644.145, to read as follows:

29.380. SOLID WASTE MANAGEMENT DISTRICTS, AUTHORITY TO AUDIT, WHEN. — 1. The state auditor shall have the authority to audit solid waste management districts created under section 260.305 in the same manner as the auditor may audit any agency of the state.

2. Beginning August 28, **[**2012**]** **2015**, the state auditor **[**shall conduct an audit of each solid waste management district created under section 260.305 and thereafter shall**]** **may** conduct audits of **[**each**]** solid waste management **[**district**]** **districts** as he or she deems necessary. The state auditor may request reimbursement from the district for the costs of conducting the audit. **If the auditor requests such reimbursement, the solid waste management district shall reimburse the auditor for the costs of conducting the audit and the moneys shall be deposited in the petition audit revolving trust fund created under section 29.230. Such reimbursement shall be limited to two percent of the solid waste management district's annual monetary allocation.**

259.010. COUNCIL ESTABLISHED. — There shall be a "State Oil and Gas Council" composed of the following members in accordance with the provisions of section 259.020:

(1) **[**One member from the division of geology and land survey**]** **The state geologist**;

(2) One member from the department of economic development;

(3) One member from the Missouri public service commission;

(4) One member from the clean water commission;

(5) One member from the Missouri University of Science and Technology petroleum engineering program;

(6) One member from the Missouri Independent Oil and Gas Association; and

(7) Two members from the public.

259.020. COUNCIL MEMBERSHIP. — The member entities in section 259.010 shall be represented on the council by the executive head of each respective entity, except that:

(1) The Missouri University of Science and Technology shall be represented by a professor of petroleum engineering employed at the university;

(2) The Missouri Independent Oil and Gas Association shall be represented by a designated member of the association; and

(3) The public members shall be appointed to the council by the governor, with the advice and consent of the senate. Both public members shall have an interest in and knowledge of the

oil and gas industry, **and** both shall be residents of Missouri**[**, and at least one shall also be a resident of a county of the third or fourth classification**]**. The executive head of any member state agency, the professor of petroleum engineering at the Missouri University of Science and Technology and the member from the Missouri Independent Oil and Gas Association may from time to time authorize any member of the state agency's staff, another professor of petroleum engineering at the Missouri University of Science and Technology or another member of the Missouri Independent Oil and Gas Association, respectively, to represent it on the council and to fully exercise any of the powers and duties of the member representative.

259.030. COUNCIL OFFICERS. — 1. The council shall elect a chairman and vice chairman from the members of the council **[**other than the representative of the division of geology and land survey**]**. A chairman and vice chairman may serve more than a one-year term, if so elected by the members of the council.

2. The state geologist shall act as administrator for the council and shall be responsible for enforcing the provisions of this chapter.

259.050. DEFINITIONS. — Unless the context otherwise requires, the following words mean:

(1) "Certificate of clearance" means a permit prescribed by the council for the transportation or the delivery of oil or gas or product and issued or registered in accordance with the rule, regulation, or order requiring such permit;

(2) "Council", the state oil and gas council established by section 259.010;

(3) **"Department", the department of natural resources;**

(4) "Field", the general area underlaid by one or more pools;

[(4)**] (5)** "Gas", all natural gas and all other fluid hydrocarbons which are produced at the wellhead and not hereinbelow defined as oil;

[(5)**] (6)** "Illegal gas" means gas which has been produced from any well within this state in excess of the quantity permitted by any rule, regulation, or order of the council;

[(6)**] (7)** "Illegal oil" means oil which has been produced from any well within the state in excess of the quantity permitted by any rule, regulation, or order of the council;

[(7)**] (8)** "Illegal product" means any product derived in whole or in part from illegal oil or illegal gas;

[(8)**] (9)** "Noncommercial gas well", a gas well drilled for the sole purpose of furnishing gas for private domestic consumption by the owner and not for resale or trade;

[(9)**] (10)** "Oil", crude petroleum oil and other hydrocarbons regardless of gravity which are produced at the wellhead in liquid form and the liquid hydrocarbons known as distillate or condensate recovered or extracted from gas, other than gas produced in association with oil and commonly known as casinghead gas**. The term shall also include hydrocarbons that do not flow to a wellhead but are produced by other means, including those contained in oil-shale and oil-sand**;

[(10)**] (11)** "Owner", the person who has the right to drill into and produce from a pool and to appropriate the oil or gas he produced therefrom either for himself or others or for himself and others;

[(11)**] (12)** "Pool", an underground reservoir containing a common accumulation of oil or gas or both; each zone of a structure which is completely separated from any other zone in the same structure is a "pool", as that term is used in this chapter;

[(12) "Producer", the owner of a well or wells capable of producing oil or gas or both;**]**

(13) "Product", any commodity made from oil or gas and includes refined crude oil, crude tops, topped crude, processed crude, processed crude petroleum, residue from crude petroleum, cracking stock, uncracked fuel oil, fuel oil, treated crude oil, residuum, gas oil, casinghead gasoline, natural-gas gasoline, kerosene, **[**benzine**] benzene**, wash oil, waste oil, blended gasoline, lubricating oil, blends or mixtures of oil with one or more liquid products or by-

products derived from oil or gas, and blends or mixtures of two or more liquid products or by-products derived from oil or gas whether [hereinabove] **herein** enumerated or not;

(14) "Reasonable market demand" means the demand for oil or gas for reasonable current requirements for consumption and use within and without the state, together with such quantities as are reasonably necessary for building up or maintaining reasonable working stocks and reasonable reserves of oil or gas or product;

(15) "Waste" means and includes:

(a) Physical waste, as that term is generally understood in the oil and gas industry, but not including unavoidable or accidental waste;

(b) The inefficient, excessive, or improper use of, or the unnecessary dissipation of, reservoir energy;

(c) The location, spacing, drilling, equipping, operating, or producing of any oil or gas well or wells in a manner which causes, or tends to cause, reduction in the quantity of oil or gas ultimately recoverable from a pool under prudent and proper operations, or which causes or tends to cause unnecessary or excessive surface loss or destruction of oil or gas;

(d) The inefficient storing of oil;

(e) The production of oil or gas in excess of transportation or marketing facilities or in excess of reasonable market demand; and

(f) Through negligence, the unnecessary or excessive surface loss or destruction of oil or gas resulting from evaporation, seepage, leakage or deliberate combustion;

(16) "Well", any hole drilled in the earth for or in connection with the exploration, discovery, or recovery of oil or gas, or for or in connection with the underground storage of gas in natural formation, or for or in connection with the disposal of salt water, nonusable gas or other waste accompanying the production of oil or gas.

259.052. OIL AND GAS RESOURCES FUND CREATED, USE OF MONEYS. — 1. There is hereby created in the state treasury the "Oil and Gas Resources Fund" which shall consist of all gifts, donations, transfers, moneys appropriated by the general assembly, permit application fees collected under section 259.080, operating fees, closure fees, late fees, severance fees, and bequests to the fund. The fund shall be administered by the department of natural resources.

2. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. 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 on such investments shall be credited to the fund.

3. After appropriation by the general assembly, the money in such fund shall be expended by the department to administer the provisions of chapter 259, and to collect, process, manage, interpret, and distribute geologic and hydrologic resource information pertaining to oil and gas potential, and not for any other purpose.

259.070. POWERS AND DUTIES OF COUNCIL — RULEMAKING, PROCEDURE. — 1. The council has the duty of administering the provisions of this chapter. The council shall meet at least once each calendar quarter of the year and upon the call of the chairperson.

2. The council shall conduct a review of the statutes and rules and regulations under this chapter on a biennial basis. Based on such review, the council, if necessary, shall recommend changes to the statutes under this chapter and shall amend rules and regulations accordingly.

3. (1) The council shall have the power and duty to form an advisory committee to the council for the purpose of reviewing the statutes and rules and regulations under subsection 2 of this section. The advisory committee shall make recommendations to the council when necessary to amend current statutes and rules and regulations under this chapter and shall review

any proposed new or amended statute or regulation before such proposed statute or regulation is considered by the council.

(2) The advisory committee shall be made up of representatives from the [division of geology and land survey] **department**, the oil and gas industry and any council member desiring to be on such advisory committee. The advisory committee shall meet prior to each calendar quarter meeting of the council, if necessary for the purposes set forth under this subsection, and present any recommendations to the council at such calendar quarter meeting. The council shall designate one of its members to serve as the chairperson of the advisory committee.

(3) The advisory committee may make recommendations to the council on appropriate fees or other funding mechanisms to support the oil and gas program efforts of the [division of geology and land survey] **department**.

4. The council**, acting through the department,** has the duty and authority to make such investigations as it deems proper to determine whether waste exists or is imminent or whether other facts exist which justify action.

5. The council**,** acting through the [office of the state geologist] **department,** has the authority:

(1) To require **through the issuance of appropriate orders**:

(a) Identification of ownership of oil or gas wells, producing leases, tanks, plants, structures, and facilities for the refining or intrastate transportation of oil and gas;

(b) The making and filing of all mechanical well logs and the filing of directional surveys if taken, and the filing of reports on well location, drilling and production, and the filing free of charge of samples and core chips and of complete cores less tested sections, when requested in the office of the state geologist within six months after the completion or abandonment of the well;

(c) The drilling, casing, operation, and plugging of wells in such manner as to prevent the escape of oil or gas out of one stratum into another; the intrusion of water into oil or gas stratum; the pollution of fresh water supplies by oil, gas, or highly mineralized water; to prevent blowouts, cavings, seepages, and fires; and to prevent the escape of oil, gas, or water into workable coal or other mineral deposits;

(d) The furnishing of a reasonable bond with good and sufficient surety, conditioned upon the full compliance with the provisions of this chapter, and the rules and regulations of the council prescribed to govern the production of oil and gas on state and private lands within the state of Missouri; provided that, in lieu of a bond with a surety, an applicant may furnish to the council his own personal bond, on conditions as described in this paragraph, secured by a certificate of deposit or an irrevocable letter of credit in an amount equal to that of the required surety bond or secured by some other financial instrument on conditions as above described or as provided by council regulations;

(e) That the production from wells be separated into gaseous and liquid hydrocarbons, and that each be accurately measured by such means and upon such standards as may be prescribed by the council;

(f) The operation of wells with efficient gas-oil and water-oil ratios, and to fix these ratios;

(g) Certificates of clearance in connection with the transportation or delivery of any native and indigenous Missouri produced crude oil, gas, or any product;

(h) Metering or other measuring of any native and indigenous Missouri-produced crude oil, gas, or product in pipelines, gathering systems, barge terminals, loading racks, refineries, or other places; and

(i) That every person who produces, sells, purchases, acquires, stores, transports, refines, or processes native and indigenous Missouri-produced crude oil or gas in this state shall keep and maintain within this state complete and accurate records of the quantities thereof, which records shall be available for examination by the council or its agents at all reasonable times and that every such person file with the council such reports as it may prescribe with respect to such oil or gas or the products thereof;

(2) To regulate pursuant to rules adopted by the council:

(a) **The release and forfeiture of bonds required under paragraph (d) of subdivision (1) of subsection 5 of this section;**

(b) The drilling, producing, and plugging of wells, and all other operations for the production of oil or gas;

[(b)**] (c)** The **[**shooting and chemical**]** treatment of wells;

[(c)**] (d)** The spacing of wells;

[(d)**] (e)** Operations to increase ultimate recovery such as cycling of gas, the maintenance of pressure, and the introduction of gas, water, or other substances into producing formations; and

[(e)**] (f)** Disposal of highly mineralized water and oil field wastes;

(3) To limit and to allocate the production of oil and gas from any field, pool, or area;

(4) To classify wells as oil or gas wells for purposes material to the interpretation or enforcement of this chapter;

(5) To promulgate and to enforce rules, regulations, and orders to effectuate the purposes and the intent of this chapter;

(6) To make rules, regulations, or orders for the classification of wells as oil wells or dry natural gas wells; or wells drilled, or to be drilled, for geological information; or as wells for secondary recovery projects; or wells for the disposal of highly mineralized water, brine, or other oil field wastes; or wells for the storage of dry natural gas, or casinghead gas; or wells for the development of reservoirs for the storage of liquid petroleum gas;

(7) To detail such personnel and equipment or enter into such contracts as it may deem necessary for carrying out the plugging of or other remedial measures on wells which have been abandoned and not plugged according to the standards for plugging set out in the rules and regulations promulgated by the council pursuant to this chapter. Members of the council**, the department,** or authorized representatives may, with the consent of the owner or person in possession, enter any property for the purpose of investigating, plugging, or performing remedial measures on any well, or to supervise the investigation, plugging, or performance of remedial measures on any well. A reasonable effort to contact the owner or the person in possession of the property to seek his permission shall be made before members of the council**, the department,** or authorized representatives enter the property for the purposes described in this paragraph. If the owner or person in possession of the property cannot be found or refuses entry or access to any member of the council**, the department,** or to any authorized representative presenting appropriate credentials, the council **or the department** may request the attorney general to initiate in any court of competent jurisdiction an action for injunctive relief to restrain any interference with the exercise of powers and duties described in this subdivision. Any entry authorized under this subdivision shall be construed as an exercise of the police power for the protection of public health, safety and general welfare and shall not be construed as an act of condemnation of property nor of trespass thereon. Members of the council **[**and**] , the department, or** authorized representatives shall not be liable for any damages necessarily resulting from the entry upon land for purposes of investigating, plugging, or performing remedial measures or the supervision of such activity. However, if growing crops are present, arrangements for timing of such remedial work may be agreed upon between the state and landowner in order to minimize damages;

(8) To develop such facts and make such investigations or inspections as are consistent with the purposes of this chapter. **[**Members of the council**] The department** or **its** authorized representatives may, with the consent of the owner or person in possession, enter upon any property for the purposes of inspecting or investigating any condition which the **[**council**] department** shall have probable cause to believe is subject to regulation under this chapter, the rules and regulations promulgated pursuant thereto or any permit issued by the **[**council**] department**. If the owner or person in possession of the property refuses entry or access for purposes of the inspections or investigations described, the **[**council**] department** or authorized

representatives shall make application for a search warrant. Upon a showing of probable cause in writing and under oath, a suitable restricted search warrant shall be issued by any judge having jurisdiction for purposes of enabling inspections authorized under this subdivision. The results of any inspection or investigation pursuant to this subdivision shall be reduced to writing with a copy furnished to the owner, person in possession, or operator;

(9) To cooperate with landowners with respect to the conversion of wells drilled for oil and gas to alternative use as water wells as follows: the state geologist shall determine the feasibility of the conversion of a well drilled under a permit for oil and gas for use as a water well and shall advise the landowner of modifications required for conversion of the well in a manner that is consistent with the requirements of this chapter. If such conversion is carried out, release of the operator from legal liability or other responsibility shall be required and the expense of the conversion shall be borne by the landowner.

6. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

259.080. PERMITS — FEE STRUCTURE PROPOSAL. — 1. It shall be unlawful to commence operations for the drilling of a well for oil or gas, or to commence operations to deepen any well to a different geological formation, **or to commence injection activities for enhanced recovery of oil or gas or for disposal of fluids,** without first giving the state geologist notice of intention to drill **or intention to inject** and first obtaining a permit from the state geologist under such rules and regulations as may be prescribed by the council.

2. The department of natural resources may conduct a comprehensive review, and propose a new fee structure, or propose changes to the oil and gas fee structure, which may include but need not be limited to permit application fees, operating fees, closure fees, and late fees, and an extraction or severance fee. The comprehensive review shall include stakeholder meetings in order to solicit stakeholder input from each of the following groups: oil and gas industry representatives, the advisory committee, and any other interested parties. Upon completion of the comprehensive review, the department shall submit a proposed fee structure or changes to the oil and gas fee structure with stakeholder agreement to the oil and gas council. The council shall review such recommendations at the forthcoming regular or special meeting, but shall not vote on the fee structure until a subsequent meeting. If the council approves, by vote of two-thirds majority, the fee structure recommendations, the council shall authorize the department to file a notice of proposed rulemaking containing the recommended fee structure, and after considering public comments may authorize the department to file the final order of rulemaking for such rule with the joint committee on administrative rules under sections 536.021 and 536.024 no later than December first of the same year. If such rules are not disapproved by the general assembly in the manner set out in this section, they shall take effect on January first of the following year, at which point the existing fee structure shall expire. Any regulation promulgated under this subsection shall be deemed beyond the scope and authority provided in this subsection, or detrimental to permit applicants, if the general assembly, within the first sixty calendar days of the regular session immediately following the filing of such regulation, disapproves the regulation by concurrent resolution. If the general assembly so disapproved any regulation filed under this subsection, the department and the council shall not implement the proposed fee structure and shall continue to use the previous fee structure. The authority of the council to further revise the fee structure as provided in this subsection shall expire on August 28, 2025.

3. Failure to pay the fees, or any portion thereof, established under this section or to submit required reports, forms or information by the due date shall result in the imposition of a late fee established by the council. The department may issue an administrative order requiring payment of unpaid fees or may request that the attorney

general bring an action in the appropriate circuit court to collect any unpaid fee, late fee, interest, or attorney's fees and costs incurred directly in fee collection. Such action may be brought in the circuit court of Cole County, or, in the case of well fees, in the circuit court of the county in which the well is located.

259.100. SPACING OF WELLS, EXCEPTION, NONCOMMERCIAL GAS WELLS. — 1. The council shall set spacing units as follows:

(1) When necessary to prevent waste, to avoid the drilling of unnecessary wells, or to protect correlative rights, the council shall establish spacing units for a pool. Spacing units when established shall be of uniform size and shape for the entire pool, except that when found to be necessary for any of the purposes above mentioned, the council is authorized to divide any pool into zones and establish spacing units for each zone, which units may differ in size and shape from those established in any other zone;

(2) The size and shape of spacing units are to be such as will result in the efficient and economical development of the pool as a whole;

(3) An order establishing spacing units for a pool shall specify the size and shape of each unit and the location of the permitted well thereon in accordance with a reasonably uniform spacing plan. Upon application, if the state geologist finds that a well drilled at the prescribed location would not produce in paying quantities, or that surface conditions would substantially add to the burden or hazard of drilling such well, the **[**state geologist**] department** is authorized to enter an order permitting the well to be drilled at a location other than that prescribed by such spacing order; however, the state geologist shall include in the order suitable provisions to prevent the production from the spacing unit of more than its just and equitable share of the oil and gas in the pool;

(4) An order establishing **spacing** units for a pool shall cover all lands determined or believed to be underlaid by such pool, and may be modified by the **[**state geologist**] department** from time to time to include additional areas determined to be underlaid by such pool. When found necessary for the prevention of waste, or to avoid the drilling of unnecessary wells or to protect correlative rights, an order establishing spacing units in a pool may be modified by the state geologist to increase the size of spacing units in the pool or any zone thereof, or to permit the drilling of additional wells on a reasonable uniform plan in the pool, or any zone thereof. Orders of the **[**state geologist**] department** may be appealed to the council within thirty days.

2. **[**The provisions of subsection 1 of this section shall not apply to noncommercial gas wells.

3.**]** Applicants seeking a permit for a noncommercial gas well shall file a bond **[**or other instrument of credit acceptable to the council equal to the greater of three hundred dollars or one dollar and fifty cents per well foot**] under paragraph (d) of subdivision (1) of subsection 5 of section 259.070** and meet the following conditions and procedures: an owner of a noncommercial gas well with drilling rights may apply for the establishment of a drilling unit **[**containing no less than three acres,**]** with a well set back of one hundred sixty-five feet on which a well no deeper than eight hundred feet in depth may be drilled. An owner **of a noncommercial gas well** may apply to the **[**council**] department** for a variance to establish a **[**drilling**] spacing** unit **[**of less than three acres and/or less than one hundred sixty-five feet**] , to** set back **distances, or both**.

259.190. CONTRABAND, SEIZURE AND SALE — PROCEEDS AND BOND FORFEITURES PAID INTO OIL AND GAS REMEDIAL FUND, PURPOSE. — 1. Illegal oil, illegal gas, and illegal product are declared to be contraband and are subject to seizure and sale as herein provided; seizure and sale to be in addition to any and all other remedies and penalties provided in this chapter for violations relating to illegal oil, illegal gas, or illegal product. Whenever the council believes that any oil, gas or product is illegal, the council, acting by the attorney general, shall bring a civil action in rem in the circuit court of the county where such oil, gas, or product is found, to seize

and sell the same, or the council may include such an action in rem for the seizure and sale of illegal oil, illegal gas, or illegal product in any suit brought for an injunction or penalty involving illegal oil, illegal gas, or illegal product. Any person claiming an interest in oil, gas, or product affected by any such action shall have the right to intervene as an interested party in such action.

2. Actions for the seizure and sale of illegal oil, illegal gas, or illegal product shall be strictly in rem, and shall proceed in the name of the state as plaintiff against the illegal oil, illegal gas, or illegal products as defendant. No bond or similar undertaking shall be required of the plaintiff. Upon the filing of the petition for seizure and sale, the attorney general shall issue a notice, with a copy of the complaint attached thereto, which shall be served in the manner provided for service of original notices in civil actions, upon any and all persons having or claiming any interest in the illegal oil, illegal gas, or illegal products described in the petition. Service shall be completed by the filing of an affidavit by the person making the service, stating the time and manner of making such service. Any person who fails to appear and answer within the period of thirty days shall be forever barred by the judgment based on such service. If the court, on a properly verified petition, or affidavits, or oral testimony, finds that grounds for seizure and for sale exist, the court shall issue an immediate order of seizure, describing the oil, gas, or product to be seized and directing the sheriff of the county to take such oil, gas, or product into his custody, actual or constructive, and to hold the same subject to the further order of the court. The court, in such order of seizure, may direct the sheriff to deliver the oil, gas, or product seized by him under the order to an agent appointed by the court as the agent of the court; such agent to give bond in an amount and with such surety as the court may direct, conditioned upon his compliance with the orders of the court concerning the custody and disposition of such oil, gas, or product.

3. Any person having an interest in oil, gas, or product described in an order of seizure and contesting the right of the state to the seizure and sale thereof may, prior to the sale thereof as herein provided, obtain the release thereof, upon furnishing bond to the sheriff, approved by the court, in an amount equal to one hundred fifty percent of the market value of the oil, gas, or product to be released, and conditioned as the court may direct upon redelivery to the sheriff of such product released or upon payment to the sheriff of the market value thereof as the court may direct, if and when ordered by the court, and upon full compliance with the further orders of the court.

4. If the court, after a hearing upon a petition for the seizure and sale of oil, gas, or product, finds that such oil, gas, or product is contraband, the court shall order the sale thereof by the sheriff in the same manner and upon the same notice of sale as provided by law for the sale of personal property on execution of judgment entered in a civil action except that the court may order that the illegal oil, illegal gas, or illegal product be sold in specified lots or portions and at specified intervals. Upon such sale, title to the oil, gas, or product sold shall vest in the purchaser free of the claims of any and all persons having any title thereto or interest therein at or prior to the seizure thereof, and the same shall be legal oil, legal gas, or legal product, as the case may be, in the hands of the purchaser.

5. All proceeds derived from the sale of illegal oil, illegal gas, or illegal product, as above provided, after payment of costs of suit and expenses incident to the sale, **and** all amounts obtained by the council from the forfeiture of **[**surety or personal**]** bonds required under paragraph (d) of subdivision (1) **of subsection 5** of section 259.070, **[**and any money recovered under subsection 1 of section 259.200**]** shall be paid to the state treasurer and credited to the "Oil and Gas Remedial Fund", which is hereby created. The money in the oil and gas remedial fund may be used by the **[**council**]** **department** to pay for the plugging of, or other remedial measures on, wells **[**and to pay the expenses incurred by the council in performing the duties imposed on it by this chapter. Any unexpended balance in the fund at the end of the fiscal year not exceeding fifty thousand dollars is exempt from the provisions of section 33.080 relating to transfer of unexpended balances to the ordinary revenue funds**]**. **The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with**

sections 30.170 and 30.180. 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.

259.210. THREATENED VIOLATIONS — INJUNCTION. — 1. Whenever it appears that any person is violating or threatening to violate any provision of this chapter, or any rule, regulation, or order of the council, the council **[**shall**] or the department may request that the attorney general** bring suit against such person in the circuit court of any county where the violation occurs or is threatened, to restrain such person from continuing the violation or from carrying out the threat of violation. In any such suit, the court shall have jurisdiction to grant to the council, without bond or other undertaking, such prohibitory and mandatory injunctions as the facts may warrant, including temporary restraining orders, preliminary injunctions, temporary, preliminary, or final orders restraining the movement or disposition of any illegal oil, illegal gas, or illegal product, any of which the court may order to be impounded or placed in the custody of an agent appointed by the court.

2. If the council shall fail to bring suit to enjoin a violation or a threatened violation of any provision of this chapter, or any rule, regulation, or order of the council, within ten days after receipt of written request to do so by any person who is or will be adversely affected by such violation, the person making such request may bring suit in his own behalf to restrain such violation or threatened violation in any court in which the council might have brought suit. The council shall be made a party defendant in such suit in addition to the person violating or threatening to violate a provision of this chapter, or a rule, regulation, or order of the council, and the action shall proceed and injunctive relief may be granted to the council or the petitioner without bond in the same manner as if suit had been brought by the council.

260.200. DEFINITIONS. — 1. The following words and phrases when used in sections 260.200 to 260.345 shall mean:

(1) "Alkaline-manganese battery" or "alkaline battery", a battery having a manganese dioxide positive electrode, a zinc negative electrode, an alkaline electrolyte, including alkaline-manganese button cell batteries intended for use in watches, calculators, and other electronic products, and larger-sized alkaline-manganese batteries in general household use;

(2) "Applicant", a person or persons seeking or holding a facility permit;

(3) "Bioreactor", a municipal solid waste disposal area or portion of a municipal solid waste disposal area where the controlled addition of liquid waste or water accelerates both the decomposition of waste and landfill gas generation;

(4) "Button cell battery" or "button cell", any small alkaline-manganese or mercuric-oxide battery having the size and shape of a button;

(5) "City", any incorporated city, town, or village;

(6) "Clean fill", uncontaminated soil, rock, sand, gravel, concrete, asphaltic concrete, cinderblocks, brick, minimal amounts of wood and metal, and inert solids as approved by rule or policy of the department for fill, reclamation or other beneficial use;

(7) "Closure", the permanent cessation of active disposal operations, abandonment of the disposal area, revocation of the permit or filling with waste of all areas and volumes specified in the permit and preparing the area for long-term care;

(8) "Closure plan", plans, designs and relevant data which specify the methods and schedule by which the operator will complete or cease disposal operations, prepare the area for long-term care, and make the area suitable for other uses, to achieve the purposes of sections 260.200 to 260.345 and the regulations promulgated thereunder;

(9) "Conference, conciliation and persuasion", a process of verbal or written communications consisting of meetings, reports, correspondence or telephone conferences

between authorized representatives of the department and the alleged violator. The process shall, at a minimum, consist of one offer to meet with the alleged violator tendered by the department. During any such meeting, the department and the alleged violator shall negotiate in good faith to eliminate the alleged violation and shall attempt to agree upon a plan to achieve compliance;

(10) "Construction and demolition waste", waste materials from the construction and demolition of residential, industrial, or commercial structures, but shall not include materials defined as clean fill under this section;

(11) "Demolition landfill", a solid waste disposal area used for the controlled disposal of demolition wastes, construction materials, brush, wood wastes, soil, rock, concrete and inert solids insoluble in water;

(12) "Department", the department of natural resources;

(13) "Director", the director of the department of natural resources;

(14) "Disclosure statement", a sworn statement or affirmation, in such form as may be required by the director of the department of natural resources, which includes:

(a) The full names and business address of key personnel;

(b) The full name and business address of any entity, other than a natural person, that collects, transfers, processes, treats, stores, or disposes of solid waste in which all key personnel holds an equity interest of seven percent or more;

(c) A description of the business experience of all key personnel listed in the disclosure statement;

(d) For the five-year period ending on the date the sworn disclosure statement or affirmation is signed by key personnel:

a. A listing organized by issuing federal, state, or county or county-equivalent regulatory body of all environmental permits or licenses for the collection, transfer, treatment, processing, storage, or disposal of solid waste issued to or held by any key personnel;

b. A listing and explanation of notices of violation which shall by rule be defined, prosecutions, or other administrative enforcement actions resulting in an adjudication or conviction;

c. A listing of license or permit suspensions, revocations, or denials issued by any state, the federal government or a county or county equivalent, which are pending or have concluded with a finding of violation or entry of a consent agreement regarding an allegation of civil or criminal violation of law, regulation or requirement relating to the collection, transfer, treatment, processing, storage, or disposal of solid waste or violation of the environmental statutes of other states or federal statutes;

d. An itemized list of all felony convictions under the laws of the state of Missouri or the equivalent thereof under the laws of any other jurisdiction; and a listing of any findings of guilt for any crimes or criminal acts an element of which involves restraint of trade, price-fixing, intimidation of the customers of another person or for engaging in any other acts which may have the effect of restraining or limiting competition concerning activities regulated pursuant to this chapter or similar laws of other states or the federal government including, but not limited to, racketeering or violation of antitrust laws of any key personnel;

(15) "District", a solid waste management district established under section 260.305;

(16) "Financial assurance instrument", an instrument or instruments, including, but not limited to, cash or surety bond, letters of credit, corporate guarantee or secured trust fund, submitted by the applicant to ensure proper closure and postclosure care and corrective action of a solid waste disposal area in the event that the operator fails to correctly perform closure and postclosure care and corrective action requirements, except that the financial test for the corporate guarantee shall not exceed one and one-half times the estimated cost of closure and postclosure. The form and content of the financial assurance instrument shall meet or exceed the requirements of the department. The instrument shall be reviewed and approved or disapproved by the attorney general;

(17) "Flood area", any area inundated by the one hundred year flood event, or the flood event with a one percent chance of occurring in any given year;

(18) "Household consumer", an individual who generates used motor oil through the maintenance of the individual's personal motor vehicle, vessel, airplane, or other machinery powered by an internal combustion engine;

(19) "Household consumer used motor oil collection center", any site or facility that accepts or aggregates and stores used motor oil collected only from household consumers or farmers who generate an average of twenty-five gallons per month or less of used motor oil in a calendar year. This section shall not preclude a commercial generator from operating a household consumer used motor oil collection center;

(20) "Household consumer used motor oil collection system", any used motor oil collection center at publicly owned facilities or private locations, any curbside collection of household consumer used motor oil, or any other household consumer used motor oil collection program determined by the department to further the purposes of sections 260.200 to 260.345;

(21) "Infectious waste", waste in quantities and characteristics as determined by the department by rule, including isolation wastes, cultures and stocks of etiologic agents, blood and blood products, pathological wastes, other wastes from surgery and autopsy, contaminated laboratory wastes, sharps, dialysis unit wastes, discarded biologicals known or suspected to be infectious; provided, however, that infectious waste does not mean waste treated to department specifications;

(22) "Key personnel", the applicant itself and any person employed by the applicant in a managerial capacity, or empowered to make discretionary decisions with respect to the solid waste operations of the applicant in Missouri, but shall not include employees exclusively engaged in the physical or mechanical collection, transfer, transportation, treatment, processing, storage, or disposal of solid waste and such other employees as the director of the department of natural resources may designate by regulation. If the applicant has not previously conducted solid waste operations in Missouri, the term also includes any officer, director, partner of the applicant, or any holder of seven percent or more of the equity or debt of the applicant. If any holder of seven percent or more of the equity or debt of the applicant or of any key personnel is not a natural person, the term includes all key personnel of that entity, provided that where such entity is a chartered lending institution or a reporting company under the federal Securities Exchange Act of 1934, the term does not include key personnel of such entity. Provided further that the term means the chief executive officer of any agency of the United States or of any agency or political subdivision of the state of Missouri, and all key personnel of any person, other than a natural person, that operates a landfill or other facility for the collection, transfer, treatment, processing, storage, or disposal of nonhazardous solid waste under contract with or for one of those governmental entities;

(23) "Lead-acid battery", a battery designed to contain lead and sulfuric acid with a nominal voltage of at least six volts and of the type intended for use in motor vehicles and watercraft;

(24) "Major appliance", clothes washers and dryers, water heaters, trash compactors, dishwashers, conventional ovens, ranges, stoves, woodstoves, air conditioners, refrigerators and freezers;

(25) "Mercuric-oxide battery" or "mercury battery", a battery having a mercuric-oxide positive electrode, a zinc negative electrode, and an alkaline electrolyte, including mercuric-oxide button cell batteries generally intended for use in hearing aids and larger size mercuric-oxide batteries used primarily in medical equipment;

(26) "Minor violation", a violation which possesses a small potential to harm the environment or human health or cause pollution, was not knowingly committed, and is not defined by the United States Environmental Protection Agency as other than minor;

(27) "Motor oil", any oil intended for use in a motor vehicle, as defined in section 301.010, train, vessel, airplane, heavy equipment, or other machinery powered by an internal combustion engine;

(28) "Motor vehicle", as defined in section 301.010;

(29) "Operator" and "permittee", anyone so designated, and shall include cities, counties, other political subdivisions, authority, state agency or institution, or federal agency or institution;

(30) "Permit modification", any permit issued by the department which alters or modifies the provisions of an existing permit previously issued by the department;

(31) "Person", any individual, partnership, limited liability company, corporation, association, trust, institution, city, county, other political subdivision, authority, state agency or institution, or federal agency or institution, or any other legal entity;

(32) "Plasma arc technology", a process that converts electrical energy into thermal energy. This electric arc is created when an ionized gas transfers electric power between two or more electrodes;

(33) "Postclosure plan", plans, designs and relevant data which specify the methods and schedule by which the operator shall perform necessary monitoring and care for the area after closure to achieve the purposes of sections 260.200 to 260.345 and the regulations promulgated thereunder;

(34) "Recovered materials", those materials which have been diverted or removed from the solid waste stream for sale, use, reuse or recycling, whether or not they require subsequent separation and processing;

(35) "Recycled content", the proportion of fiber in a newspaper which is derived from postconsumer waste;

(36) "Recycling", the separation and reuse of materials which might otherwise be disposed of as solid waste;

(37) "Resource recovery", a process by which recyclable and recoverable material is removed from the waste stream to the greatest extent possible, as determined by the department and pursuant to department standards, for reuse or remanufacture;

(38) "Resource recovery facility", a facility in which recyclable and recoverable material is removed from the waste stream to the greatest extent possible, as determined by the department and pursuant to department standards, for reuse or remanufacture;

(39) "Sanitary landfill", a solid waste disposal area which accepts commercial and residential solid waste;

(40) "Scrap tire", a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect;

(41) "Scrap tire collection center", a site where scrap tires are collected prior to being offered for recycling or processing and where fewer than five hundred tires are kept on site on any given day;

(42) "Scrap tire end-user facility", a site where scrap tires are used as a fuel or fuel supplement or converted into a usable product. Baled or compressed tires used in structures, or used at recreational facilities, or used for flood or erosion control shall be considered an end use;

(43) "Scrap tire generator", a person who sells tires at retail or any other person, firm, corporation, or government entity that generates scrap tires;

(44) "Scrap tire processing facility", a site where tires are reduced in volume by shredding, cutting, or chipping or otherwise altered to facilitate recycling, resource recovery, or disposal;

(45) "Scrap tire site", a site at which five hundred or more scrap tires are accumulated, but not including a site owned or operated by a scrap tire end-user that burns scrap tires for the generation of energy or converts scrap tires to a useful product;

(46) "Solid waste", garbage, refuse and other discarded materials including, but not limited to, solid and semisolid waste materials resulting from industrial, commercial, agricultural, governmental and domestic activities, but does not include hazardous waste as defined in sections 260.360 to 260.432, recovered materials, overburden, rock, tailings, matte, slag or other waste material resulting from mining, milling or smelting;

(47) "Solid waste disposal area", any area used for the disposal of solid waste from more than one residential premises, or one or more commercial, industrial, manufacturing, recreational, or governmental operations;

(48) "Solid waste fee", a fee imposed pursuant to sections 260.200 to 260.345 and may be:

(a) A solid waste collection fee imposed at the point of waste collection; or

(b) A solid waste disposal fee imposed at the disposal site;

(49) "Solid waste management area", a solid waste disposal area which also includes one or more of the functions contained in the definitions of recycling, resource recovery facility, waste tire collection center, waste tire processing facility, waste tire site or solid waste processing facility, excluding incineration;

(50) **"Solid waste management project", a targeted project that meets statewide waste reduction and recycling priorities, and for which no solid waste management district grant applicant has applied to perform, and for which no qualified applicants have applied to perform such project by a competitive bid issued by the solid waste management district for the completion of such project;**

(51) "Solid waste management system", the entire process of managing solid waste in a manner which minimizes the generation and subsequent disposal of solid waste, including waste reduction, source separation, collection, storage, transportation, recycling, resource recovery, volume minimization, processing, market development, and disposal of solid wastes;

[(51)**] (52)** "Solid waste processing facility", any facility where solid wastes are salvaged and processed, including:

(a) A transfer station; or

(b) An incinerator which operates with or without energy recovery but excluding waste tire end-user facilities; or

(c) A material recovery facility which operates with or without composting;

(d) A plasma arc technology facility;

[(52)**] (53)** "Solid waste technician", an individual who has successfully completed training in the practical aspects of the design, operation and maintenance of a permitted solid waste processing facility or solid waste disposal area in accordance with sections 260.200 to 260.345;

[(53)**] (54)** "Tire", a continuous solid or pneumatic rubber covering encircling the wheel of any self-propelled vehicle not operated exclusively upon tracks, or a trailer as defined in chapter 301, except farm tractors and farm implements owned and operated by a family farm or family farm corporation as defined in section 350.010;

[(54)**] (55)** "Used motor oil", any motor oil which, as a result of use, becomes unsuitable for its original purpose due to loss of original properties or the presence of impurities, but used motor oil shall not include ethylene glycol, oils used for solvent purposes, oil filters that have been drained of free flowing used oil, oily waste, oil recovered from oil tank cleaning operations, oil spilled to land or water, or industrial nonlube oils such as hydraulic oils, transmission oils, quenching oils, and transformer oils;

[(55)**] (56)** "Utility waste landfill", a solid waste disposal area used for fly ash waste, bottom ash waste, slag waste and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels;

[(56)**] (57)** "Yard waste", leaves, grass clippings, yard and garden vegetation and Christmas trees. The term does not include stumps, roots or shrubs with intact root balls.

2. For the purposes of this section and sections 260.270 to 260.279 and any rules in place as of August 28, 2005, or promulgated under said sections, the term "scrap" shall be used synonymously with and in place of waste, as it applies only to scrap tires.

260.225. DUTIES OF DEPARTMENT — RULES AND REGULATIONS, PROMULGATION OF, PROCEDURES — MODEL SOLID WASTE MANAGEMENT PLANS, CONTENTS — COORDINATION WITH OTHER STATE AGENCIES. — 1. The department shall administer sections 260.200 to 260.345 to maximize the amount of recovered materials and to minimize disposal of solid waste in sanitary landfills. The department shall, through its rules and regulations, policies and programs, encourage to the maximum extent practical, the use of alternatives to disposal. To accomplish these objectives, the department shall:

(1) Administer the state solid waste management program pursuant to the provisions of sections 260.200 to 260.345;

(2) Cooperate with appropriate federal, state, and local units of government of this or any other state, and with appropriate private organizations in carrying out its authority under sections 260.200 to 260.345;

(3) Promulgate and adopt, after public hearing, such rules and regulations relating to solid waste management systems as shall be necessary to carry out the purposes and provisions of sections 260.200 to 260.345;

(4) Develop a statewide solid waste management plan in cooperation with local governments, regional planning commissions, districts, and appropriate state agencies;

(5) Provide technical assistance to cities, counties, districts, and authorities;

(6) Develop and conduct a mandatory solid waste technician training course of study;

(7) Conduct and contract for research and investigations in the overall area of solid waste storage, collection, recycling, recovery, processing, transportation and disposal, including, but not limited to, new and novel procedures;

(8) Subject to appropriation by the general assembly, establish criteria for awarding state-funded solid waste management **[**planning**]** grants to cities, counties, and districts, allocate funds, and monitor the proper expenditure of funds;

(9) Issue such permits and orders and conduct such inspections as may be necessary to implement the provisions of sections 260.200 to 260.345 and the rules and regulations adopted pursuant to sections 260.200 to 260.345;

(10) Initiate, conduct and support research, demonstration projects, and investigations with applicable federal programs pertaining to solid waste management systems;

(11) Contract with cities, counties, districts and other persons to act as its agent in carrying out the provisions of sections 260.200 to 260.345 under procedures and conditions as the department shall prescribe.

2. The department shall prepare model solid waste management plans suitable for rural and urban areas which may be used by districts, counties and cities. In preparing the model plans, the department shall consider the findings and recommendations of the study of resource recovery conducted pursuant to section 260.038, and other relevant information. The plans shall conform with the requirements of section 260.220 and section 260.325 and shall:

(1) Emphasize waste reduction and recycling;

(2) Provide for economical waste management through regional **and district** cooperation;

(3) Be designed to achieve a reduction of forty percent in solid waste disposed, by weight, by January 1, 1998;

(4) Establish a means to measure the amount of reduction in solid waste disposal;

(5) Provide for the elimination of small quantities of hazardous waste, including household hazardous waste, from the solid waste stream; and

(6) Be designed to guide planning in districts, cities and counties including cities and counties not within a district.

3. The model plan shall be distributed to the executive board of each solid waste district and to counties and cities not within a district by December 1, 1991.

4. No rule or portion of a rule promulgated under the authority of sections 260.200 to 260.345 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

5. In coordination with other appropriate state agencies, including, but not limited to, the division of commerce and industrial development, the office of administration, the environmental improvement and energy resource authority, and the public service commission, the department shall perform the following duties in order to promote resource recovery in the state in ways which are economically feasible:

(1) Identify markets for recovered materials and for energy which could be produced from solid waste and household hazardous waste;

(2) Provide technical assistance pertaining to all aspects of resource recovery to cities, counties, districts, industries and other persons;

(3) Identify opportunities for resource recovery programs in state government and initiate actions to implement such programs;

(4) Expand state contracts for procurement of items made from recovered materials;

(5) Initiate recycling programs within state government;

(6) Provide a clearinghouse of consumer information regarding the need to support resource recovery, utilize and develop new resource recovery programs around existing enterprises, request and purchase recycled products, participate in resource conservation activities and other relevant issues;

(7) Identify barriers to resource recovery and resource conservation, and propose remedies to these barriers; and

(8) Initiate activities with appropriate state and local entities to develop markets for recovered materials.

260.235. APPEAL, JUDICIAL REVIEW, PROCEDURE — INJUNCTION BASED ON SERIOUSNESS OF THREAT TO ENVIRONMENT — PERFORMANCE BOND REQUIRED, FORFEITED, WHEN. — Any person aggrieved by a forfeiture of any financial assurance instrument, civil or administrative penalty or denial, suspension or revocation of a permit required by section 260.205 or a modification to a permit issued under section 260.205 or any disapproval of the plan required by section 260.220, may appeal such decision as provided in [section] **sections** 621.250[, subject to judicial review as provided by law] **and 640.013 by filing a petition with the administrative hearing commission within thirty days of the decision**. The notice of the department shall be effected by certified mail and shall set forth the reasons for such forfeiture, disapproval, denial, suspension, civil penalty or revocation. The department may seek an injunction in the circuit court in which the facility is located requiring the facility for which the transfer of ownership has been denied, or the permit or modification of the permit has been denied, suspended or revoked, to cease operations from the date ordered by the court until such time as the appeal is resolved or obtain a performance bond in the amount and manner as prescribed by rule. The department's action seeking an injunction shall be based on the seriousness of the threat to the environment which continued operation of the facility poses. A bond may be required in order to stay the effect of the department's action until the appeal is resolved, in which case such bond shall remain in place until the appeal is resolved. If the department's decision is upheld, the bond shall be forfeited and placed in a separate subaccount of the solid waste management fund. **Once the administrative hearing commission has reviewed the appeal, the administrative hearing commission shall make a final decision on the forfeiture of any financial assurance instrument, civil or administrative penalty, denial, suspension, revocation, or modification of a permit or disapproval of the plan required by section 260.220. The administrative hearing commission shall mail copies of its final decision to the parties to the appeal or their counsel of record. The commission's decision shall be subject to judicial review pursuant to chapter 536, except that the court of appeals district with territorial jurisdiction coextensive with the county where the solid waste processing facility or disposal area is located or is to be located shall have original jurisdiction. No judicial review shall be available until and unless all administrative remedies are exhausted.**

260.250. MAJOR APPLIANCES, WASTE OIL, YARD WASTE AND BATTERIES, DISPOSAL RESTRICTED — RECYCLING OF CERTAIN ITEMS, ADDRESSED IN SOLID WASTE MANAGEMENT PLAN. — 1. After January 1, 1991, major appliances, waste oil and lead-acid batteries shall not be disposed of in a solid waste disposal area. After January 1, 1992, yard waste shall not be disposed of in a solid waste disposal area, except as otherwise provided in this subsection. After August 28, 2007, yard waste may be disposed of in a municipal solid waste disposal area or portion of a municipal solid waste disposal area provided that:

(1) The department has approved the municipal solid waste disposal area or portion of a solid waste disposal area to operate as a bioreactor under 40 CFR Part 258.4; and

(2) The landfill gas produced by the bioreactor shall be used for the generation of electricity.

2. After January 1, 1991, waste oil shall not be incinerated without energy recovery.

3. Each **solid waste management** district**[**, county and city**]** shall address the recycling, reuse and handling of aluminum containers, glass containers, newspapers, **textiles,** whole tires, plastic beverage containers and steel containers in its solid waste management plan consistent with sections 260.250 to 260.345.

260.320. EXECUTIVE BOARD, MEETINGS, SELECTION OF OFFICERS — POWERS, DUTIES — CONTRACTUAL AUTHORITY. — 1. The executive board shall meet within thirty days after the selection of the initial members. The time and place of the first meeting of the board shall be designated by the council. A majority of the members of the board shall constitute a quorum. At its first meeting the board shall elect a chairman from its members and select a secretary, treasurer and such officers or employees as it deems expedient or necessary for the accomplishment of its purposes. The secretary and treasurer need not be members of the board.

2. The executive board may adopt, alter or repeal its own bylaws, rules and regulations governing the manner in which its business may be transacted, including procedures for the replacement of persons who habitually fail to attend board meetings, and may establish its fiscal year, adopt an official seal, apply for and accept grants, gifts or appropriations from any public or private sector, make all expenditures which are incidental and necessary to carry out its purposes and powers, and take such action, enter into such agreements and exercise all other powers and functions necessary or appropriate to carry out the duties and purposes of sections 260.200 to 260.345.

3. The executive board shall:

(1) Review and comment upon applications for permits submitted pursuant to section 260.205, for solid waste processing facilities and solid waste disposal areas which are to be located within the region or, if located in an adjacent region, which will impact solid waste management practices within the region;

(2) Prepare and recommend to the council a solid waste management plan for the district;

(3) Identify illegal dump sites and provide all available information about such sites to the appropriate county prosecutor and to the department;

(4) Establish an education program to inform the public about responsible **solid** waste management practices;

(5) Establish procedures to minimize the introduction of small quantities of hazardous waste, including household hazardous waste, into the solid waste stream;

(6) Assure adequate capacity to manage waste which is not otherwise removed from the solid waste stream; and

(7) Appoint one or more geographically balanced advisory committees composed of the representatives of commercial generators, representatives of the solid waste management industry, and two citizens unaffiliated with a solid waste facility or operation to assess and make recommendations on solid waste management.

4. The executive board may enter into contracts with any person **or entity** for services related to any component of the solid waste management system. Bid specifications for solid waste management services shall be designed to meet the objectives of sections 260.200 to 260.345, encourage small businesses to engage and compete in the delivery of **solid** waste management services and to minimize the long-run cost of managing solid waste. Bid specifications shall enumerate the minimum components and minimum quantities of waste products which shall be recycled by the successful bidder. The board shall divide the district into units to maximize access for small businesses when it requests bids for solid waste management services**, but in no case shall a district executive board perform solid waste management projects that compete with a qualified private enterprise**.

5. No person shall serve as a member of the council or of the executive board who is a stockholder, officer, agent, attorney or employee or who is in any way pecuniarily interested in any business which engages in any aspect of solid waste management regulated under sections 260.200 to 260.345; provided, however, that such member may own stock in a publicly traded corporation which may be involved in **solid** waste management as long as such holdings are not substantial.

260.324. GRANTS, FAMILIAL RELATIONSHIPS NOT A DISQUALIFIER — VOTING RESTRICTIONS. — **1. Any person or entity that applies for a grant under section 260.335 shall not be disqualified from receiving such grant on the basis that there exists a familial relationship between the applicant and any member of the solid waste management district executive board within the fourth degree by consanguinity or affinity. For applicants with a familial relationship with any member of the solid waste management district executive board within the fourth degree by consanguinity or affinity, the solid waste management district executive board shall only approve such grant application if approved by a vote of two-thirds of the solid waste management district executive board.**

2. If a person, who by virtue of his or her membership on a solid waste management district executive board, does not abstain from a vote to award a solid waste management district grant to any person or entity providing solid waste management services who is a relative within the fourth degree by consanguinity or affinity, the person shall forfeit membership on the solid waste management district executive board and the solid waste management district council.

260.325. SOLID WASTE MANAGEMENT PLAN, SUBMITTED TO DEPARTMENT, CONTENTS, PROCEDURES — APPROVAL, REVISION OF PLAN — FUNDS MAY BE MADE AVAILABLE, PURPOSE — AUDITS. — 1. The executive board of each district shall submit to the department a plan which has been approved by the council for a solid waste management system serving areas within its jurisdiction and shall, from time to time, submit officially adopted revisions of its plan as it deems necessary or the department may require. In developing the district's solid waste management plan, the board shall consider the model plan distributed to the board pursuant to section 260.225. Districts may contract with a licensed professional engineer or as provided in chapter 70 for the development and submission of a joint plan.

2. The board shall hold at least one public hearing in each county in the district when it prepares a proposed plan or substantial revisions to a plan in order to solicit public comments on the plan.

3. The solid waste management plan shall be submitted to the department within eighteen months of the formation of the district. The plan shall be prepared and submitted according to the procedures specified in section 260.220 and this section.

4. Each plan shall:

(1) Delineate areas within the district where solid waste management systems are in existence;

(2) Reasonably conform to the rules and regulations adopted by the department for implementation of sections 260.200 to 260.345;

(3) Delineate provisions for the collection of recyclable materials or collection points for recyclable materials;

(4) Delineate provisions for the collection of compostable materials or collection points for compostable materials;

(5) Delineate provisions for the separation of household waste and other small quantities of hazardous waste at the source or prior to disposal;

(6) Delineate provisions for the orderly extension of solid waste management services in a manner consistent with the needs of the district, including economic impact, and in a manner which will minimize degradation of the waters or air of the state, prevent public nuisances or

health hazards, promote recycling and waste minimization and otherwise provide for the safe and sanitary management of solid waste;

(7) Take into consideration existing comprehensive plans, population trend projections, engineering and economics so as to delineate those portions of the district which may reasonably be expected to be served by a solid waste management system;

(8) Specify how the district will achieve a reduction in solid waste placed in sanitary landfills through waste minimization, reduction and recycling;

(9) Establish a timetable, with milestones, for the reduction of solid waste placed in a landfill through waste minimization, reduction and recycling;

(10) Establish an education program to inform the public about responsible waste management practices;

(11) Establish procedures to minimize the introduction of small quantities of hazardous waste, including household hazardous waste, into the solid waste stream;

(12) Establish a time schedule and proposed method of financing for the development, construction and operation of the planned solid waste management system together with the estimated cost thereof;

(13) Identify methods by which rural households that are not served by a regular solid waste collection service may participate in waste reduction, recycling and resource recovery efforts within the district; and

(14) Include such other reasonable information as the department shall require.

5. The board shall review the district's solid waste management plan at least every twenty-four months for the purpose of evaluating the district's progress in meeting the requirements and goals of the plan, and shall submit plan revisions to the department and council.

6. In the event any plan or part thereof is disapproved, the department shall furnish any and all reasons for such disapproval and shall offer assistance for correcting deficiencies. The executive board shall within sixty days revise and resubmit the plan for approval or request a hearing in accordance with section 260.235. Any plan submitted by a district shall stand approved one hundred twenty days after submission unless the department disapproves the plan or some provision thereof.

7. The director may institute appropriate action under section 260.240 to compel submission of plans in accordance with sections 260.200 to 260.345 and the rules and regulations adopted pursuant to sections 260.200 to 260.345.

8. **[**The provisions of section 260.215 to the contrary notwithstanding, any county within a region which on or after January 1, 1995, is not a member of a district shall by June 30, 1995, submit a solid waste management plan to the department of natural resources. Any county which withdraws from a district and all cities within the county with a population over five hundred shall submit a solid waste plan or a revision to an existing plan to the department of natural resources within one hundred eighty days of its decision not to participate. The plan shall meet the requirements of section 260.220 and this section.

9.**]** Funds may, upon appropriation, be made available to **[**cities, counties and**]** districts**[**,**]** under section 260.335, for the purpose of implementing the requirements of this section.

[10.**]** **9. Based upon the financial assistance amounts set forth in this section,** the district **executive** board shall arrange for **an** independent financial **[**audits**]** **statement audit** of the records and accounts of its operations by a certified public accountant or a firm of certified public accountants. Districts receiving **[**two**]** **more than eight** hundred thousand dollars **[**or more**]** of financial assistance **annually** shall have annual independent financial **statement** audits **[**and**]** **;** districts receiving **[**less than**]** **between** two hundred **fifty** thousand dollars **and eight hundred thousand dollars** of financial assistance **annually** shall have **a biennial** independent financial **[**audits at least once every two years. The state auditor may examine the findings of such audits and may conduct audits of the districts**]** **statement audit for the two-year period. All other districts shall be monitored biennially by the department and, based upon the findings within the monitoring report, may be required to arrange for an independent**

financial statement audit for the biennial monitoring period under review. Subject to limitations caused by the availability **of** resources, the department shall conduct a performance audit of grants to each district at least once every [three] **five** years**, or as deemed necessary by the department based upon district grantee performance**.

260.330. LANDFILL FEE, AMOUNT — SOLID WASTE MANAGEMENT FUND, CREATED, PURPOSE — DEPARTMENT TO ENFORCE — TRANSFER STATION, FEE CHARGED — FREE DISPOSAL DAY, NOTICE. — 1. Except as otherwise provided in subsection 6 of this section, effective October 1, 1990, each operator of a solid waste sanitary landfill shall collect a charge equal to one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted and each operator of the solid waste demolition landfill shall collect a charge equal to one dollar per ton or its volumetric equivalent of solid waste accepted. Each operator shall submit the charge, less collection costs, to the department of natural resources for deposit in the "Solid Waste Management Fund" which is hereby created. On October 1, 1992, and thereafter, the charge imposed herein 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. No annual adjustment shall be made to the charge imposed under this subsection during October 1, 2005, to October 1, [2017] **2027**, except an adjustment amount consistent with the need to fund the operating costs of the department and taking into account any annual percentage increase in the total of the volumetric equivalent of solid waste accepted in the prior year at solid waste sanitary landfills and demolition landfills and solid waste to be transported out of this state for disposal that is accepted at transfer stations. No annual increase during October 1, 2005, to October 1, [2017] **2027**, shall exceed the percentage increase 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 and calculated on the percentage of revenues dedicated under subdivision (1) of subsection 2 of section 260.335. Any such annual adjustment shall only be made at the discretion of the director, subject to appropriations. Collection costs shall be established by the department and shall not exceed two percent of the amount collected pursuant to this section.

2. The department shall, by rule and regulation, provide for the method and manner of collection.

3. The charges established in this section shall be enumerated separately from the disposal fee charged by the landfill and may be passed through to persons who generated the solid waste. Moneys [shall be] transmitted to the department shall be no less than the amount collected less collection costs and in a form, manner and frequency as the department shall prescribe. The provisions of section 33.080 to the contrary notwithstanding, moneys in the account shall not lapse to general revenue at the end of each biennium. Failure to collect the charge does not relieve the operator from responsibility for transmitting an amount equal to the charge to the department.

4. The department may examine or audit financial records and landfill activity records and measure landfill usage to verify the collection and transmittal of the charges established in this section. The department may promulgate by rule and regulation procedures to ensure and to verify that the charges imposed herein are properly collected and transmitted to the department.

5. Effective October 1, 1990, any person who operates a transfer station in Missouri shall transmit a fee to the department for deposit in the solid waste management fund which is equal to one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted. Such fee shall be applicable to all solid waste to be transported out of the state for disposal. On October 1, 1992, and thereafter, the charge imposed herein 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. No annual

adjustment shall be made to the charge imposed under this subsection during October 1, 2005, to October 1, [2017] **2027**, except an adjustment amount consistent with the need to fund the operating costs of the department and taking into account any annual percentage increase in the total of the volumetric equivalent of solid waste accepted in the prior year at solid waste sanitary landfills and demolition landfills and solid waste to be transported out of this state for disposal that is accepted at transfer stations. No annual increase during October 1, 2005, to October 1, [2017] **2027**, shall exceed the percentage increase 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 and calculated on the percentage of revenues dedicated under subdivision (1) of subsection 2 of section 260.335. Any such annual adjustment shall only be made at the discretion of the director, subject to appropriations. The department shall prescribe rules and regulations governing the transmittal of fees and verification of waste volumes transported out of state from transfer stations. Collection costs shall also be established by the department and shall not exceed two percent of the amount collected pursuant to this subsection. A transfer station with the sole function of separating materials for recycling or resource recovery activities shall not be subject to the fee imposed in this subsection.

6. Each political subdivision which owns an operational solid waste disposal area may designate, pursuant to this section, up to two free disposal days during each calendar year. On any such free disposal day, the political subdivision shall allow residents of the political subdivision to dispose of any solid waste which may be lawfully disposed of at such solid waste disposal area free of any charge, and such waste shall not be subject to any state fee pursuant to this section. Notice of any free disposal day shall be posted at the solid waste disposal area site and in at least one newspaper of general circulation in the political subdivision no later than fourteen days prior to the free disposal day.

260.335. DISTRIBUTION OF FUND MONEYS, USES — GRANTS, DISTRIBUTION OF MONEYS — ADVISORY BOARD, SOLID WASTE, DUTIES. — 1. Each fiscal year eight hundred thousand dollars from the solid waste management fund shall be made available, upon appropriation, to the department and the environmental improvement and energy resources authority to fund activities that promote the development and maintenance of markets for recovered materials. Each fiscal year up to two hundred thousand dollars from the solid waste management fund **may** be used by the department upon appropriation for grants to solid waste management districts for district grants and district operations. Only those solid waste management districts that are allocated fewer funds under subsection 2 of this section than if revenues had been allocated based on the criteria in effect in this section on August 27, 2004, are eligible for these grants. An eligible district shall receive a proportionate share of these grants based on that district's share of the total reduction in funds for eligible districts calculated by comparing the amount of funds allocated under subsection 2 of this section with the amount of funds that would have been allocated using the criteria in effect in this section on August 27, 2004. The department and the authority shall establish a joint interagency agreement with the department of economic development to identify state priorities for market development and to develop the criteria to be used to judge proposed projects. Additional moneys may be appropriated in subsequent fiscal years if requested. The authority shall establish a procedure to measure the effectiveness of the grant program under this subsection and shall provide a report to the governor and general assembly by January fifteenth of each year regarding the effectiveness of the program.

2. All remaining revenues deposited into the fund each fiscal year after moneys have been made available under subsection 1 of this section shall be allocated as follows:

(1) Thirty-nine percent of the revenues shall be dedicated, upon appropriation, to the elimination of illegal solid waste disposal, to identify and prosecute persons disposing of solid waste illegally, to conduct solid waste permitting activities, to administer grants and perform other duties imposed in sections 260.200 to 260.345 and section 260.432. In addition to the

thirty-nine percent of the revenues, the department may receive any annual increase in the charge during October 1, 2005, to October 1, [2014] **2027**, under section 260.330 and such increases shall be used solely to fund the operating costs of the department;

(2) Sixty-one percent of the revenues, except any annual increases in the charge under section 260.330 during October 1, 2005, to October 1, [2014] **2027**, which shall be used solely to fund the operating costs of the department, shall be allocated [through grants, upon appropriation, to participating cities, counties, and] **to solid waste management** districts. Revenues to be allocated under this subdivision shall be divided as follows: forty percent shall be allocated based on the population of each district in the latest decennial census, and sixty percent shall be allocated based on the amount of revenue generated within each district. For the purposes of this subdivision, revenue generated within each district shall be determined from the previous year's data. No more than fifty percent of the revenue allocable under this subdivision may be allocated to the districts upon approval of the department for implementation of a solid waste management plan and district operations, and at least fifty percent of the revenue allocable to the districts under this subdivision shall be allocated to the cities and counties of the district or to persons or entities providing solid waste management, waste reduction, recycling and related services in these cities and counties. Each district shall receive a minimum of seventy-five thousand dollars under this subdivision. After August 28, [2005] **2015**, each district shall receive a minimum of ninety-five thousand dollars under this subdivision for district grants and district operations. Each district receiving moneys under this subdivision shall expend such moneys pursuant to a solid waste management plan required under section 260.325, and only in the case that the district is in compliance with planning requirements established by the department. Moneys shall be awarded based upon grant applications. **The following criteria may be considered to establish the order of district grant priority:**

(a) Grants to facilities of organizations employing individuals with disabilities under sections 178.900 to 178.960 or sections 205.968 to 205.972;

(b) Grants for proposals that will promote and maximize the sharing of district resources;

(c) Grants for proposals which provide methods of recycling and solid waste reduction; and

(d) All other grants.

Any **allocated district** moneys remaining in any fiscal year due to insufficient or inadequate **grant** applications [may] **shall** be reallocated [pursuant to this subdivision] **for grant applications in subsequent years or for solid waste management projects other than district operations, including a district's next request for solid waste management project proposals. Any allocated district moneys remaining after a period of five years shall revert to the credit of the solid waste management fund created under section 260.330**;

(3) Except for the amount up to one-fourth of the department's previous fiscal year expense, any remaining unencumbered funds generated under subdivision (1) of this subsection in prior fiscal years shall be reallocated under this section;

(4) Funds may be made available under this subsection for the administration and grants of the used motor oil program described in section 260.253;

(5) The department and the environmental improvement and energy resources authority shall conduct sample audits of grants provided under this subsection.

3. **In addition to the criteria listed in this section,** the advisory board created in section 260.345 shall recommend criteria to be used to allocate grant moneys to districts, cities and counties. These criteria shall establish a priority for proposals which provide methods of solid waste reduction and recycling. The department shall promulgate criteria for evaluating grants by rule and regulation. Projects of cities and counties located within a district which are funded by grants under this section shall conform to the district solid waste management plan.

4. The funds awarded to the districts[, counties and cities] pursuant to this section shall be used for the purposes set forth in sections 260.300 to 260.345, and shall be used in addition to existing funds appropriated by counties and cities for solid waste management and shall not supplant county or city appropriated funds.

5. **Once grants are approved by the solid waste management district, the district shall submit to the department the appropriate forms associated with the grant application and any supporting information to verify that appropriate public notice procedures were followed, that grant proposals were reviewed and ranked by the district, and that only eligible costs as set forth in regulations are to be funded. Within thirty days, the department shall review the grant application. If the department finds any deficiencies, or needs more information in order to evaluate the grant application, the department shall notify the district in writing. The district shall have an additional thirty days to respond to the department's request and to submit any additional information to the department. Within thirty days of receiving additional information, the department shall either approve or deny the grant application. If the department takes no action, the grant application shall be deemed approved.** The department, in conjunction with the solid waste advisory board, shall review the performance of all grant recipients to ensure that grant moneys were appropriately and effectively expended to further the purposes of the grant, as expressed in the recipient's grant application. The grant application shall contain specific goals and implementation dates, and grant recipients shall be contractually obligated to fulfill same. The department may require the recipient to submit periodic reports and such other data as are necessary, both during the grant period and up to five years thereafter, to ensure compliance with this section. The department may audit the records of any recipient to ensure compliance with this section. Recipients of grants under sections 260.300 to 260.345 shall maintain such records as required by the department. If a grant recipient fails to maintain records or submit reports as required herein, refuses the department access to the records, or fails to meet the department's performance standards, the department may withhold subsequent grant payments, if any, and may compel the repayment of funds provided to the recipient pursuant to a grant.

6. The department shall provide for a security interest in any machinery or equipment purchased through grant moneys distributed pursuant to this section.

7. If the moneys are not transmitted to the department within the time frame established by the rule promulgated, interest shall be imposed on the moneys due the department at the rate of ten percent per annum from the prescribed due date until payment is actually made. These interest amounts shall be deposited to the credit of the solid waste management fund.

260.345. **SOLID WASTE ADVISORY BOARD, MEMBERS — QUALIFICATIONS — DUTIES AND POWERS — REMOVAL OF BOARD MEMBER FOR FAILURE TO ATTEND MEETINGS, WHEN — REPORT — MEETINGS.** — **1.** A state "Solid Waste Advisory Board" is created within the department of natural resources. The advisory board shall be composed of the chairman of the executive board of each of the solid waste management districts **or his or her designee,** and other members as provided in this section. Up to five additional members shall be appointed by the **program** director **of the solid waste management program** of which two members shall represent the solid waste management industry and have an economic interest in or activity with any solid waste facility or operation, one member may represent the solid waste composting or recycling industry businesses, and the remaining members shall be public members who have demonstrated interest in solid waste management issues and shall have no economic interest in or activity with any solid waste facility or operation but may own stock in a publicly traded corporation which may be involved in waste management as long as such holdings are not substantial. **Beginning January 1, 2016,** the advisory board shall [advise] **prepare an annual report due on or before January first advising** the department regarding:

(1) The efficacy of its technical assistance program;

(2) Solid waste management problems experienced by solid waste management districts;

(3) The effects of proposed rules and regulations upon solid waste management within the districts;

(4) Criteria to be used in awarding grants pursuant to section 260.335;

(5) Waste management issues pertinent to the districts;

(6) The development of improved methods of solid waste minimization, recycling and resource recovery; **[**and**]**

(7) **Unfunded solid waste management projects; and**

(8) Such other matters as the advisory board may determine.

2. The advisory board shall also prepare a report on the subjects listed in subdivisions (1) to (8) of subsection 1 of this section for any standing, statutory, interim, or select committee or task force of the general assembly having jurisdiction over solid waste. If a report is so prepared, it shall be delivered to the chair and vice-chair of each committee or task force having such jurisdiction. Such a report shall not be generated and distributed on more than an annual basis.

3. The advisory board shall hold regular meetings on a quarterly basis. A special meeting of the advisory board may occur upon a majority vote of all advisory board members at a regular quarterly meeting. Reasonable written notice of all meetings shall be given by the director of the solid waste management program to all members of the advisory board. A majority of advisory board members shall constitute a quorum for the transaction of business. All actions of the advisory board shall be taken at regular quarterly meetings open to the public.

260.395. TRANSPORTATION OF HAZARDOUS WASTE, HOW PERMITTED — FEES, HOW DETERMINED — NOTICE PRIOR TO ISSUANCE OF PERMIT — PERMIT NOT REQUIRED OF WHOM — APPLICATION FOR CERTIFICATION, WHEN — PERMIT MAINTAINED FOR POSTCLOSURE CARE PERIOD — LEACHATE COLLECTION SYSTEM REQUIRED — RAILROAD HAZARDOUS WASTE TRANSPORTATION, FEE. — 1. After six months from the effective date of the standards, rules and regulations adopted by the commission pursuant to section 260.370, it shall be unlawful for any person to transport any hazardous waste in this state without first obtaining a hazardous waste transporter license. Any person transporting hazardous waste in this state shall file an application for a license pursuant to this subsection which shall:

(1) Be submitted on a form provided for this purpose by the department and shall furnish the department with such equipment identification and data as may be necessary to demonstrate to the satisfaction of the department that equipment engaged in such transportation of hazardous waste, and other equipment as designated in rules and regulations pursuant to sections 260.350 to 260.430, is adequate to provide protection of the health of humans and the environment and to comply with the provisions of any federal hazardous waste management act and sections 260.350 to 260.430 and the standards, rules and regulations adopted pursuant to sections 260.350 to 260.430. If approved by the department, this demonstration of protection may be satisfied by providing certification that the equipment so identified meets and will be operated in accordance with the rules and regulations of the Missouri public service commission and the federal Department of Transportation for the transportation of the types of hazardous materials for which it will be used;

(2) Include, as specified by rules and regulations, demonstration of financial responsibility, including, but not limited to, guarantees, liability insurance, posting of bond or any combination thereof which shall be related to the number of units, types and sizes of equipment to be used in the transport of hazardous waste by the applicant;

(3) Include, as specified in rules and regulations, a fee payable to the state of Missouri which shall consist of an annual application fee, plus an annual use fee based upon tonnage, mileage or a combination of tonnage and mileage. The fees established pursuant to this subdivision shall be set to generate, as nearly as is practicable, six hundred thousand dollars annually. No fee shall be collected pursuant to this subdivision from railroads that pay a fee

pursuant to subsection 18 of this section. Fees collected pursuant to this subdivision shall be deposited in the hazardous waste fund created pursuant to section 260.391.

2. If the department determines the application conforms to the provisions of any federal hazardous waste management act and sections 260.350 to 260.430 and the standards, rules and regulations adopted pursuant to sections 260.350 to 260.430, it shall issue the hazardous waste transporter license with such terms and conditions as it deems necessary to protect the health of humans and the environment. The department shall act within ninety days after receipt of the application. If the department denies the license, it shall issue a report to the applicant stating the reason for denial of the license.

3. A license may be suspended or revoked whenever the department determines that the equipment is or has been operated in violation of any provision of sections 260.350 to 260.430 or any standard, rule or regulation, order, or license term or condition adopted or issued pursuant to sections 260.350 to 260.430, poses a threat to the health of humans or the environment, or is creating a public nuisance.

4. Whenever a license is issued, renewed, denied, suspended or revoked by the department, any aggrieved person, by petition filed with the **[**department**]** **administrative hearing commission** within thirty days of the decision, may appeal such decision **[**and shall be entitled to a hearing as provided in section 260.400**]** **as provided by sections 621.250 and 640.013. Once the administrative hearing commission has reviewed the appeal, the administrative hearing commission shall issue a recommended decision to the commission on license issuance, renewal, denial, suspension, or revocation. The commission shall issue its own decision, based on the appeal, for license issuance, renewal, denial, suspension, or revocation. If the commission changes a finding of fact or conclusion of law made by the administrative hearing commission, or modifies or vacates the decision recommended by the administrative hearing commission, it shall issue its own decision, which shall include findings of fact and conclusions of law. The commission shall mail copies of its final decision to the parties to the appeal or their counsel of record. The commission's decision shall be subject to judicial review pursuant to chapter 536. No judicial review shall be available until and unless all administrative remedies are exhausted**.

5. A license shall be issued for a period of one year and shall be renewed upon proper application by the holder and a determination by the department that the applicant is in compliance with all provisions of sections 260.350 to 260.430 and all standards, rules and regulations, orders and license terms and conditions adopted or issued pursuant to sections 260.350 to 260.430.

6. A license is not required for the transport of any hazardous waste on the premises where it is generated or onto contiguous property owned by the generator thereof, or for those persons exempted in section 260.380. Nothing in this subsection shall be interpreted to preclude the department from inspecting unlicensed hazardous waste transporting equipment and to require that it be adequate to provide protection for the health of humans and the environment.

7. After six months from the effective date of the standards, rules and regulations adopted by the commission pursuant to section 260.370, it shall be unlawful for any person to construct, substantially alter or operate, including operations specified in the rules and regulations, a hazardous waste facility without first obtaining a hazardous waste facility permit for such construction, alteration or operation from the department. Such person must submit to the department at least ninety days prior to submitting a permit application a letter of intent to construct, substantially alter or operate any hazardous waste disposal facility. The person must file an application within one hundred eighty days of the filing of a letter of intent unless granted an extension by the commission. The department shall publish such letter of intent as specified in section 493.050 within ten days of receipt of such letter. The letter shall be published once each week for four weeks in the county where the hazardous waste disposal facility is proposed. Once such letter is submitted, all conditions for the permit application evaluation purposes in existence as of the date of submission shall be deemed frozen, in that no subsequent action by

any person to change such conditions in an attempt to thwart a fair and impartial decision on the application for a permit shall be allowed as grounds for denial of the permit. Any person before constructing, substantially altering or operating a hazardous waste facility in this state shall file an application for a permit which shall:

(1) Be submitted on a form provided for this purpose by the department and shall furnish the department with plans, specifications and such other data as may be necessary to demonstrate to the satisfaction of the department that such facility does or will provide adequate protection of the health of humans and the environment and does or will comply with the provisions of any federal hazardous waste management act and sections 260.350 to 260.430 and the standards, rules and regulations adopted pursuant to sections 260.350 to 260.430;

(2) Include plans, designs, engineering reports and relevant data for construction, alteration or operation of a hazardous waste facility, to be submitted to the department by a registered professional engineer licensed by this state;

(3) Include, as specified by rules and regulations, demonstration of financial responsibility, including, but not limited to, guarantees, liability insurance, posting of bond or any combination thereof, which shall be related to type and size of facility;

(4) Include such environmental and geologic information, assessments and studies as required by the rules and regulations of the commission;

(5) Include a fee payable to the state of Missouri which shall not exceed one thousand dollars, which shall cover the first year of the permit, if issued, but which is not refundable. If the permit is issued for more than one year, a fee equal in amount to the first year's fee shall be paid to the state of Missouri prior to issuance of the permit for each year the permit is to be in effect beyond the first year;

(6) The department shall supervise any field work undertaken to collect geologic and engineering data for submission with the application. The state geologist and departmental engineers shall review the geologic and engineering plans, respectively, and attest to their accuracy and adequacy. The applicant shall pay all reasonable costs, as determined by the commission, incurred by the department pursuant to this subsection.

8. (1) Prior to issuing or renewing a hazardous waste facility permit, the department shall issue public notice by press release or advertisement and shall notify all record owners of adjoining property by mail directed to the last known address, and the village, town or city, if any, and the county in which the hazardous waste facility is located; and, upon request, shall hold a public hearing after public notice as required in this subsection at a location convenient to the area affected by the issuance of the permit.

(2) Prior to issuing or renewing a hazardous waste disposal facility permit the department shall issue public notice by press release and advertisement and shall notify all record owners of property, within one mile of the outer boundaries of the site, by mail directed to the last known address; and shall hold a public hearing after public notice as required in this subsection at a location convenient to the area affected by the issuance of the permit.

9. If the department determines that the application conforms to the provisions of any federal hazardous waste management act and sections 260.350 to 260.430 and the standards, rules and regulations adopted pursuant to sections 260.350 to 260.430, it shall issue the hazardous waste facility permit, with such terms and conditions and require such testing and construction supervision as it deems necessary to protect the health of humans or the environment. The department shall act within one hundred and eighty days after receipt of the application. If the department denies the permit, it shall issue a report to the applicant stating the reason for denial of a permit.

10. A permit may be suspended or revoked whenever the department determines that the hazardous waste facility is, or has been, operated in violation of any provision of sections 260.350 to 260.430 or any standard, rule or regulation, order or permit term or condition adopted or issued pursuant to sections 260.350 to 260.430, poses a threat to the health of humans or the environment or is creating a public nuisance.

11. Whenever a permit is issued, renewed, denied, suspended or revoked by the department, any aggrieved person, by petition filed with the [department] **administrative hearing commission** within thirty days of the decision, may appeal such decision [and shall be entitled to a hearing as provided in section 260.400] **as provided by sections 621.250 and 640.013. Once the administrative hearing commission has reviewed the appeal, the administrative hearing commission shall issue a recommended decision to the commission on permit issuance, renewal, denial, suspension, or revocation. The commission shall issue its own decision, based on the appeal, for permit issuance, renewal, denial, suspension, or revocation. If the commission changes a finding of fact or conclusion of law made by the administrative hearing commission, or modifies or vacates the decision recommended by the administrative hearing commission, it shall issue its own decision, which shall include findings of fact and conclusions of law. The commission shall mail copies of its final decision to the parties to the appeal or their counsel of record. The commission's decision shall be subject to judicial review pursuant to chapter 536, except that the court of appeals district with territorial jurisdiction coextensive with the county where the hazardous waste facility is to be located or is located, shall have original jurisdiction. No judicial review shall be available until and unless all administrative remedies are exhausted**.

12. A permit shall be issued for a fixed term, which shall not exceed ten years in the case of any land disposal facility, storage facility, incinerator, or other treatment facility. Nothing in this subsection shall preclude the department from reviewing and modifying a permit at any time during its term. Review of any application for a permit renewal shall consider improvements in the state of control and measurement technology as well as changes in applicable regulations. Each permit issued pursuant to this section shall contain such terms and conditions as the department determines necessary to protect human health and the environment, and upon proper application by the holder and a determination by the department that the applicant is in compliance with all provisions of sections 260.350 to 260.430 and all standards, rules and regulations, orders and permit terms and conditions adopted or issued pursuant to sections 260.350 to 260.430.

13. A hazardous waste facility permit is not required for:

(1) On-site storage of hazardous wastes where such storage is exempted by the commission by rule or regulation; however, such storage must conform to the provisions of any federal hazardous waste management act and sections 260.350 to 260.430 and the applicable standards, rules and regulations adopted pursuant to sections 260.350 to 260.430 and any other applicable hazardous materials storage and spill-prevention requirements provided by law;

(2) A publicly owned treatment works which has an operating permit pursuant to section 644.051 and is in compliance with that permit;

(3) A resource recovery facility which the department certifies uses hazardous waste as a supplement to, or substitute for, nonwaste material, and that the sole purpose of the facility is manufacture of a product rather than treatment or disposal of hazardous wastes;

(4) That portion of a facility engaged in hazardous waste resource recovery, when the facility is engaged in both resource recovery and hazardous waste treatment or disposal, provided the owner or operator can demonstrate to the department's satisfaction and the department finds that such portion is not intended and is not used for hazardous waste treatment or disposal.

14. Facilities exempted pursuant to subsection 13 of this section must comply with the provisions of subdivisions (3) to (7) of section 260.390 and such other requirements, to be specified by rules and regulations, as are necessary to comply with any federal hazardous waste management act or regulations hereunder. Generators who use such an exempted facility shall keep records of hazardous wastes transported, except by legal flow through sewer lines, to the facility and submit such records to the department in accordance with the provisions of section 260.380 and the standards, rules and regulations adopted pursuant to sections 260.350 to 260.430. Any person, before constructing, altering or operating a resource recovery facility in this state shall file an application for a certification. Such application shall include:

(1) Plans, designs, engineering reports and other relevant information as specified by rule that demonstrate that the facility is designed and will operate in a manner protective of human health and the environment; and

(2) An application fee of not more than five hundred dollars for a facility that recovers waste generated at the same facility or an application fee of not more than one thousand dollars for a facility that recovers waste generated at off-site sources. Such fees shall be deposited in the hazardous waste fund created in section 260.391. The department shall review such application for conformance with applicable laws, rules and standard engineering principles and practices. The applicant shall pay to the department all reasonable costs, as determined by the commission, incurred by the department pursuant to this subsection. All such funds shall be deposited in the hazardous waste fund created in section 260.391.

15. The owner or operator of any hazardous waste facility in existence on September 28, 1977, who has achieved federal interim status pursuant to 42 U.S.C. 6925(e), and who has submitted to the department Part A of the federal facility permit application, may continue to receive and manage hazardous wastes in the manner as specified in the Part A application, and in accordance with federal interim status requirements, until completion of the administrative disposition of a permit application submitted pursuant to sections 260.350 to 260.430. The department may at any time require submission of, or the owner or operator may at any time voluntarily submit, a complete application for a permit pursuant to sections 260.350 to 260.430 and commission regulations. The authority to operate pursuant to this subsection shall cease one hundred eighty days after the department has notified an owner or operator that an application for permit pursuant to sections 260.350 to 260.430 must be submitted, unless within such time the owner or operator submits a completed application therefor. Upon submission of a complete application, the authority to operate pursuant to this subsection shall continue for such reasonable time as is required to complete the administrative disposition of the permit application. If a facility loses its federal interim status, or the Environmental Protection Agency requires the owner or operator to submit Part B of the federal application, the department shall notify the owner or operator that an application for a permit must be submitted pursuant to this subsection. In addition to compliance with the federal interim status requirements, the commission shall have the authority to adopt regulations requiring persons operating pursuant to this subsection to meet additional state interim status requirements.

16. No person, otherwise qualified pursuant to sections 260.350 to 260.430 for a license to transport hazardous wastes or for a permit to construct, substantially alter or operate a hazardous waste facility, shall be denied such license or permit on the basis of a lack of need for such transport service or such facility because of the existence of other services or facilities capable of meeting that need; except that permits for hazardous waste facilities may be denied on determination made by the department that the financial resources of the persons applying are such that the continued operation of the sites in accordance with sections 260.350 to 260.430 cannot be reasonably assured or on determination made by the department that the probable volume of business is insufficient to ensure and maintain the solvency of then existing permitted hazardous waste facilities.

17. All hazardous waste landfills constructed after October 31, 1980, shall have a leachate collection system. The rules and regulations of the commission shall treat and protect all aquifers to the same level of protection. The provisions of this subsection shall not apply to the disposal of tailings and slag resulting from mining, milling and primary smelting operations.

18. Any railroad corporation as defined in section 388.010 that transports any hazardous waste as defined in section 260.360 or any hazardous substance as defined in section 260.500 shall pay an annual fee of three hundred fifty dollars. Fees collected pursuant to this subsection shall be deposited in the hazardous waste fund created in section 260.391.

260.500. Definitions. — As used in sections 260.500 to 260.550, unless the context clearly indicates otherwise, the following terms mean:

(1) "Cleanup", all actions necessary to contain, collect, control, identify, analyze, clean up, treat, disperse, remove, or dispose of a hazardous substance;

(2) "Cleanup costs", all costs incurred by the state or any of its political subdivisions, or their agents, or by any other person participating with the approval of the department of natural resources in the prevention or mitigation of damages from a hazardous substance emergency or the cleanup of a hazardous substance involved in a hazardous substance emergency, including a proportionate share of those costs necessary to maintain the services authorized in sections 260.500 to 260.550;

(3) "Department", the department of natural resources;

(4) "Director", the director of the department of natural resources;

(5) "Hazardous substance", any substance or mixture of substances that presents a danger to the public health or safety or the environment and includes:

(a) Any hazardous waste identified or listed by the department pursuant to sections 260.350 to 260.430;

(b) Any element, compound, mixture, solution, or substance designated pursuant to Sections 101(14) and 102 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, and Section 302 of the Superfund Amendments and Reauthorization Act of 1986, as amended; and

(c) Any hazardous material designated by the Secretary of the United States Department of Transportation pursuant to the Hazardous Materials Transportation Act;

(d) "Hazardous substances" does not include radioactive materials, wastes, emissions or discharges that are licensed or regulated by laws of the federal government or of this state. However, such material released due to a transportation accident shall be considered a hazardous substance;

(6) "Hazardous substance emergency":

(a) Any release of hazardous substances in quantities equal to or in excess of those determined pursuant to Section 101(14) or 102 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, and Section 304 of the Superfund Amendments and Reauthorization Act of 1986, as amended;

(b) Any release of petroleum including crude oil or any fraction thereof, natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas) in excess of fifty gallons for liquids or three hundred cubic feet for gases, except that the notification and reporting of any release of natural gas or natural gas mixtures by or from intrastate facilities, regardless of the quantity of such release, shall be as specified by the public service commission rather than pursuant to the notification and reporting requirements contained in, or authorized by, sections 260.500 to 260.550. Interstate natural gas pipeline facilities shall report natural gas releases to the state and the National Response Center in accordance with federal Department of Transportation regulatory requirements;

(c) Any release of a hazardous waste which is reportable pursuant to sections 260.350 to 260.430;

(d) Any release of a hazardous substance which requires immediate notice pursuant to Part 171 of Title 49 of the Code of Federal Regulations;

(e) The department may promulgate rules and regulations identifying the substances and the quantities thereof which, if released, constitute a hazardous substance emergency;

(7) "Person", any individual, partnership, copartnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision, or any agency, board, department, or bureau of the state or federal government, or any other legal entity whatever which is recognized by law as the subject of rights and duties;

(8) "Person having control over a hazardous substance", any person producing, handling, storing, transporting, refining, or disposing of a hazardous substance when a hazardous substance emergency occurs, including bailees, carriers, and any other person in control of a hazardous substance when a hazardous substance emergency occurs, whether they own the hazardous

substance or are operating under a lease, contract, or other agreement with the legal owner thereof;

(9) "Release", any threatened or real emission, discharge, spillage, leakage, pumping, pouring, emptying or dumping of a substance into or onto the land, air or waters of the state unless done in compliance with the conditions of a federal or state permit, unless the substance is confined and is expected to stay confined to property owned, leased or otherwise controlled by the person having control over the substance, or unless, in the case of pesticides, if application is done in accordance with the product label;

(10) "State of Missouri basic emergency operations plan", the state plan, its annexes, and appendices as developed or maintained by the state emergency management agency for response to natural and man-made disasters in this state;

(11) "Waters of the state", **all waters within the jurisdiction of this state, including** all rivers, streams, lakes and other bodies of surface and subsurface water lying within or forming a part of the boundaries of the state which are not entirely confined and located completely upon lands owned, leased or otherwise controlled by a single person or by two or more persons jointly or as tenants in common **[**and includes waters of the United States lying within the state**]**.

444.600. PERMIT — INVESTIGATION, DECISION, HEARING, COURT REVIEW — APPEALS. — 1. All applications for a permit shall be filed with the director who shall promptly investigate the application and make a **[**recommendation to the commission**]** **decision** within thirty days after the application is received as to whether the permit should be issued or denied. If the director is not satisfied with the information supplied by the applicant, he **or she** shall recommend denial of the permit. The director shall promptly notify the applicant of this action and at the same time publish a notice of the **[**recommendation**]** **decision** in any newspaper with general circulation in the counties where the land is located, and shall send notice to those persons registered with the director pursuant to section 444.720. **The director's decision shall be deemed to be the decision of the director of the department of natural resources and shall be subject to appeal to the administrative hearing commission as provided by sections 621.250 and 640.013.**

2. **[**If the recommendation of the director is to deny the permit, a hearing as provided in sections 444.500 to 444.755 shall be held by the commission if requested by the applicant within thirty days of the date of notice of the recommendation of the director.

3. If the recommendation of the director is for issuance of the permit, the commission may issue or deny the permit without a hearing provided the matter is passed upon at a public meeting no sooner than thirty days from the date of notice of the recommendation of the director, except that upon petition of any person aggrieved by the granting of the permit, a hearing shall be held as provided in section 444.680.

4. If the commission denies a permit, the applicant may petition the commission, within thirty days of notice of its action, for a hearing. If no petition is filed within the thirty day period, the decision of the commission is final and the applicant shall have no right of court review.

5. In any hearing held pursuant to this section the burden of proof shall be on the applicant for a permit. Any decision of the commission made pursuant to a hearing held under this section is subject to judicial review as provided in section 444.700.**]** **Whenever a strip mine operator permit provided under section 444.540 is issued, denied, suspended, or revoked by the department of natural resources, any aggrieved person, by petition filed with the administrative hearing commission within thirty days of the decision, may appeal such decision as provided by sections 621.250 and 640.013. For purposes of an appeal, the administrative hearing commission may consider, based on competent and substantial scientific evidence on the record, whether an interested party's health, safety, or livelihood will be unduly impaired by the issuance, denial, suspension, or revocation of the permit. The administrative hearing commission may also consider, based on competent and substantial scientific evidence on the record, whether the operator has demonstrated,**

during the five-year period immediately preceding the date of the permit application, a pattern of noncompliance at other locations in Missouri that suggests a reasonable likelihood of future acts of noncompliance. In determining whether a reasonable likelihood of noncompliance will exist in the future, the administrative hearing commission may look to past acts of noncompliance in Missouri, but only to the extent they suggest a reasonable likelihood of future acts of noncompliance. Such past acts of noncompliance in Missouri, in and of themselves, are an insufficient basis to suggest a reasonable likelihood of future acts of noncompliance. In addition, such past acts shall not be used as a basis to suggest a reasonable likelihood of future acts of noncompliance unless the noncompliance has caused or has the potential to cause, a risk to human health or to the environment, or has caused or has potential to cause pollution, or was knowingly committed, or is defined by the United States Environmental Protection Agency as other than minor. If a hearing petitioner demonstrates or the administrative hearing commission finds either present acts of noncompliance or a reasonable likelihood that the permit seeker or the operations of associated persons or corporations in Missouri will be in noncompliance in the future, such a showing will satisfy the noncompliance requirement in this subsection. In addition, such basis must be developed by multiple noncompliances of any environmental law administered by the Missouri department of natural resources at any single facility in Missouri that resulted in harm to the environment or impaired the health, safety, or livelihood of persons outside the facility. For any permit seeker that has not been in business in Missouri for the past five years, the administrative hearing commission may review the record of noncompliance in any state where the applicant has conducted business during the past five years. Once the administrative hearing commission has reviewed the appeal, the administrative hearing commission shall issue a recommended decision to the commission on permit issuance, denial, suspension, or revocation. The commission shall issue its own decision, based on the appeal, for permit issuance, denial, suspension, or revocation. If the commission changes a finding of fact or conclusion of law made by the administrative hearing commission, or modifies or vacates the decision recommended by the administrative hearing commission, it shall issue its own decision, which shall include findings of fact and conclusions of law. The commission shall mail copies of its final decision to the parties to the appeal or their counsel of record. The commission's decision shall be subject to judicial review pursuant to chapter 536, except that the court of appeals district with territorial jurisdiction coextensive with the county where the mine is located or is to be located shall have original jurisdiction. No judicial review shall be available until and unless all administrative remedies are exhausted.

444.773. DIRECTOR TO INVESTIGATE APPLICATIONS — DECISION TO ISSUE OR DENY — DENIAL OF PERMIT, APPEAL, PROCEDURE — COMMISSION TO ISSUE DECISION. — 1. All applications for a permit shall be filed with the director, who shall promptly investigate the application and make a decision within six weeks after completion of the process provided in subsection 10 of section 444.772 to issue or deny the permit. If the director determines that the application has not fully complied with the provisions of section 444.772 or any rule or regulation promulgated pursuant to that section, the director may seek additional information from the applicant before making a decision to issue or deny the permit. The director shall consider any public comments when making the decision to issue or deny the permit. In issuing a permit, the director may impose reasonable conditions consistent with the provisions of sections 444.760 to 444.790.

[2.**]** The director's decision shall be deemed to be the decision of the director of the department of natural resources and shall be subject to appeal to the administrative hearing commission as provided by sections 640.013 and 621.250.

[3.] **2. Whenever a surface mining operation permit provided under section 444.772 is issued, denied, suspended, or revoked by the department of natural resources, any aggrieved person, by petition filed with the administrative hearing commission within thirty days of the decision, may appeal such decision as provided by sections 621.250 and 640.013.** For purposes of an appeal, the administrative hearing commission may consider, based on competent and substantial scientific evidence on the record, whether an interested party's health, safety or livelihood will be unduly impaired by the issuance**, denial, suspension, or revocation** of the permit. The administrative hearing commission may also consider, based on competent and substantial scientific evidence on the record, whether the operator has demonstrated, during the five-year period immediately preceding the date of the permit application, a pattern of noncompliance at other locations in Missouri that suggests a reasonable likelihood of future acts of noncompliance. In determining whether a reasonable likelihood of noncompliance will exist in the future, the administrative hearing commission may look to past acts of noncompliance in Missouri, but only to the extent they suggest a reasonable likelihood of future acts of noncompliance. Such past acts of noncompliance in Missouri, in and of themselves, are an insufficient basis to suggest a reasonable likelihood of future acts of noncompliance. In addition, such past acts shall not be used as a basis to suggest a reasonable likelihood of future acts of noncompliance unless the noncompliance has caused or has the potential to cause, a risk to human health or to the environment, or has caused or has potential to cause pollution, or was knowingly committed, or is defined by the United States Environmental Protection Agency as other than minor. If a hearing petitioner **demonstrates** or the administrative hearing commission [demonstrates] **finds** either present acts of noncompliance or a reasonable likelihood that the permit seeker or the operations of associated persons or corporations in Missouri will be in noncompliance in the future, such a showing will satisfy the noncompliance requirement in this subsection. In addition, such basis must be developed by multiple noncompliances of any environmental law administered by the Missouri department of natural resources at any single facility in Missouri that resulted in harm to the environment or impaired the health, safety or livelihood of persons outside the facility. For any permit seeker that has not been in business in Missouri for the past five years, the administrative hearing commission may review the record of noncompliance in any state where the applicant has conducted business during the past five years. [Once] The administrative hearing commission [has reviewed the appeal, the administrative hearing commission] shall [make a recommendation] **issue a recommended decision** to the commission on permit issuance [or] **,** denial**, suspension, or revocation**.

[4.] The commission shall issue its own decision, based on the appeal, for permit issuance [or] denial**, suspension, or revocation**. If the commission changes a finding of fact or conclusion of law made by the administrative hearing commission, or modifies or vacates the decision recommended by the administrative hearing commission, it shall issue its own decision, which shall include findings of fact and conclusions of law. The commission shall mail copies of its final decision to the parties to the appeal or their counsel of record. The commission's decision shall be subject to judicial review pursuant to chapter 536, except that the court of appeals district with territorial jurisdiction coextensive with the county where the mine **is located or** is to be located shall have original jurisdiction. No judicial review shall be available until and unless all administrative remedies are exhausted.

444.980. APPEAL OF PERMIT DECISION, PROCEDURE. — **Whenever a surface coal mining operation permit provided under section 444.815 or a coal exploration operation permit provided under section 444.845 is issued, denied, suspended, or revoked by the department of natural resources, any aggrieved person, by petition filed with the administrative hearing commission within thirty days of the decision, may appeal such decision as provided by sections 621.250 and 640.013. For purposes of an appeal, the administrative hearing commission may consider, based on competent and substantial**

scientific evidence on the record, whether an interested party's health, safety, or livelihood will be unduly impaired by the issuance, denial, suspension, or revocation of the permit. The administrative hearing commission may also consider, based on competent and substantial scientific evidence on the record, whether the operator has demonstrated, during the five-year period immediately preceding the date of the permit application, a pattern of noncompliance at other locations in Missouri that suggests a reasonable likelihood of future acts of noncompliance. In determining whether a reasonable likelihood of noncompliance will exist in the future, the administrative hearing commission may look to past acts of noncompliance in Missouri, but only to the extent they suggest a reasonable likelihood of future acts of noncompliance. Such past acts of noncompliance in Missouri, in and of themselves, are an insufficient basis to suggest a reasonable likelihood of future acts of noncompliance. In addition, such past acts shall not be used as a basis to suggest a reasonable likelihood of future acts of noncompliance unless the noncompliance has caused or has the potential to cause, a risk to human health or to the environment, or has caused or has potential to cause pollution, or was knowingly committed, or is defined by the United States Environmental Protection Agency as other than minor. If a hearing petitioner demonstrates or the administrative hearing commission finds either present acts of noncompliance or a reasonable likelihood that the permit seeker or the operations of associated persons or corporations in Missouri will be in noncompliance in the future, such a showing will satisfy the noncompliance requirement in this subsection. In addition, such basis must be developed by multiple noncompliances of any environmental law administered by the Missouri department of natural resources at any single facility in Missouri that resulted in harm to the environment or impaired the health, safety, or livelihood of persons outside the facility. For any permit seeker that has not been in business in Missouri for the past five years, the administrative hearing commission may review the record of noncompliance in any state where the applicant has conducted business during the past five years. Once the administrative hearing commission has reviewed the appeal, the administrative hearing commission shall issue a recommended decision to the commission on permit issuance, denial, suspension, or revocation. The commission shall issue its own decision, based on the appeal, for permit issuance, denial, suspension, or revocation. If the commission changes a finding of fact or conclusion of law made by the administrative hearing commission, or modifies or vacates the decision recommended by the administrative hearing commission, it shall issue its own decision, which shall include findings of fact and conclusions of law. The commission shall mail copies of its final decision to the parties to the appeal or their counsel of record. The commission's decision shall be subject to judicial review pursuant to chapter 536, except that the court of appeals district with territorial jurisdiction coextensive with the county where the mine is located or is to be located shall have original jurisdiction. No judicial review shall be available until and unless all administrative remedies are exhausted.

621.250. APPEALS FROM DECISIONS OF CERTAIN ENVIRONMENTAL COMMISSIONS TO BE HEARD BY ADMINISTRATIVE HEARING COMMISSION — PROCEDURE. — 1. All authority to hear contested case administrative appeals granted in chapters 236, 256, 260, 444, 640, 643, and 644, and to the hazardous waste management commission in chapter 260, the **[**land reclamation**]** **Missouri mining** commission in chapter 444, the safe drinking water commission in chapter 640, the air conservation commission in chapter 643, and the clean water commission in chapter 644 shall be transferred to the administrative hearing commission under this chapter. The authority to render final decisions after hearing on appeals heard by the administrative hearing commission shall remain with the commissions listed in this subsection. For appeals pursuant to chapter 236, chapter 256, section 260.235, or section 260.249, the administrative hearing commission shall render a final decision rather than a recommended decision. The

administrative hearing commission may render its recommended or final decision after hearing or through stipulation, consent order, agreed settlement or by disposition in the nature of default judgment, judgment on the pleadings, or summary determination, consistent with the requirements of this subsection and the rules and procedures of the administrative hearing commission.

2. Except as otherwise provided by law, any person or entity who is a party to, or who is aggrieved or adversely affected by, any finding, order, decision, or assessment for which the authority to hear appeals was transferred to the administrative hearing commission in subsection 1 of this section may file a notice of appeal with the administrative hearing commission within thirty days after any such finding, order, decision, or assessment is placed in the United States mail or within thirty days of any such finding, order, decision, or assessment being delivered, whichever is earlier. Within ninety days after the date on which the notice of appeal is filed the administrative hearing commission may hold hearings, and within one hundred twenty days after the date on which the notice of appeal is filed shall make a recommended decision, or a final decision where applicable, in accordance with the requirements of this section and the rules and procedures of the administrative hearing commission; provided, however, that the dates by which the administrative hearing commission is required to hold hearings and make a recommended decision may be extended at the sole discretion of the permittee as either petitioner or intervenor in the appeal.

3. Any decision by the director of the department of natural resources that may be appealed as provided in subsection 1 of this section shall contain a notice of the right of appeal in substantially the following language: "If you were adversely affected by this decision, you may be entitled to pursue an appeal before the administrative hearing commission. To appeal, you must file a petition with the administrative hearing commission within thirty days after the date this decision was mailed or the date it was delivered, whichever date was earlier. If any such petition is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed; if it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the administrative hearing commission.". Within fifteen days after the administrative hearing commission renders a recommended decision, it shall transmit the record and a transcript of the proceedings, together with the administrative hearing commission's recommended decision to the commission having authority to issue a final decision. The final decision of the commission shall be issued within one hundred eighty days of the date the notice of appeal in subsection 2 of this section is filed and shall be based only on the facts and evidence in the hearing record; provided, however, that the date by which the commission is required to issue a final decision may be extended at the sole discretion of the permittee as either petitioner or intervenor in the appeal. The commission may adopt the recommended decision as its final decision. The commission may change a finding of fact or conclusion of law made by the administrative hearing commission, or may vacate or modify the recommended decision issued by the administrative hearing commission, only if the commission states in writing the specific reason for a change made under this subsection.

4. In the event the person filing the appeal prevails in any dispute under this section, interest shall be allowed upon any amount found to have been wrongfully collected or erroneously paid at the rate established by the director of the department of revenue under section 32.065.

5. Appropriations shall be made from the respective funds of the department of natural resources to cover the administrative hearing commission's costs associated with these appeals.

6. In all matters heard by the administrative hearing commission under this section, the burden of proof shall comply with section 640.012. The hearings shall be conducted by the administrative hearing commission in accordance with the provisions of chapter 536 and its regulations promulgated thereunder.

7. No cause of action or appeal arising out of any finding, order, decision, or assessment of any of the commissions listed in subsection 1 of this section shall accrue in any court unless the party seeking to file such cause of action or appeal shall have filed a notice of appeal and received a final decision in accordance with the provisions of this section.

640.115. INFORMATION TO BE FURNISHED — APPROVAL OF SUPPLIES — SYSTEM CHANGES TO CONFORM TO RULES — PERMIT APPLICATIONS — APPEALS. — 1. Every municipal corporation, private corporation, company, partnership, federal establishment, state establishment or individual supplying or authorized to supply drinking water to the public within the state shall file with the department of natural resources a certified copy of the plans and surveys of the waterworks with a description of the methods of purification, treatment technology and source from which the supply of water is derived, and no source of supply shall be used without a written permit of approval issued to the continuing operating authority by the department of natural resources, or water dispensed to the public without first obtaining such written permit of approval. Prior to a change of permittee, the current permittee shall notify the department of the proposed change and the department shall perform a permit review.

2. Construction, extension or alteration of a public water system shall be in accordance with the rules and regulations of the safe drinking water commission.

3. Permit applicants shall show, as part of their application, that a permanent organization exists which will serve as the continuing operating authority for the management, operation, replacement, maintenance and modernization of the facility. Such continuing operating authority for all community water systems and nontransient, noncommunity water systems commencing operation after October 1, 1999, shall be required to have and maintain the managerial, technical and financial capacity, as determined by the department, to comply with sections 640.100 to 640.140.

4. Any community water system or nontransient, noncommunity water system against which an administrative order has been issued for significant noncompliance with the federal Safe Drinking Water Act, as amended, sections 640.100 to 640.140 or any rule or regulation promulgated thereunder shall be required to show that a permanent organization exists that serves as the continuing operating authority for the facility and that such continuing operating authority has the managerial, technical and financial capacity to comply with sections 640.100 to 640.140 and regulations promulgated thereunder. If the water system cannot show to the department's satisfaction that such continuing operating authority exists, or if the water system is not making substantial progress toward compliance, the water system's permit may be revoked. The continuing operating authority may **[**reapply for a permit in accordance with rules promulgated by the commission**]** **appeal such decision to the administrative hearing commission as provided by sections 621.250 and 640.013.**

5. Whenever a permit is issued, denied, suspended, or revoked by the department, any aggrieved person, by petition filed with the administrative hearing commission within thirty days of the decision, may appeal such decision as provided by sections 621.250 and 640.013. Once the administrative hearing commission has reviewed the appeal, the administrative hearing commission shall issue a recommended decision to the commission on permit issuance, denial, suspension, or revocation. The commission shall issue its own decision, based on the appeal, for permit issuance, denial, suspension, or revocation. If the commission changes a finding of fact or conclusion of law made by the administrative hearing commission, or modifies or vacates the decision recommended by the administrative hearing commission, it shall issue its own decision, which shall include findings of fact and conclusions of law. The commission shall mail copies of its final decision to the parties to the appeal or their counsel of record. The commission's decision shall be subject to judicial review pursuant to chapter 536, except that the court of appeals district with territorial jurisdiction coextensive with the county where the waterworks is located, or is to be located, shall have original jurisdiction. No judicial review shall be available until and unless all administrative remedies are exhausted.

643.075. CONSTRUCTION WITHOUT PERMIT PROHIBITED — DENIAL, APPEAL, PROCEDURE — FEE, EXEMPTION — NATURAL RESOURCES PROTECTION FUND, AIR POLLUTION PERMIT FEE SUBACCOUNT — CITY OR COUNTY PERMIT GRANTED, EFFECT. —

1. It shall be unlawful for any person to commence construction of any air contaminant source in this state, without a permit **[**therefor**]**, if such source is of a class fixed by regulation of the commission which requires a permit **[**therefor**]**.

2. Every source required to obtain a construction permit shall make application **[**therefor**]** to the department **[**and shall submit therewith**]** **that includes** such plans and specifications as prescribed by rule. The director shall promptly investigate each application**,** and if he **or she** determines that the source meets and will meet the requirements of sections 643.010 to 643.190 and the rules promulgated pursuant thereto, he **or she** shall issue a construction permit with such conditions as he deems necessary to ensure that the source will meet the requirements of sections 643.010 to 643.190 and the rules. An application submitted for the construction or modification and operation of any regulated air contaminant source shall receive a unified construction and operating permit review process under section 643.078, unless the applicant requests in writing that the construction and operating permits be reviewed separately. If the director determines that the source does not meet or will not meet the requirements of sections 643.010 to 643.190 and the rules promulgated pursuant thereto, he **or she** shall deny the construction permit.

3. Before issuing a construction permit to build or modify an air contaminant source the director shall determine if the ambient air quality standards in the vicinity of the source are being exceeded and shall determine the impact on the ambient air quality standards from the source. The director, in order to effectuate the purposes of sections 643.010 to 643.190, may deny a construction permit if the source will appreciably affect the air quality or the air quality standards are being substantially exceeded.

4. The director may require the applicant as a condition to the issuance of the construction permit to provide and maintain such facilities or to conduct such tests as are necessary to determine the nature, extent, quantity or degree of air contaminants discharged into the ambient air from the proposed source.

5. The director shall act within thirty days after a request for approval of an application for a construction permit. The director shall render a decision to approve or deny a construction permit within ninety days of receipt of a complete application for a class B source and within one hundred eighty-four days of receipt of a complete application for a class A source. The director shall promptly notify the applicant in writing of his action and if the construction permit is denied state the reasons **[**therefor**]** **for such denial**.

6. **As provided by sections 621.250 and 640.013,** any aggrieved person may appeal any permit decision made under this section, including failure to render a decision within the time period established in this section. A notice of appeal shall be filed with the **administrative hearing** commission within thirty days of the director's action or within thirty days from the date by which the decision should have been rendered if the director has failed to act. **Once the administrative hearing commission has reviewed the appeal, the administrative hearing commission shall issue a recommended decision to the commission on permit issuance, renewal, denial, suspension, or revocation, or any condition of the permit. The commission shall issue its own decision, based on the appeal, for permit issuance, renewal, denial, suspension, or revocation, or any condition of the permit. If the commission changes a finding of fact or conclusion of law made by the administrative hearing commission, or modifies or vacates the decision recommended by the administrative hearing commission, it shall issue its own decision, which shall include findings of fact and conclusions of law. The commission shall mail copies of its final decision to the parties to the appeal or their counsel of record. The commission's decision shall be subject to judicial review pursuant to chapter 536, except that the court of appeals district with territorial jurisdiction coextensive with the county where the air contaminant source is located or is to be located, shall have original jurisdiction. No judicial review shall be available until and unless all administrative remedies are exhausted.**

7. (1) There shall be a one hundred-dollar filing fee payable to the state of Missouri with each application before a construction permit shall be issued. No manufacturing or processing plant or operating location or other air contaminant source shall be required to pay more than one filing fee with a construction permit application. The provisions of this section shall not apply nor require the issuance of a permit wherein the proposed construction is that of a private residence.

(2) Upon completion of the department's evaluation of the application, but before receiving a construction permit, the applicant shall reimburse the department for all reasonable costs incurred by the department whether or not a construction permit is issued by the department or withdrawn by the applicant. If the department fails to approve or deny a construction permit within the time period specified in this section, the applicant shall not be required to reimburse the department for the review of the construction permit application. The commission shall, by rule, set the hourly charge, not to exceed the actual cost thereof and not to exceed fifty dollars per hour, for review of each construction permit application. The commission may exempt any person from payment of the hourly fees under this subdivision, or may reduce such fees, upon an appeal filed with the commission by such person stating that the fee will create an unreasonable economic hardship upon such person. The commission may conduct a closed meeting and have closed records, as defined in section 610.010, for the purpose of gathering information from the person filing an appeal for the exemption. Information obtained in this meeting may be held confidential by the commission upon the request of the person filing the appeal for exemption. If the fees or any portion of the fees imposed by this section are not paid within ninety days from the date of billing there shall be imposed interest upon the unpaid amount at the rate of ten percent per annum from the date of billing until payment is actually made. A construction permit application for a portable facility may include any site at which the portable facility is expected to be used; however, a separate site permit application shall be required when the portable facility is used or expected to be used at any site which is not included in a previously approved construction permit application. Upon receipt of the application, the applicant shall be notified by the department of hourly fees and requirements put forth in this subdivision.

(3) Applicants who withdraw their application before the department completes its evaluation shall reimburse the department for costs incurred in the evaluation.

(4) All moneys received pursuant to this section and section 643.073 and any other moneys so designated shall be placed in the state treasury and credited to the natural resources protection fund air pollution permit fee subaccount, created in section 640.220, and shall be expended for the administration of this section and sections 643.073 and 643.078 and for no other purpose, and shall be used to supplement state general revenue and federal funds appropriated to the department. After appropriation, the moneys received pursuant to this section and in such fund subaccount shall be expended for the administration of this section and for no other purpose. Any unexpended balance in such fund subaccount at the end of any appropriation period shall not be transferred to the general revenue fund of the state treasury and shall be exempt from the provisions of section 33.080. Any interest received on such deposits shall be credited to the fund subaccount.

8. Any person who obtains a valid permit from a city or county pursuant to the authority granted in section 643.140 shall be deemed to have met the requirements of this section and shall not be liable to the department for construction permit fees imposed pursuant to subsection 7 of this section.

643.078. OPERATION WITHOUT PERMIT PROHIBITED — SINGLE PERMIT FOR MULTIPLE SOURCES — INFORMATION TO BE SUBMITTED, TIME PERIOD — VALIDATION OF PERMIT, TERMS AND CONDITIONS — TIME PERIOD — DIRECTOR SHALL ENFORCE FEDERAL STANDARDS — APPEAL — CITY OR COUNTY PERMIT GRANTED, EFFECT. — 1. It shall be unlawful for any person to operate any regulated air contaminant source after August 28, 1992, without an operating permit except as otherwise provided in sections 643.010 to 643.190.

2. At the option of the permit applicant, a single operating permit shall be issued for a facility having multiple air contaminant sources located on one or more contiguous tracts of land, excluding public roads, highways and railroads, under the control of or owned by the permit holder and operated as a single enterprise.

3. Any person who wishes to construct or modify and operate any regulated air contaminant source shall submit an application to the department for the unified review of a construction permit application under section 643.075 and an operating permit application under this section, unless the applicant requests in writing that the construction and operating permit applications be reviewed separately. The director shall complete any unified review within one hundred and eighty days of receipt of the request for a class B source. For a class A source, the unified review shall be completed within the time period established in section 502 of the federal Clean Air Act, as amended, 42 U.S.C. 7661.

4. As soon as the review process is completed for the construction and operating permits and, if the applicant complies with all applicable requirements of sections 643.010 to 643.190 and all rules adopted thereunder, the construction permit shall be issued to the applicant. The operating permit shall be retained by the department until validated.

5. Within one hundred and eighty days of commencing operations, the holder of a construction permit shall submit to the director such information as is necessary to demonstrate compliance with the provisions of sections 643.010 to 643.190 and the terms and conditions of the construction permit. The operating permit retained by the department shall be validated and forwarded to the applicant if the applicant is in compliance with the terms and conditions of the construction permit and the terms and conditions of the operating permit. The holder of a construction permit may request a waiver of the one hundred and eighty day time period and the director may grant such request by mutual agreement.

6. If the director determines that an air contaminant source does not meet the terms and conditions of the construction permit and that the operation of the source will result in emissions which exceed the limits established in the construction permit, he shall not validate the operating permit. If the source corrects the deficiency, the director shall then validate the operating permit. If the source is unable to correct the deficiency, then the director and the applicant may, by mutual agreement, add such terms and conditions to the operating permit which are deemed appropriate, so long as the emissions from the air contaminant source do not exceed the limits established in the construction permit, and the director shall validate the operating permit. The director may add terms and conditions to the operating permit which allow the source to exceed the emission limits established in the construction permit. In such a case, the director shall notify the affected public and the commission shall, upon request by any affected person, hold a public hearing upon the revised operating permit application.

7. Except as provided in subsection 8 of this section, an operating permit shall be valid for five years from the date of issuance or validation, whichever is later, unless otherwise revoked or terminated pursuant to sections 643.010 to 643.190.

8. An applicant for a construction permit for an air contaminant source with valid operating permit may request that the air contaminant source be issued a new five-year operating permit. The operating permit would be issued in the manner and under the conditions provided in sections 643.010 to 643.190 and would supersede any existing operating permit for the source.

9. The director shall take action within thirty days after a request for validation of the operating permit and shall render a decision within one hundred twenty days of receipt of a request for issuance of an operating permit for a class B source. The director shall render a decision within the time period established in section 502 of the federal Clean Air Act, as amended, 42 U.S.C. 7661, for a class A source. Any affected person may appeal any permit decision, including failure to render a decision within the time period established in this section, to the **administrative hearing** commission **as provided by subsection 16 of this section, section 621.250, and section 640.013**.

10. The director may suspend, revoke or modify an operating permit for cause.

11. The director shall not approve an operating permit if he receives an objection to approval of the permit from the United States Environmental Protection Agency within the time period specified under Title V of the Clean Air Act, as amended, 42 U.S.C. 7661, et seq.

12. The director shall enforce all applicable federal rules, standards and requirements issued under the federal Clean Air Act, as amended, 42 U.S.C. 7661, et seq., and shall incorporate such applicable standards and any limitations established pursuant to Title III into operating permits as required under Title V of the federal Clean Air Act, as amended, 42 U.S.C. 7661, et seq.

13. Applicable standards promulgated by the commission by rule shall be incorporated by the director into the operating permit of any air contaminant source which has, on the effective date of the rule, at least three years remaining before renewal of its operating permit. If less than three years remain before renewal of the source's operating permit, such applicable standards shall be incorporated into the permit unless the permit contains a shield from such new requirements consistent with Title V of the federal Clean Air Act, as amended, 42 U.S.C. 7661, et seq.

14. The holder of a valid operating permit shall have operational flexibility to make changes to any air contaminant source, if the changes will not result in air contaminant emissions in excess of those established in the operating permit or result in the emissions of any air contaminant not previously emitted without obtaining a modification of the operating permit provided such changes are consistent with Section 502(b)(10) of the federal Clean Air Act, as amended, 42 U.S.C. 7661.

15. An air contaminant source with a valid operating permit which submits a complete application for a permit renewal at least six months prior to the expiration of the permit shall be deemed to have a valid operating permit until the director acts upon its permit application. The director shall promptly notify the applicant in writing of his action on the application and if the operating permit is not issued state the reasons therefor.

16. The applicant may appeal to the **administrative hearing** commission if **[**an**] a construction, modification, or** operating permit is not issued**, or renewed by the department,** or may appeal any condition, suspension, modification or revocation of any permit by filing **[**notice of appeal**] a petition** with the **administrative hearing** commission within thirty days of the notice of the director's response to the request for issuance of the **construction, modification, or** operating permit **as provided by sections 621.250 and 640.013. Once the administrative hearing commission has reviewed the appeal, the administrative hearing commission shall issue a recommended decision to the commission on the issuance, renewal, denial, suspension, modification, revocation, or any condition of the permit. The commission shall issue its own decision, based on the appeal, for the issuance, renewal, denial, suspension, modification, revocation, or any condition of the permit. If the commission changes a finding of fact or conclusion of law made by the administrative hearing commission, or modifies or vacates the decision recommended by the administrative hearing commission, it shall issue its own decision, which shall include findings of fact and conclusions of law. The commission shall mail copies of its final decision to the parties to the appeal or their counsel of record. The commission's decision shall be subject to judicial review pursuant to chapter 536, except that the court of appeals district with territorial jurisdiction coextensive with the county where the air contaminant source is located or is to be located shall have original jurisdiction. No judicial review shall be available until and unless all administrative remedies are exhausted**.

17. Any person who obtains a valid operating permit from a city or county pursuant to the authority granted in section 643.140 shall be deemed to have met the requirements of this section.

643.650. SULFUR DIOXIDE, AMBIENT AIR QUALITY MONITORING OR MODELING NETWORK. — **1. Any owner of a coal-fired electric generating source in a National Ambient Air Quality Standards nonattainment area currently designated as of April 1,**

2015, shall develop an ambient air quality monitoring or modeling network to characterize the sulfur dioxide air quality surrounding the electric generating source. The network shall adequately monitor the ambient air quality for sulfur dioxide surrounding the entire electric generating source and shall operate for not less than twelve consecutive quarters. The owner of such electric generating source shall notify the department of the manner in which it intends to characterize by either modeling or monitoring the air quality around such source. The location of any monitoring network installed by the owner of such electric generating source within a one-hour sulfur dioxide National Ambient Air Quality Standards nonattainment area shall be approved by the department.

2. Affected sources located in undesignated areas that elect to use monitoring to evaluate ambient air quality shall be consulted by the department on the use of existing monitors as well as the location of any new monitors intended to comprise the sulfur dioxide monitoring network. The department shall not submit its recommendation to the Environmental Protection Agency on the manner in which data will be gathered for the designation process that is inconsistent with the elections made by affected sources under this section. Where affected sources have elected to monitor under this section, the department shall submit recommendations for the designation process by the date set by a final, effective, and applicable Environmental Protection Agency requirement relating to state attainment designations and not prior.

3. The department shall consider all ambient air quality monitoring network data collected under subsection 1 of this section and under any agreement authorized under this subsection prior to proposing to the commission any sulfur dioxide limitation, emission reduction requirement, or other requirement for purposes of the one-hour sulfur dioxide National Ambient Air Quality Standard for any electric generating source that has elected to install a monitoring network under this section, except:

(1) The department may propose to the commission any sulfur dioxide limitations or emission reduction requirements specifically agreed to in any voluntary agreement entered into between the department and any owner of an electric generating source that has elected to install a monitoring network under this section; and

(2) The department may propose to the commission any adjustments to the sulfur dioxide limitations or emission reduction requirements applicable to any electric generating source located in a sulfur dioxide nonattainment area and subject to an agreement under subdivision (1) of this subsection, as justified by an ambient air quality analysis relying on no fewer than two quarters of monitored data collected through the monitoring network allowable under subsection 1 of this section and consistent with such agreement.

4. Nothing in this section shall prohibit the department from entering into an agreement with an owner of an electric generating source to limit or reduce sulfur dioxide emissions at such affected source that is below the source's permitted sulfur dioxide emission rate.

644.011. STATEMENT OF POLICY. — Whereas the pollution of the waters of this state constitutes a menace to public health and welfare, creates a public nuisance, is harmful to wildlife, fish and aquatic life and impairs domestic, agricultural, industrial, recreational and other legitimate uses of water, and whereas the problem of water pollution in this state is closely related to the problem of water pollution in adjoining states, and whereas this state must possess the authority required of states in the Federal Water Pollution Control Act as amended if it is to retain control of its water pollution control programs, it is hereby declared to be the public policy of this state to conserve the waters of the state and to protect, maintain, and improve the quality thereof for public water supplies and for domestic, agricultural, industrial, recreational and other legitimate beneficial uses and for the propagation of wildlife, fish and aquatic life; to provide that no waste be discharged into any waters of the state without first receiving the necessary treatment

or other corrective action to protect the legitimate beneficial uses of such waters and meet the requirements of the Federal Water Pollution Control Act as amended; to provide for the prevention, abatement and control of new or existing water pollution; and to cooperate with other agencies of the state, agencies of other states, the federal government and any other persons in carrying out these objectives. **It is also the policy of this state to strive to meet these objectives while maintaining maximum employment and full industrial development of the state. The commission shall seek the accomplishment of these objectives through the prevention, abatement, and control of water pollution by all practical and economically feasible methods.**

644.016. DEFINITIONS. — When used in sections 644.006 to 644.141 and in standards, rules and regulations promulgated pursuant to sections 644.006 to 644.141, the following words and phrases mean:

(1) "Aquaculture facility", a hatchery, fish farm, or other facility used for the production of aquatic animals that is required to have a permit pursuant to the federal Clean Water Act, as amended, 33 U.S.C. 1251, et seq.;

(2) "Commission", the clean water commission of the state of Missouri created in section 644.021;

(3) "Conference, conciliation and persuasion", a process of verbal or written communications consisting of meetings, reports, correspondence or telephone conferences between authorized representatives of the department and the alleged violator. The process shall, at a minimum, consist of one offer to meet with the alleged violator tendered by the department. During any such meeting, the department and the alleged violator shall negotiate in good faith to eliminate the alleged violation and shall attempt to agree upon a plan to achieve compliance;

(4) "Department", the department of natural resources;

(5) "Director", the director of the department of natural resources;

(6) "Discharge", the causing or permitting of one or more water contaminants to enter the waters of the state;

(7) "Effluent control regulations", limitations on the discharge of water contaminants;

(8) "General permit", a permit written with a standard group of conditions and with applicability intended for a designated category of water contaminant sources that have the same or similar operations, discharges and geographical locations, and that require the same or similar monitoring, and that would be more appropriately controlled pursuant to a general permit rather than pursuant to a site-specific permit;

(9) "General permit template", a draft general permit that is being developed through a public participation process;

(10) "Human sewage", human excreta and wastewater, including bath and toilet waste, residential laundry waste, residential kitchen waste, and other similar waste from household or establishment appurtenances;

(11) "Income" includes retirement benefits, consultant fees, and stock dividends;

(12) "Minor violation", a violation which possesses a small potential to harm the environment or human health or cause pollution, was not knowingly committed, and is not defined by the United States Environmental Protection Agency as other than minor;

(13) "Permit by rule", a permit granted by rule, not by a paper certificate, and conditioned by the permit holder's compliance with commission rules;

(14) "Permit holders or applicants for a permit" shall not include officials or employees who work full time for any department or agency of the state of Missouri;

(15) "Person", any individual, partnership, copartnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision, or any agency, board, department, or bureau of the state or federal government, or any other legal entity whatever which is recognized by law as the subject of rights and duties;

(16) "Point source", any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. Point source does not include agricultural storm water discharges and return flows from irrigated agriculture;

(17) "Pollution", such contamination or other alteration of the physical, chemical or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is reasonably certain to create a nuisance or render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, industrial, agricultural, recreational, or other legitimate beneficial uses, or to wild animals, birds, fish or other aquatic life;

(18) "Pretreatment regulations", limitations on the introduction of pollutants or water contaminants into publicly owned treatment works or facilities which the commission determines are not susceptible to treatment by such works or facilities or which would interfere with their operation, except that wastes as determined compatible for treatment pursuant to any federal water pollution control act or guidelines shall be limited or treated pursuant to this chapter only as required by such act or guidelines;

(19) "Residential housing development", any land which is divided or proposed to be divided into three or more lots, whether contiguous or not, for the purpose of sale or lease as part of a common promotional plan for residential housing;

(20) "Sewer system", pipelines or conduits, pumping stations, and force mains, and all other structures, devices, appurtenances and facilities used for collecting or conducting wastes to an ultimate point for treatment or handling;

(21) "Significant portion of his or her income" shall mean ten percent of gross personal income for a calendar year, except that it shall mean fifty percent of gross personal income for a calendar year if the recipient is over sixty years of age, and is receiving such portion pursuant to retirement, pension, or similar arrangement;

(22) "Site-specific permit", a permit written for discharges emitted from a single water contaminant source and containing specific conditions, monitoring requirements and effluent limits to control such discharges;

(23) "Treatment facilities", any method, process, or equipment which removes, reduces, or renders less obnoxious water contaminants released from any source;

(24) "Water contaminant", any particulate matter or solid matter or liquid or any gas or vapor or any combination thereof, or any temperature change which is in or enters any waters of the state either directly or indirectly by surface runoff, by sewer, by subsurface seepage or otherwise, which causes or would cause pollution upon entering waters of the state, or which violates or exceeds any of the standards, regulations or limitations set forth in sections 644.006 to 644.141 or any federal water pollution control act, or is included in the definition of pollutant in such federal act;

(25) "Water contaminant source", the point or points of discharge from a single tract of property on which is located any installation, operation or condition which includes any point source defined in sections 644.006 to 644.141 and nonpoint source pursuant to any federal water pollution control act, which causes or permits a water contaminant therefrom to enter waters of the state either directly or indirectly;

(26) "Water quality standards", specified concentrations and durations of water contaminants which reflect the relationship of the intensity and composition of water contaminants to potential undesirable effects;

(27) "Waters of the state", **all waters within the jurisdiction of this state, including** all rivers, streams, lakes and other bodies of surface and subsurface water lying within or forming a part of the boundaries of the state which are not entirely confined and located completely upon lands owned, leased or otherwise controlled by a single person or by two or more persons jointly or as tenants in common **[**and includes waters of the United States lying within the state**]**.

644.051. PROHIBITED ACTS — PERMITS REQUIRED, WHEN, FEE — BOND REQUIRED OF PERMIT HOLDERS, WHEN — PERMIT APPLICATION PROCEDURES — RULEMAKING — LIMITATION ON USE OF PERMIT FEE MONEYS — PERMIT SHIELD PROVISIONS. — 1. It is unlawful for any person:

(1) To cause pollution of any waters of the state or to place or cause or permit to be placed any water contaminant in a location where it is reasonably certain to cause pollution of any waters of the state;

(2) To discharge any water contaminants into any waters of the state which reduce the quality of such waters below the water quality standards established by the commission;

(3) To violate any pretreatment and toxic material control regulations, or to discharge any water contaminants into any waters of the state which exceed effluent regulations or permit provisions as established by the commission or required by any federal water pollution control act;

(4) To discharge any radiological, chemical, or biological warfare agent or high-level radioactive waste into the waters of the state.

2. It shall be unlawful for any person to operate, use or maintain any water contaminant or point source in this state that is subject to standards, rules or regulations promulgated pursuant to the provisions of sections 644.006 to 644.141 unless such person holds an operating permit from the commission, subject to such exceptions as the commission may prescribe by rule or regulation. However, no operating permit shall be required of any person for any emission into publicly owned treatment facilities or into publicly owned sewer systems tributary to publicly owned treatment works.

3. It shall be unlawful for any person to construct, build, replace or make major modification to any point source or collection system that is principally designed to convey or discharge human sewage to waters of the state, unless such person obtains a construction permit from the commission, except as provided in this section. The following activities shall be excluded from construction permit requirements:

(1) Facilities greater than one million gallons per day that are authorized through a local supervised program, and are not receiving any department financial assistance;

(2) All sewer extensions or collection projects that are one thousand feet in length or less with fewer than two lift stations;

(3) All sewer collection projects that are authorized through a local supervised program; and

(4) Any other exclusions the commission may promulgate by rule.

A construction permit may be required by the department in the following circumstances:

(a) Substantial deviation from the commission's design standards;

(b) To address noncompliance;

(c) When an unauthorized discharge has occurred or has the potential to occur; or

(d) To correct a violation of water quality standards.

In addition, any point source that proposes to construct an earthen storage structure to hold, convey, contain, store or treat domestic, agricultural, or industrial process wastewater also shall be subject to the construction permit provisions of this subsection. All other construction-related activities at point sources shall be exempt from the construction permit requirements. All activities that are exempted from the construction permit requirement are subject to the following conditions:

a. Any point source system designed to hold, convey, contain, store or treat domestic, agricultural or industrial process wastewater shall be designed by a professional engineer registered in Missouri in accordance with the commission's design rules;

b. Such point source system shall be constructed in accordance with the registered professional engineer's design and plans; and

c. Such point source system may receive a post-construction site inspection by the department prior to receiving operating permit approval. A site inspection may be performed by the department, upon receipt of a complete operating permit application or submission of an engineer's statement of work complete.

A governmental unit may apply to the department for authorization to operate a local supervised program, and the department may authorize such a program. A local supervised program would recognize the governmental unit's engineering capacity and ability to conduct engineering work, supervise construction and maintain compliance with relevant operating permit requirements.

4. Before issuing any permit required by this section, the director shall issue such notices, conduct such hearings, and consider such factors, comments and recommendations as required by sections 644.006 to 644.141 or any federal water pollution control act. The director shall determine if any state or any provisions of any federal water pollution control act the state is required to enforce, any state or federal effluent limitations or regulations, water quality-related effluent limitations, national standards of performance, toxic and pretreatment standards, or water quality standards which apply to the source, or any such standards in the vicinity of the source, are being exceeded, and shall determine the impact on such water quality standards from the source. The director, in order to effectuate the purposes of sections 644.006 to 644.141, shall deny a permit if the source will violate any such acts, regulations, limitations or standards or will appreciably affect the water quality standards or the water quality standards are being substantially exceeded, unless the permit is issued with such conditions as to make the source comply with such requirements within an acceptable time schedule.

5. The director shall grant or deny the permit within sixty days after all requirements of the Federal Water Pollution Control Act concerning issuance of permits have been satisfied unless the application does not require any permit pursuant to any federal water pollution control act. The director or the commission may require the applicant to provide and maintain such facilities or to conduct such tests and monitor effluents as necessary to determine the nature, extent, quantity or degree of water contaminant discharged or released from the source, establish and maintain records and make reports regarding such determination.

6. The director shall promptly notify the applicant in writing of his or her action and if the permit is denied state the reasons **[**therefor**]** **for such denial**. **As provided by sections 621.250 and 640.013,** the applicant may appeal to the **administrative hearing** commission from the denial of a permit or from any condition in any permit by filing **[**notice of appeal**]** **a petition** with the **administrative hearing** commission within thirty days of the notice of denial or issuance of the permit. After a final action is taken on a new or reissued general permit, a potential applicant for the general permit who can demonstrate that he or she is or may be adversely affected by any permit term or condition may appeal the terms and conditions of the general permit within thirty days of the department's issuance of the general permit. In no event shall a permit constitute permission to violate the law or any standard, rule or regulation promulgated pursuant thereto. **Once the administrative hearing commission has reviewed the appeal, the administrative hearing commission shall issue a recommended decision to the commission on permit issuance, denial, or any condition of the permit. The commission shall issue its own decision, based on the appeal, for permit issuance, denial, or any condition of the permit. If the commission changes a finding of fact or conclusion of law made by the administrative hearing commission, or modifies or vacates the decision recommended by the administrative hearing commission, it shall issue its own decision, which shall include findings of fact and conclusions of law. The commission shall mail copies of its final decision to the parties to the appeal or their counsel of record. The commission's decision shall be subject to judicial review pursuant to chapter 536, except that the court of appeals district with territorial jurisdiction coextensive with the county where the point source is to be located, shall have original jurisdiction. No judicial review shall be available until and unless all administrative remedies are exhausted.**

7. In any hearing held pursuant to this section that involves a permit, license, or registration, the burden of proof is on the party specified in section 640.012. Any decision of the commission made pursuant to a hearing held pursuant to this section is subject to judicial review as provided in section 644.071.

8. In any event, no permit issued pursuant to this section shall be issued if properly objected to by the federal government or any agency authorized to object pursuant to any federal water pollution control act unless the application does not require any permit pursuant to any federal water pollution control act.

9. Permits may be modified, reissued, or terminated at the request of the permittee. All requests shall be in writing and shall contain facts or reasons supporting the request.

10. No manufacturing or processing plant or operating location shall be required to pay more than one operating fee. Operating permits shall be issued for a period not to exceed five years after date of issuance, except that general permits shall be issued for a five-year period, and also except that neither a construction nor an annual permit shall be required for a single residence's waste treatment facilities. Applications for renewal of a site-specific operating permit shall be filed at least one hundred eighty days prior to the expiration of the existing permit. Applications seeking to renew coverage under a general permit shall be submitted at least thirty days prior to the expiration of the general permit, unless the permittee has been notified by the director that an earlier application must be made. General permits may be applied for and issued electronically once made available by the director.

11. Every permit issued to municipal or any publicly owned treatment works or facility shall require the permittee to provide the clean water commission with adequate notice of any substantial new introductions of water contaminants or pollutants into such works or facility from any source for which such notice is required by sections 644.006 to 644.141 or any federal water pollution control act. Such permit shall also require the permittee to notify the clean water commission of any substantial change in volume or character of water contaminants or pollutants being introduced into its treatment works or facility by a source which was introducing water contaminants or pollutants into its works at the time of issuance of the permit. Notice must describe the quality and quantity of effluent being introduced or to be introduced into such works or facility by a source which was introducing water contaminants or pollutants into its works at the time of issuance of the permit. Notice must describe the quality and quantity of effluent being introduced or to be introduced into such works or facility and the anticipated impact of such introduction on the quality or quantity of effluent to be released from such works or facility into waters of the state.

12. The director or the commission may require the filing or posting of a bond as a condition for the issuance of permits for construction of temporary or future water treatment facilities or facilities that utilize innovative technology for wastewater treatment in an amount determined by the commission to be sufficient to ensure compliance with all provisions of sections 644.006 to 644.141, and any rules or regulations of the commission and any condition as to such construction in the permit. For the purposes of this section, "innovative technology for wastewater treatment" shall mean a completely new and generally unproven technology in the type or method of its application that bench testing or theory suggest has environmental, efficiency, and cost benefits beyond the standard technologies. No bond shall be required for designs approved by any federal agency or environmental regulatory agency of another state. The bond shall be signed by the applicant as principal, and by a corporate surety licensed to do business in the state of Missouri and approved by the commission. The bond shall remain in effect until the terms and conditions of the permit are met and the provisions of sections 644.006 to 644.141 and rules and regulations promulgated pursuant thereto are complied with.

13. (1) The department shall issue or deny applications for construction and site-specific operating permits received after January 1, 2001, within one hundred eighty days of the department's receipt of an application. For general construction and operating permit applications received after January 1, 2001, that do not require a public participation process, the department

shall issue or deny the permits within sixty days of the department's receipt of an application. For an application seeking coverage under a renewed general permit that does not require an individual public participation process, the director shall issue or deny the permit within sixty days of the director's receipt of the application, or upon issuance of the general permit, whichever is later. In regard to an application seeking coverage under an initial general permit that does not require an individual public participation process, the director shall issue or deny the permit within sixty days of the department's receipt of the application. For an application seeking coverage under a renewed general permit that requires an individual public participation process, the director shall issue or deny the permit within ninety days of the director's receipt of the application, or upon issuance of the general permit, whichever is later. In regard to an application for an initial general permit that requires an individual public participation process, the director shall issue or deny the permit within ninety days of the director's receipt of the application.

(2) If the department fails to issue or deny with good cause a construction or operating permit application within the time frames established in subdivision (1) of this subsection, the department shall refund the full amount of the initial application fee within forty-five days of failure to meet the established time frame. If the department fails to refund the application fee within forty-five days, the refund amount shall accrue interest at a rate established pursuant to section 32.065.

(3) Permit fee disputes may be appealed to the commission within thirty days of the date established in subdivision (2) of this subsection. If the applicant prevails in a permit fee dispute appealed to the commission, the commission may order the director to refund the applicant's permit fee plus interest and reasonable attorney's fees as provided in sections 536.085 and 536.087. A refund of the initial application or annual fee does not waive the applicant's responsibility to pay any annual fees due each year following issuance of a permit.

(4) No later than December 31, 2001, the commission shall promulgate regulations defining shorter review time periods than the time frames established in subdivision (1) of this subsection, when appropriate, for different classes of construction and operating permits. In no case shall commission regulations adopt permit review times that exceed the time frames established in subdivision (1) of this subsection. The department's failure to comply with the commission's permit review time periods shall result in a refund of said permit fees as set forth in subdivision (2) of this subsection. On a semiannual basis, the department shall submit to the commission a report which describes the different classes of permits and reports on the number of days it took the department to issue each permit from the date of receipt of the application and show averages for each different class of permits.

(5) During the department's technical review of the application, the department may request the applicant submit supplemental or additional information necessary for adequate permit review. The department's technical review letter shall contain a sufficient description of the type of additional information needed to comply with the application requirements.

(6) Nothing in this subsection shall be interpreted to mean that inaction on a permit application shall be grounds to violate any provisions of sections 644.006 to 644.141 or any rules promulgated pursuant to sections 644.006 to 644.141.

14. The department shall respond to all requests for individual certification under Section 401 of the Federal Clean Water Act within the lesser of sixty days or the allowed response period established pursuant to applicable federal regulations without request for an extension period unless such extension is determined by the commission to be necessary to evaluate significant impacts on water quality standards and the commission establishes a timetable for completion of such evaluation in a period of no more than one hundred eighty days.

15. All permit fees generated pursuant to this chapter shall not be used for the development or expansion of total maximum daily loads studies on either the Missouri or Mississippi rivers.

16. The department shall implement permit shield provisions equivalent to the permit shield provisions implemented by the U.S. Environmental Protection Agency pursuant to the Clean

Water Act, Section 402(k), 33 U.S.C. Section 1342(k), and its implementing regulations, for permits issued pursuant to chapter 644.

17. Prior to the development of a new general permit or reissuance of a general permit for aquaculture, land disturbance requiring a storm water permit, or reissuance of a general permit under which fifty or more permits were issued under a general permit during the immediately preceding five-year period for a designated category of water contaminant sources, the director shall implement a public participation process complying with the following minimum requirements:

(1) For a new general permit or reissuance of a general permit, a general permit template shall be developed for which comments shall be sought from permittees and other interested persons prior to issuance of the general permit;

(2) The director shall publish notice of his intent to issue a new general permit or reissue a general permit by posting notice on the department's website at least one hundred eighty days before the proposed effective date of the general permit;

(3) The director shall hold a public informational meeting to provide information on anticipated permit conditions and requirements and to receive informal comments from permittees and other interested persons. The director shall include notice of the public informational meeting with the notice of intent to issue a new general permit or reissue a general permit under subdivision (2) of this subsection. The notice of the public informational meeting, including the date, time and location, shall be posted on the department's website at least thirty days in advance of the public meeting. If the meeting is being held for reissuance of a general permit, notice shall also be made by electronic mail to all permittees holding the current general permit which is expiring. Notice to current permittees shall be made at least twenty days prior to the public meeting;

(4) The director shall hold a thirty-day public comment period to receive comments on the general permit template with the thirty-day comment period expiring at least sixty days prior to the effective date of the general permit. Scanned copies of the comments received during the public comment period shall be posted on the department's website within five business days after close of the public comment period;

(5) A revised draft of a general permit template and the director's response to comments submitted during the public comment period shall be posted on the department's website at least forty-five days prior to issuance of the general permit. At least forty-five days prior to issuance of the general permit the department shall notify all persons who submitted comments to the department that these documents have been posted to the department's website;

(6) Upon issuance of a new or renewed general permit, the general permit shall be posted to the department's website.

18. Notices required to be made by the department pursuant to subsection 17 of this section may be made by electronic mail. The department shall not be required to make notice to any permittee or other person who has not provided a current electronic mail address to the department. In the event the department chooses to make material modifications to the general permit before its expiration, the department shall follow the public participation process described in subsection 17 of this section.

19. The provisions of subsection 17 of this section shall become effective beginning January 1, 2013.

644.056. INVESTIGATIONS, WHEN — MISREPRESENTATION OR FAILURE TO DISCLOSE A VIOLATION, WHEN — ABATEMENT ORDERS, WHEN — PERMITS TERMINATED, WHEN — HEARINGS — APPEALS. — 1. The director shall cause investigations to be made upon the request of the commission or upon receipt of information concerning alleged violations of sections 644.006 to 644.141 or any standard, limitation, order, rule or regulation promulgated pursuant thereto, or any term or condition of any permit and may cause to be made any other

investigations he or she deems advisable. Violations shall include obtaining a permit by misrepresentation or failure to fully disclose all relevant facts.

2. If, in the opinion of the director, the investigation discloses that a violation does exist, the director may, by conference, conciliation or persuasion, endeavor to eliminate the violation.

3. In case of the failure by conference, conciliation or persuasion to correct or remedy any claimed violation, or as required to immediately and effectively halt or eliminate any imminent or substantial endangerments to the health or welfare of persons resulting from the discharge of pollutants, the director [shall] **may** order abatement [or file an abatement complaint with the commission if no permit has been issued, or in addition may file a complaint to revoke a permit if such permit has been issued] **or request legal action by the attorney general**. When the director files a complaint, the commission shall order a hearing. The director shall cause to have issued and served upon the person complained against a written notice of the order or complaint, together with a copy of the order or complaint, which shall specify the provision of sections 644.006 to 644.141 or the standard, rule, limitation, or regulation adopted pursuant thereto, or the condition of the permit of which the person is alleged to be in violation, and a statement of the manner in which and the extent to which the person is alleged to violate sections 644.006 to 644.141 or the standard, rule, limitation, or regulation, or condition of the permit. In any case involving a complaint, the commission shall require the person complained against to answer the charges of the formal complaint at a hearing before the commission at a time not less than thirty days after the date of notice. Service may be made upon any person within or without the state by registered mail, return receipt requested. Any person against whom the director issues an order may appeal the order to the commission within thirty days and the appeal shall stay the enforcement of the order until final determination by the commission. The commission shall set appeals for a hearing at a time not less than thirty days after the date of the request. The commission may sustain, reverse, or modify the director's order or may make such other orders as the commission deems appropriate under the circumstances. If any order issued by the director is not appealed within the time provided in this section, the order becomes final and may be enforced as provided in section 644.076. **When the commission schedules a matter for hearing, the petitioner on appeal or the respondent to a formal complaint may appear at the hearing in person or by counsel, and may make oral argument, offer testimony and evidence, and cross-examine witnesses. After due consideration of the record, or upon default in appearance of the respondent on the return day specified in the notice given as provided in this subsection, the commission shall issue and enter such final order, or make such final determination as it deems appropriate under the circumstances, and it shall immediately notify the petitioner or respondent thereof in writing by certified or registered mail.**

4. Permits may be **revoked,** terminated**,** or modified if obtained in violation of sections 644.006 to 644.141 or by misrepresentation or failing to fully disclose all relevant facts, or when required to prevent violations of any provision of sections 644.006 to 644.141, or to protect the waters of this state, when such action is required by a change in conditions or the existence of a condition which requires either a temporary or permanent reduction or elimination of the authorized discharge, subject to the right of appeal contained in [this section] **sections 621.250 and 640.013**.

5. [When the commission schedules a matter for hearing, the petitioner on appeal or the respondent to a formal complaint may appear at the hearing in person or by counsel, and may make oral argument, offer testimony and evidence, and cross-examine witnesses.

6. After due consideration of the record, or upon default in appearance of the respondent on the return day specified in the notice given as provided in subsection 3, the commission shall issue and enter such final order, or make such final determination as it deems appropriate under the circumstances, and it shall immediately notify the petitioner or respondent thereof in writing by certified or registered mail.] **Whenever a permit under this chapter is revoked, terminated, or modified by the department of natural resources, the applicant, by petition**

filed with the administrative hearing commission within thirty days of the decision, may appeal such decision as provided by sections 621.250 and 640.013. Once the administrative hearing commission has reviewed the appeal, the administrative hearing commission shall issue a recommended decision to the commission on permit revocation, termination, or modification. The commission shall issue its own decision, based on the appeal, for permit revocation, termination, or modification. If the commission changes a finding of fact or conclusion of law made by the administrative hearing commission, or modifies or vacates the decision recommended by the administrative hearing commission, it shall issue its own decision, which shall include findings of fact and conclusions of law. The commission shall mail copies of its final decision to the parties to the appeal or their counsel of record. The commission's decision shall be subject to judicial review pursuant to chapter 536, except that the court of appeals district with territorial jurisdiction coextensive with the county where the point source is located or is to be located shall have original jurisdiction. No judicial review shall be available until and unless all administrative remedies are exhausted.

644.145. AFFORDABILITY FINDING REQUIRED, WHEN — DEFINITIONS — PROCEDURES TO BE ADOPTED — APPEAL OF DETERMINATION — ANNUAL REPORT, CONTENTS. — 1. When issuing permits under this chapter that incorporate a new requirement for discharges from publicly owned combined or separate sanitary or storm sewer systems or **water or sewer** treatment works, or when enforcing provisions of this chapter or the Federal Water Pollution Control Act, 33 U.S.C. Section 1251, et seq., pertaining to any portion of a publicly owned combined or separate sanitary or storm sewer system or **water or sewer** treatment works, the department of natural resources shall make a finding of affordability on the costs to be incurred and the impact of any rate changes on ratepayers upon which to base such permits and decisions, to the extent allowable under this chapter and the Federal Water Pollution Control Act.

2. (1) The department of natural resources shall not be required under this section to make a finding of affordability when:

(a) Issuing collection system extension permits;

(b) Issuing National Pollution Discharge Elimination System operating permit renewals which include no new environmental requirements; or

(c) The permit applicant certifies that the applicable requirements are affordable to implement or otherwise waives the requirement for an affordability finding; however, at no time shall the department require that any applicant certify, as a condition to approving any permit, administrative or civil action, that a requirement, condition, or penalty is affordable.

(2) The exceptions provided under paragraph (c) of subdivision (1) of this subsection do not apply when the community being served has less than three thousand three hundred residents.

3. When used in this chapter and in standards, rules and regulations promulgated pursuant to this chapter, the following words and phrases mean:

(1) "Affordability", with respect to payment of a utility bill, a measure of whether an individual customer or household with an income equal to [the] **or** lower [of] **than** the median household income for their community [or the state of Missouri] can pay the bill without undue hardship or unreasonable sacrifice in the essential lifestyle or spending patterns of the individual or household, taking into consideration the criteria described in subsection 4 of this section;

(2) "Financial capability", the financial capability of a community to make investments necessary to make water quality-related improvements;

(3) "Finding of affordability", a department statement as to whether an individual or a household receiving as income an amount equal to [the] **or** lower [of] **than** the median household income for the applicant community [or the state of Missouri] would be required to make unreasonable sacrifices in [their] **the individual's or the household's** essential lifestyle or spending patterns or undergo hardships in order to make the projected monthly payments for

sewer services. The department shall make a statement that the proposed changes meet the definition of affordable, or fail to meet the definition of affordable, or are implemented as a federal mandate regardless of affordability.

4. The department of natural resources shall adopt procedures by which it will make affordability findings that evaluate the affordability of permit requirements and enforcement actions described in subsection 1 of this section, and may begin implementing such procedures prior to promulgating implementing regulations. The commission shall have the authority to promulgate rules to implement this section pursuant to chapters 536 and 644, and shall promulgate such rules as soon as practicable. Affordability findings shall be based upon reasonably verifiable data and shall include an assessment of affordability with respect to persons or entities affected. The department shall offer the permittee an opportunity to review a draft affordability finding, and the permittee may suggest changes and provide additional supporting information, subject to subsection 6 of this section. The finding shall be based upon the following criteria:

(1) A community's financial capability and ability to raise or secure necessary funding;

(2) Affordability of pollution control options for the individuals or households at or below the median household income level of the community;

(3) An evaluation of the overall costs and environmental benefits of the control technologies;

(4) Inclusion of ongoing costs of operating and maintaining the existing wastewater collection and treatment system, including payments on outstanding debts for wastewater collection and treatment systems when calculating projected rates;

(5) An inclusion of ways to reduce economic impacts on distressed populations in the community, including but not limited to low- and fixed-income populations. This requirement includes but is not limited to:

(a) Allowing adequate time in implementation schedules to mitigate potential adverse impacts on distressed populations resulting from the costs of the improvements and taking into consideration local community economic considerations; and

(b) Allowing for reasonable accommodations for regulated entities when inflexible standards and fines would impose a disproportionate financial hardship in light of the environmental benefits to be gained;

(6) An assessment of other community investments and operating costs relating to environmental improvements and public health protection;

(7) An assessment of factors set forth in the United States Environmental Protection Agency's guidance, including but not limited to the "Combined Sewer Overflow Guidance for Financial Capability Assessment and Schedule Development" that may ease the cost burdens of implementing wet weather control plans, including but not limited to small system considerations, the attainability of water quality standards, and the development of wet weather standards; and

(8) An assessment of any other relevant local community economic condition.

5. Prescriptive formulas and measures used in determining financial capability, affordability, and thresholds for expenditure, such as median household income, should not be considered to be the only indicator of a community's ability to implement control technology and shall be viewed in the context of other economic conditions rather than as a threshold to be achieved.

6. Reasonable time spent preparing draft affordability findings, allowing permittees to review draft affordability findings or draft permits, or revising draft affordability findings, shall be allowed in addition to the department's deadlines for making permitting decisions pursuant to section 644.051.

7. If the department of natural resources fails to make a finding of affordability where required by this section, then the resulting permit or decision shall be null, void and unenforceable.

8. The department of natural resources' findings under this section may be appealed to the commission pursuant to subsection 6 of section 644.051.

9. The department shall file an annual report by the beginning of the fiscal year with the governor, the speaker of the house of representatives, the president pro tempore of the senate, and the chairs of the committees in both houses having primary jurisdiction over natural resource issues showing at least the following information on the findings of affordability completed in the previous calendar year:

(1) The total number of findings of affordability issued by the department, those categorized as affordable, those categorized as not meeting the definition of affordable, and those implemented as a federal mandate regardless of affordability;

(2) The average increase in sewer rates both in dollars and percentage for all findings found to be affordable;

(3) The average increase in sewer rates as a percentage of median house income in the communities for those findings determined to be affordable and a separate calculation of average increases in sewer rates for those found not to meet the definition of affordable;

(4) A list of all the permit holders receiving findings, and for each permittee the following data taken from the finding of affordability shall be listed:

(a) Current and projected monthly residential sewer rates in dollars;

(b) Projected monthly residential sewer rates as a percentage of median **[**house**]** **household** income;

(c) Percentage of households at or below the state poverty rate.

Approved July 14, 2015

HB 111 [HB 111]

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

Changes the laws regarding sales tax on used manufactured homes

AN ACT to repeal section 144.044, RSMo, and to enact in lieu thereof one new section relating to sales tax on manufactured homes.

SECTION

A. Enacting clause.
144.044. New manufactured homes and modular units — partial sales tax exemption — sale of used manufactured home, exemption.

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

SECTION A. ENACTING CLAUSE. — Section 144.044, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 144.044, to read as follows:

144.044. NEW MANUFACTURED HOMES AND MODULAR UNITS — PARTIAL SALES TAX EXEMPTION — SALE OF USED MANUFACTURED HOME, EXEMPTION. — 1. As used in this section, the following terms mean:

(1) "Sale of a modular unit", a transfer of a modular unit as defined in section 700.010;

(2) "Sale of a new manufactured home", a transfer of a manufactured home, as defined in section 700.010, which involves the delivery of the document known as the manufacturer's statement of origin to a person other than a manufactured home dealer, as dealer is defined in section 700.010, for purposes of allowing such person to obtain a title to the manufactured home

from the department of revenue of this state or the appropriate agency or officer of any other state**;**

(3) "Sale of a used manufactured home", any subsequent sale of a manufactured home as defined in section 700.010, which does not qualify as "new" as defined in subdivision (9) of section 700.010.

2. In the event of the sale of a new manufactured home, forty percent of the purchase price, as defined in section 700.320, shall be considered the sale of a service and not the sale of tangible personal property. In addition to the exemptions granted under the provisions of section 144.030, the sale of services as defined in this section shall be specifically exempted from the provisions of sections 238.235 and 238.410, the local sales tax law as defined in section 32.085, sections 144.010 to 144.525 and 144.600 to **[**144.745**] 144.761**, and from the computation of the tax levied, assessed or payable under sections 238.235 and 238.410, the local sales tax law as defined in section 32.085, sections 144.010 to 144.525 and 144.600 to **[**144.745**] 144.761**, and section 238.235.

3. In the event of the sale of a new modular unit, forty percent of the retail sale of the unit or forty percent of the manufacturer's sales price of the unit if the manufacturer makes a sale to a consumer that is not a retail sale, plus any carrier charge and freight charges shall be considered the sale of a service and sixty percent shall be the retail sale of tangible personal property. In addition to the exemptions granted under the provisions of section 144.030, the sale of services as defined in this section shall be specifically exempted from the provisions of sections 238.235 and 238.410, the local sales tax law as defined in section 32.085, sections 144.010 to 144.525 and 144.600 to **[**144.745**] 144.761**, and from the computation of the tax levied, assessed, or payable under sections 238.235 and 238.410, the local sales tax law as defined in section 32.085, sections 144.010 to 144.525 and 144.600 to **[**144.745**] 144.761**, and section 238.235.

4. In addition to the exemptions granted under the provisions of section 144.030, the sale of a used manufactured home as defined in this section shall be specifically exempted from the provisions of sections 238.235 and 238.410, the local sales tax law as defined in section 32.085, sections 144.010 to 144.525 and 144.600 to 144.761, and from the computation of the tax levied, assessed, or payable under sections 238.235 and 238.410, the local sales tax law as defined in section 32.085, sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235.

Approved June 22, 2015

HB 125 [HB 125]

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

Specifies that the directors of any industrial development corporation formed by a municipality in St. Francois County may be taxpayers and registered voters in the county

AN ACT to repeal section 349.045, RSMo, and to enact in lieu thereof one new section relating to industrial development corporation directors.

SECTION
A. Enacting clause.
349.045. Board of directors, qualifications, — exceptions for industrial development corporations (second, third, fourth class counties, St. Francois County) — appointment, terms — requirements for Lewis County.

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

SECTION A. ENACTING CLAUSE. — Section 349.045, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 349.045, to read as follows:

349.045. BOARD OF DIRECTORS, QUALIFICATIONS — EXCEPTIONS FOR INDUSTRIAL DEVELOPMENT CORPORATIONS (SECOND, THIRD, FOURTH CLASS COUNTIES, ST. FRANCOIS COUNTY) — APPOINTMENT, TERMS — REQUIREMENTS FOR LEWIS COUNTY. — 1. Except as provided in subsection 2 of this section, the corporation shall have a board of directors in which all the powers of the corporation shall be vested and which shall consist of any number of directors, not less than five, all of whom shall be duly qualified electors of and taxpayers in the county or municipality; except that, for any industrial development corporation formed by any municipality located wholly within any county of the second, third, or fourth classification **or any county of the first classification with more than sixty-five thousand but fewer than seventy-five thousand inhabitants**, directors may be qualified taxpayers in and registered voters of such county. The directors shall serve as such without compensation except that they shall be reimbursed for their actual expenses incurred in and about the performance of their duties hereunder. The directors shall be resident taxpayers for at least one year immediately prior to their appointment. No director shall be an officer or employee of the county or municipality. All directors shall be appointed by the chief executive officer of the county or municipality with the advice and consent of a majority of the governing body of the county or municipality, and in all counties, other than a city not within a county and counties with a charter form of government, the appointments shall be made by the county commission and they shall be so appointed that they shall hold office for staggered terms. At the time of the appointment of the first board of directors the governing body of the municipality or county shall divide the directors into three groups containing as nearly equal whole numbers as may be possible. The first term of the directors included in the first group shall be two years, the first term of the directors included in the second group shall be four years, the first term of the directors in the third group shall be six years; provided, that if at the expiration of any term of office of any director a successor thereto shall not have been appointed, then the director whose term of office shall have expired shall continue to hold office until a successor shall be appointed by the chief executive officer of the county or municipality with the advice and consent of a majority of the governing body of the county or municipality. The successors shall be resident taxpayers for at least one year immediately prior to their appointment.

2. A corporation in a county of the third classification without a township form of government and with more than ten thousand four hundred but fewer than ten thousand five hundred inhabitants shall have a board of directors in which all the powers of the corporation shall be vested and which shall consist of a number of directors not less than the number of townships in such county. All directors shall be duly qualified electors of and taxpayers in the county. Each township within the county shall elect one director to the board. Additional directors may be elected to the board to succeed directors appointed to the board as of the effective date of this section if the number of directors on the effective date of this section exceeds the number of townships in the county. The directors shall serve as such without compensation except that they shall be reimbursed for their actual expenses incurred in the performance of their duties. The directors shall be resident taxpayers for at least one year immediately prior to their election. No director shall be an officer or employee of the county. Upon the expiration of the term of office of any director appointed to the board prior to the effective date of this section, a director shall be elected to succeed him or her; provided that if at the expiration of any term of office of any director a successor thereto shall not have been elected, then the director whose term of office shall have expired shall continue to hold office until a successor shall be elected. The successors shall be resident taxpayers for at least one year immediately prior to their election.

Approved June 30, 2015

HB 137 [SS HCS HB 137]

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

Changes the laws regarding competitive bidding for a contract license office

AN ACT to repeal sections 34.040, 67.617, and 136.055, RSMo, and to enact in lieu thereof three new sections relating to competitive bidding, with an emergency clause.

SECTION

A. Enacting clause.
34.040. Purchases to be made on competitive bids, when, how — standard specifications, when — exception — failure to pay taxes, effect of.
67.617. Annual report — annual audit by certified public accountant, compensation — certain exemptions from Sunshine Law.
136.055. Agent to collect motor vehicle taxes and issue licenses — awarding of fee offices — fees — audit of records, when.
B. Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Sections 34.040, 67.617, and 136.055, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 34.040, 67.617, and 136.055, to read as follows:

34.040. PURCHASES TO BE MADE ON COMPETITIVE BIDS, WHEN, HOW — STANDARD SPECIFICATIONS, WHEN — EXCEPTION — FAILURE TO PAY TAXES, EFFECT OF. — 1. All purchases in excess of three thousand dollars shall be based on competitive bids, except as otherwise provided in this chapter.

2. On any purchase where the estimated expenditure shall be twenty-five thousand dollars or over, except as provided in subsection 5 of this section, the commissioner of administration shall:

(1) Advertise for bids in at least two daily newspapers of general circulation in such places as are most likely to reach prospective bidders and may advertise in at least two weekly minority newspapers and may provide such information through an electronic medium available to the general public at least five days before bids for such purchases are to be opened. Other methods of advertisement, which may include minority business purchase councils, however, may be adopted by the commissioner of administration when such other methods are deemed more advantageous for the supplies to be purchased;

(2) Post a notice of the proposed purchase in his or her office; and

(3) Solicit bids by mail or other reasonable method generally available to the public from prospective suppliers. All bids for such supplies shall be mailed or delivered to the office of the commissioner of administration so as to reach such office before the time set for opening bids.

3. The contract shall be let to the lowest and best bidder. The commissioner of administration shall have the right to reject any or all bids and advertise for new bids, or purchase the required supplies on the open market if they can be so purchased at a better price. When bids received pursuant to this section are unreasonable or unacceptable as to terms and conditions, noncompetitive, or the low bid exceeds available funds and it is determined in writing by the commissioner of administration that time or other circumstances will not permit the delay required to resolicit competitive bids, a contract may be negotiated pursuant to this section, provided that each responsible bidder who submitted such bid under the original solicitation is notified of the determination and is given a reasonable opportunity to modify their bid and submit a best and final bid to the state. In cases where the bids received are noncompetitive or

the low bid exceeds available funds, the negotiated price shall be lower than the lowest rejected bid of any responsible bidder under the original solicitation.

4. **The director of the department of revenue shall follow bidding procedures as contained in this chapter and may promulgate rules necessary to establish such procedures. No points shall be awarded on a request for proposal for a contract license office to a bidder for a return-to-the-state provision offer.**

5. All bids shall be based on standard specifications wherever such specifications have been approved by the commissioner of administration. The commissioner of administration shall make rules governing the delivery, inspection, storage and distribution of all supplies so purchased and governing the manner in which all claims for supplies delivered shall be submitted, examined, approved and paid. The commissioner shall determine the amount of bond or deposit and the character thereof which shall accompany bids or contracts.

[5.**]** **6.** The department of natural resources may, without the approval of the commissioner of administration required pursuant to this section, enter into contracts of up to five hundred thousand dollars to abate illegal waste tire sites pursuant to section 260.276 when the director of the department determines that urgent action is needed to protect public health, safety, natural resources or the environment. The department shall follow bidding procedures pursuant to this section and may promulgate rules necessary to establish such procedures. 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, 1999, shall be invalid and void.

[6.**]** **7.** The commissioner of administration and other agencies to which the state purchasing law applies shall not contract for goods or services with a vendor if the vendor or an affiliate of the vendor makes sales at retail of tangible personal property or for the purpose of storage, use, or consumption in this state but fails to collect and properly pay the tax as provided in chapter 144. For the purposes of this section, "affiliate of the vendor" shall mean any person or entity that is controlled by or is under common control with the vendor, whether through stock ownership or otherwise.

67.617. ANNUAL REPORT — ANNUAL AUDIT BY CERTIFIED PUBLIC ACCOUNTANT, COMPENSATION — CERTAIN EXEMPTIONS FROM SUNSHINE LAW. — 1. Each regional convention and visitors commission shall, before the second Monday in October, make an annual report to the chief executive officers and governing bodies of the city and county, respectively, and to the general assembly stating the condition of the commission on the first day of July of that year, and the various sums of money received and distributed by it during the preceding calendar year. The fiscal year for each regional convention and visitors commission shall begin on the first day of July and end on the thirtieth day of June of the following calendar year.

2. Before the close of the first fiscal year of such commission, and at the close of every third fiscal year thereafter, the chief executives of the city and county, jointly, shall appoint one or more certified public accountants, who shall annually examine the books, accounts, and vouchers of the regional convention and visitors commission, and who shall make due report thereof to the chief executives and the board of the district. The commission shall produce and submit to the accountants for examination all books, papers, documents, vouchers, and accounts of their office belonging or pertaining to the office, and shall in every way assist the accountants in their work. In the report to be made by the accountants they may make any recommendation they deem proper as to the business methods of the officers and employees. A reasonable compensation for the services of the accountants shall be paid by the commission.

3. In addition to the exceptions available under sections 610.010 to 610.225, the leases, agreements, contracts, or subleases, and any amendments thereto, for space, usage, or services in any convention center or related facilities owned or operated by a regional convention and visitors commission, or any drafts or unexecuted versions of such documents, shall not be considered public records within the meaning of subdivision (6) of section 610.010, when, in the reasonable judgment of the commission, the disclosure of the information in the records may endanger the competitiveness of the business or prospects of the commission or provide an unfair advantage to its competitors; provided, however, that the foregoing may not be deemed to include any leases, agreements, contracts, or subleases involving a professional sports franchise.

136.055. AGENT TO COLLECT MOTOR VEHICLE TAXES AND ISSUE LICENSES — AWARDING OF FEE OFFICES — FEES — AUDIT OF RECORDS, WHEN. — 1. Any person who is selected or appointed by the state director of revenue as provided in subsection 2 of this section to act as an agent of the department of revenue, whose duties shall be the processing of motor vehicle title and registration transactions and the collection of sales and use taxes when required under sections 144.070 and 144.440, and who receives no salary from the department of revenue, shall be authorized to collect from the party requiring such services additional fees as compensation in full and for all services rendered on the following basis:

(1) For each motor vehicle or trailer registration issued, renewed or transferred — three dollars and fifty cents and seven dollars for those licenses sold or biennially renewed pursuant to section 301.147;

(2) For each application or transfer of title — two dollars and fifty cents;

(3) For each instruction permit, nondriver license, chauffeur's, operator's or driver's license issued for a period of three years or less — two dollars and fifty cents and five dollars for licenses or instruction permits issued or renewed for a period exceeding three years;

(4) For each notice of lien processed — two dollars and fifty cents;

(5) No notary fee or other fee or additional charge shall be paid or collected except for electronic telephone transmission reception — two dollars.

2. The director of revenue shall award fee office contracts under this section through a competitive bidding process. The competitive bidding process shall give priority to organizations and entities that are exempt from taxation under Section 501(c)(3) **[**or**]**, 501(c)(6)**, or 501(c)(4), except those civic organizations that would be considered action organizations under 26 C.F.R. Section 1.501(c)(3)- 1(c)(3),** of the Internal Revenue Code of 1986, as amended, **with special consideration given to those organizations and entities that reinvest a minimum of seventy-five percent of the net proceeds to charitable organizations in Missouri,** and political subdivisions, including but not limited to, municipalities, counties, and fire protection districts. The director of the department of revenue may promulgate rules and regulations necessary to carry out the provisions of this subsection. 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 subsection 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, 2009, shall be invalid and void.

3. All fees collected by a tax-exempt organization may be retained and used by the organization.

4. All fees charged shall not exceed those in this section. The fees imposed by this section shall be collected by all permanent offices and all full-time or temporary offices maintained by the department of revenue.

5. Any person acting as agent of the department of revenue for the sale and issuance of registrations, licenses, and other documents related to motor vehicles shall have an insurable

interest in all license plates, licenses, tabs, forms and other documents held on behalf of the department.

6. The fees authorized by this section shall not be collected by motor vehicle dealers acting as agents of the department of revenue under section 32.095 or those motor vehicle dealers authorized to collect and remit sales tax under subsection 8 of section 144.070.

7. Notwithstanding any other provision of law to the contrary, the state auditor may audit all records maintained and established by the fee office in the same manner as the auditor may audit any agency of the state, and the department shall ensure that this audit requirement is a necessary condition for the award of all fee office contracts. No confidential records shall be divulged in such a way to reveal personally identifiable information.

SECTION B. EMERGENCY CLAUSE. — Because of the need to ensure a fair bidding process for contract license offices, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.

Allowed to go into effect pursuant to Article III, Section 31 of the Missouri Constitution

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HB 179 [HB 179]

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

Allows a retired military member to provide a Veterans' Identification Card issued by the United States Department of Veterans Affairs in order to receive a veteran designation on his or her driver's license

AN ACT to repeal section 302.188, RSMo, and to enact in lieu thereof one new section relating to veteran designation on driver's licenses.

SECTION
A. Enacting clause.
302.188. Veteran designation on driver's licensed or ID card, requirements — rulemaking authority.

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

SECTION A. ENACTING CLAUSE. — Section 302.188, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.188, to read as follows:

302.188. VETERAN DESIGNATION ON DRIVER'S LICENSED OR ID CARD, REQUIREMENTS — RULEMAKING AUTHORITY. — 1. A person may apply to the department of revenue to obtain a veteran designation on a driver's license or identification card issued under this chapter by providing:

(1) A United States Department of Defense discharge document, otherwise known as a DD Form 214, that shows a discharge status of "honorable" or "general under honorable conditions" that establishes the person's service in the Armed Forces of the United States; **[**and**]** **or**

(2) **A United States Uniformed Services Identification Card, otherwise known as a DD Form 2, that includes a discharge status of "retired" or "reserve retired" establishing the person's service in the Armed Forces of the United States; and**

(3) Payment of the fee for the driver's license or identification card authorized under this chapter.

2. If the person is seeking a duplicate driver's license with the veteran designation and his or her driver's license has not expired, the fee shall be as provided under section 302.185.

3. The department of revenue may determine the appropriate placement of the veteran designation on the driver's licenses and identification cards authorized under this section and may promulgate the necessary rules for administration of this section.

4. 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, 2012, shall be invalid and void.

Approved June 25, 2015

HB 259 [HCS HB 259]

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

Establishes the Missouri Dairy Revitalization Act of 2015

AN ACT to amend chapter 261, RSMo, by adding thereto six new sections relating to the dairy industry.

SECTION
A. Enacting clause.
261.270. Citation of act.
261.275. Fund created, use of moneys — limitation on appropriation of fund moneys — research of estimated sales tax revenue generated.
261.280. Dairy producer margin insurance premium assistance program, purpose — eligibility, application, reimbursement — risk management training.
261.285. Missouri dairy scholars program — scholarship amount — eligible student defined.
261.290. Annual study of dairy industry.
261.295. Rulemaking language.

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

SECTION A. ENACTING CLAUSE. — Chapter 261, RSMo, is amended by adding thereto six new sections, to be known as sections 261.270, 261.275, 261.280, 261.285, 261.290, and 261.295, to read as follows:

261.270. CITATION OF ACT. — The provisions of sections 261.270 to 261.295 shall be known and may be cited as the "Missouri Dairy Revitalization Act of 2015".

261.275. FUND CREATED, USE OF MONEYS — LIMITATION ON APPROPRIATION OF FUND MONEYS — RESEARCH OF ESTIMATED SALES TAX REVENUE GENERATED. — 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.

261.280. DAIRY PRODUCER MARGIN INSURANCE PREMIUM ASSISTANCE PROGRAM, PURPOSE — ELIGIBILITY, APPLICATION, REIMBURSEMENT — RISK MANAGEMENT TRAINING. — **1. The department of agriculture shall establish and administer, through the Missouri agricultural and small business development authority, a dairy producer margin insurance premium assistance program for the purpose of assisting dairy producers who participate in the federal margin protection program for dairy producers as contained in the federal Agricultural Act of 2014.**

2. All dairy producers in the state who participate in the federal margin protection program for dairy producers shall be eligible to apply and participate in the dairy producer margin insurance premium assistance program. Dairy producers who wish to be considered for the program shall apply with the Missouri agricultural and small business development authority by January first of each year, and shall provide proof of participation in the federal margin protection program for dairy producers as contained in the federal Agricultural Act of 2014 by submitting a receipt of their paid annual federal premium payment. Eligible program participants shall receive reimbursement of seventy percent of their federal premium payment up to a maximum premium reimbursement rate of thirty-four cents per hundredweight of milk.

3. The University of Missouri and the Missouri agricultural and small business development authority shall provide risk management training for Missouri dairy producers on an annual basis.

261.285. MISSOURI DAIRY SCHOLARS PROGRAM — SCHOLARSHIP AMOUNT — ELIGIBLE STUDENT DEFINED. — **1. There is hereby established the "Missouri Dairy Scholars Program", which shall be administered by the department of agriculture. The program shall, upon appropriation, provide scholarships, subject to the eligibility criteria enumerated in this section, for eligible students in an agriculture-related degree program who make a commitment to work in the agriculture industry in Missouri as a condition of receiving such scholarship.**

2. Subject to appropriations, each year the department of agriculture shall make available to eligible students up to eighty scholarships in the amount of five thousand dollars each to assist with the cost of eligible students' tuition and fees at a two-year or

four-year college or university in Missouri. Such amount shall be paid out of the Missouri dairy industry revitalization fund created in section 261.275.

3. As used in this section, the term "eligible student" shall mean an individual who:

(1) Is a United States citizen and a Missouri resident who has graduated from a Missouri high school with a cumulative grade point average of at least two and one-half on a four-point scale or equivalent; except that, in any year in which there are less than eighty United States citizens and Missouri residents who shall be awarded scholarships, applicants who are legal United States residents who meet all other eligibility requirements shall be eligible for the remaining scholarships;

(2) Is pursuing or has attained an agriculture- related degree approved by the department of agriculture and offered by a two-year or four-year college or university in Missouri;

(3) Signs an agreement with the department of agriculture in which the recipient agrees to work in the agriculture industry in Missouri for at least two years for every one year the recipient received the Missouri dairy scholars scholarship;

(4) Maintains a cumulative grade point average of at least two and one-half on a four-point scale or equivalent while enrolled in the college or university program; and

(5) Works on a dairy farm or has a dairy-related internship for at least three months of each year the recipient receives the Missouri dairy scholars scholarship.

261.290. ANNUAL STUDY OF DAIRY INDUSTRY. — The University of Missouri's commercial agriculture program shall conduct an annual study of the dairy industry and shall develop a dairy-specific plan for how to grow and enhance the dairy and dairy processing industries in Missouri. The results of such study shall be reported to the department of agriculture and all agriculture-related legislative committee chairpersons by January first of each year. The costs for such study shall be subject to appropriations and shall be paid out of the Missouri dairy industry revitalization fund created under section 261.275.

261.295. RULEMAKING LANGUAGE. — The department of agriculture shall promulgate rules and regulations for the implementation of sections 261.270 to 261.295. 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 and section 348.273 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, 2015, shall be invalid and void.

Approved April 10, 2015

HB 269 [HB 269]

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

Requires motorboats to carry two B1 type fire extinguishers, one B2 fire extinguisher, or a fixed fire extinguisher and one B1 type fire extinguisher

AN ACT to repeal section 306.100, RSMo, and to enact in lieu thereof one new section relating to motorboats.

SECTION
A. Enacting clause.
306.100. Classification of vessels — equipment requirements.

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

SECTION A. ENACTING CLAUSE. — Section 306.100, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 306.100, to read as follows:

306.100. CLASSIFICATION OF VESSELS — EQUIPMENT REQUIREMENTS. — 1. For the purpose of this section, vessels shall be divided into four classes as follows:

(1) Class A, less than sixteen feet in length;

(2) Class 1, at least sixteen and less than twenty-six feet in length;

(3) Class 2, at least twenty-six and less than forty feet in length;

(4) Class 3, forty feet and over.

2. All vessels shall display from sunset to sunrise the following lights when under way, and during such time no other lights, continuous spotlights or docking lights, or other nonprescribed lights shall be exhibited:

(1) Vessels of classes A and 1:

(a) A bright white light aft to show all around the horizon;

(b) A combined light in the forepart of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points (22 1/2 degrees) abaft the beam on their respective sides;

(2) Vessels of classes 2 and 3:

(a) A bright white light in the forepart of the vessel as near the stem as practicable, so constructed as to show the unbroken light over an arc of the horizon of twenty points (225 degrees) of the compass, so fixed as to throw the light ten points (112 1/2 degrees) on each side of the vessel; namely, from right ahead to two points (22 1/2 degrees) abaft the beam on either side;

(b) A bright white light aft to show all around the horizon and higher than the white light forward;

(c) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of ten points (112 1/2 degrees) of the compass, so fixed as to throw the light from right ahead to two points (22 1/2 degrees) abaft the beam on the starboard side; on the port side a red light so constructed as to show an unbroken light over an arc of the horizon of ten points (112 1/2 degrees) of the compass, so fixed as to throw the light from right ahead to two points (22 1/2 degrees) abaft the beam on the portside. The side lights shall be fitted with inboard screens so set as to prevent these lights from being seen across the bow;

(3) Vessels of classes A and 1 when propelled by sail alone shall exhibit the combined light prescribed by this section and a twelve point (135 degree) white light aft. Vessels of classes 2 and 3, when so propelled, shall exhibit the colored side lights, suitably screened, prescribed by this section and a twelve point (135 degree) white light aft;

(4) All vessels between the hours of sunset and sunrise that are not under way, moored at permanent dockage or attached to an immovable object on shore so that they do not extend more than fifty feet from the shore shall display one three-hundred-sixty-degree white light visible three hundred sixty degrees around the horizon;

(5) Every white light prescribed by this section shall be of such character as to be visible at a distance of at least two miles. Every colored light prescribed by this section shall be of such character as to be visible at a distance of at least one mile. The word "visible" in this subsection, when applied to lights, shall mean visible on a dark night with clear atmosphere;

(6) When propelled by sail and machinery every vessel shall carry the lights required by this section for a motorboat propelled by machinery only.

3. Any watercraft not defined as a vessel shall, from sunset to sunrise, carry, ready at hand, a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert collision.

4. Any vessel may carry and exhibit the lights required by the federal regulations for preventing collisions at sea, in lieu of the lights required by subsection 2 of this section.

5. All other watercraft over sixty-five feet in length and those propelled solely by wind effect on the sail shall display lights prescribed by federal regulations.

6. Any watercraft used by a person engaged in the act of sport fishing is not required to display any lights required by this section if no other vessel is within the immediate vicinity of the first vessel, the vessel is using an electric trolling motor and the vessel is within fifty feet of the shore.

7. Every vessel, except those in class A, shall have on board at least one wearable personal flotation device of type I, II or III for each person on board and each person being towed who is not wearing one. Every such vessel shall also have on board at least one type IV throwable personal flotation device.

8. All class A motorboats and all watercraft traveling on the waters of this state shall have on board at least one type I, II, III or IV personal flotation device for each person on board and each person being towed who is not wearing one.

9. All lifesaving devices required by subsections 7 and 8 of this section shall be United States Coast Guard approved, in serviceable condition and so placed as to be readily accessible.

10. Every vessel which is carrying or using flammable or toxic fluid in any enclosure for any purpose, and which is not an entirely open vessel, shall have an efficient natural or mechanical ventilation system which must be capable of removing resulting gases prior to and during the time the vessel is occupied by any person.

11. Motorboats shall carry on board at least the following United States Coast Guard approved fire extinguishers:

(1) Every class A and every class 1 motorboat carrying or using gasoline or any other flammable or toxic fluid, one B1 type fire extinguisher;

(2) Every class 2 motorboat**[**, one B2 or two B1 type fire extinguishers;**] :**

(a) Two B1 type fire extinguishers; or

(b) One B2 type fire extinguisher; or

(c) A fixed fire extinguishing system and one B1 type fire extinguisher; and

(3) Every class 3 motorboat:

(a) Three B1 type fire extinguishers; or

(b) One B2 type and one B1 type fire extinguisher; or

(c) A fixed fire extinguishing system and one B2 type fire extinguisher; or

(d) A fixed fire extinguishing system and two B1 type fire extinguishers.

12. All class 1 and 2 motorboats and vessels shall have a sounding device. All class 3 motorboats and vessels shall have at least a sounding device and one bell.

13. No person shall operate any watercraft which is not equipped as required by this section.

14. A water patrol division officer may direct the operator of any watercraft being operated without sufficient personal flotation devices, fire-fighting devices or in an overloaded or other unsafe condition or manner to take whatever immediate and reasonable steps are necessary for the safety of those aboard when, in the judgment of the officer, such operation creates a hazardous condition. The officer may direct the operator to return the watercraft to the nearest safe mooring and to remain there until the situation creating the hazardous condition is corrected.

15. A water patrol division officer may remove any unmanned or unattended watercraft from the water when, in the judgment of the officer, the watercraft creates a hazardous condition.

16. Nothing in this section shall prohibit the use of additional specialized lighting used in the act of sport fishing.

Approved June 24, 2015

HB 343 [SCS HB 343]

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

Establishes a committee to assess the continuation of the Money Follows the Person Demonstration Program in order to help disabled or aging individuals transition from nursing facilities to community settings

AN ACT to amend chapter 192, RSMo, by adding thereto one new section relating to the money follows the person demonstration program.

SECTION
A. Enacting clause.
192.926. Committee established to assess continuation of demonstration program — duties of committee, members — recommendations — termination date.

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

SECTION A. ENACTING CLAUSE. — Chapter 192, RSMo, is amended by adding thereto one new section, to be known as section 192.926, to read as follows:

192.926. COMMITTEE ESTABLISHED TO ASSESS CONTINUATION OF DEMONSTRATION PROGRAM — DUTIES OF COMMITTEE, MEMBERS — RECOMMENDATIONS — TERMINATION DATE. — 1. By September 1, 2015, the department of social services in cooperation with the department of health and senior services and the department of mental health shall establish a committee to assess the continuation of the money follows the person demonstration program in order to support Missourians who have disabilities and those who are aging to transition from nursing facilities or habilitation centers to quality community settings. The committee shall study sustainability of the program beyond the current demonstration timeframe for all transitions to occur by September 30, 2018. The committee shall be administered and its members, with the exception of the members from the house of representatives and the senate, chosen by the director of the department of social services.

2. The committee shall:

(1) Review the extent to which the demonstration program has achieved its purposes;

(2) Assess any possible improvements to the program;

(3) Investigate program elements and costs to sustain the program beyond its current demonstration period;

(4) Explore cost savings achieved through the demonstration program;

(5) Investigate the possibility and need to apply for a waiver from the Centers for Medicare and Medicaid Services.

3. The committee shall include fiscal staff from the department of social services, the department of health and senior services, the department of mental health, and the office of administration's division of budget and planning. The committee shall also be comprised of a representative from each of the following:

(1) The division of senior and disability services within the department of health and senior services;

(2) The MO HealthNet division within the department of social services;

(3) The division of developmental disabilities within the department of mental health;

(4) Centers for independent living and area agencies on aging currently serving as money follows the person local contact agencies;

(5) The Missouri assistive technology council;

(6) The Missouri developmental disabilities council;

(7) The skilled nursing community predominately serving MO HealthNet participants;

(8) The Missouri house of representatives, appointed by the speaker of the house of representatives; and

(9) The Missouri senate, appointed by the president pro tempore of the senate.

4. The committee may also include other members or workgroups deemed necessary to accomplish its purposes, including but not limited to representatives from state agencies, local advisory groups and community members, and members of the general assembly with valuable input regarding the activities of the money follows the person demonstration program.

5. The department of social services in cooperation with the department of health and senior services and the department of mental health shall make recommendations based on the findings of the committee and report them to the general assembly and the governor by July 1, 2016.

6. The provisions of this section shall expire on January 1, 2017.

Approved June 19, 2015

HB 361 [HB 361]

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

Designates the third week of February as "Engineer Awareness Week" in Missouri

AN ACT to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of engineer awareness week in Missouri.

SECTION
A. Enacting clause.
9.144. Third week of February, Engineer Awareness Week.

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

SECTION A. ENACTING CLAUSE. — Chapter 9, RSMo, is amended by adding thereto one new section, to be known as section 9.144, to read as follows:

9.144. THIRD WEEK OF FEBRUARY, ENGINEER AWARENESS WEEK. — The third week of February is hereby designated as "Engineer Awareness Week" in the state of Missouri. The citizens of this state are encouraged to observe the week with appropriate activities and events to promote the engineering discipline to students, expand public recognition of the engineering profession, and celebrate engineering accomplishments.

Approved July 6, 2015

HB 384 [SS HB 384]

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

Changes the laws regarding taxation

AN ACT to repeal section 136.380, RSMo, and to enact in lieu thereof six new sections relating to taxation.

SECTION
A. Enacting clause.
32.383. Tax amnesty period established, when — procedure — ineligibility for future tax amnesty, time period — expiration date.
32.385. Offset of indebtedness agreements with the federal government — definitions — director's powers — certification, contents — federal official's powers — refunds — reciprocal agreements.
37.650. Office of taxpayer advocate established — appointment, term, duties — annual report.
136.375. Fair and consistent application of Missouri tax laws.
136.380. Identification number of department employee provided to taxpayer, when.
136.450. Study commission established, members, vacancies, meetings — duties and authority of commission — interim reports — termination date.

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

SECTION A. ENACTING CLAUSE. — Section 136.380, RSMo, is repealed and six new sections enacted in lieu thereof, to be known as sections 32.383, 32.385, 37.650, 136.375, 136.380, and 136.450, to read as follows:

32.383. TAX AMNESTY PERIOD ESTABLISHED, WHEN — PROCEDURE — INELIGIBILITY FOR FUTURE TAX AMNESTY, TIME PERIOD — EXPIRATION DATE. — **1. Notwithstanding the provisions of any other law to the contrary, with respect to taxes administered by the department of revenue under this chapter and chapters 143, 144, and 147, an amnesty from the assessment or payment of all penalties, additions to tax, and interest shall apply with respect to unpaid taxes or taxes due and owing reported and paid in full from September 1, 2015, to November 30, 2015, regardless of whether previously assessed, except for penalties, additions to tax, and interest paid before September 1, 2015. The amnesty shall apply only to tax liabilities due or due but unpaid on or before December 31, 2014, and shall not extend to any taxpayer who at the time of payment is a party to any criminal investigations or to any civil or criminal litigation that is pending in any court of the United States or this state for nonpayment, delinquency, or fraud in relation to any state tax imposed by this state.**

2. Upon written application by the taxpayer, on forms prescribed by the director of revenue, and upon compliance with the provisions of this section, the department of revenue shall not seek to collect any penalty, addition to tax, or interest that may be applicable. The department of revenue shall not seek civil or criminal prosecution for any taxpayer for the taxable period for which the amnesty has been granted unless subsequent investigation or audit shows that the taxpayer engaged in fraudulent or criminal conduct in applying for amnesty.

3. Amnesty shall be granted only to those taxpayers who have applied for amnesty within the period stated in this section, who have filed a tax return for each taxable period for which amnesty is requested, who have paid the entire balance by November 30, 2015, and who agree to comply with state tax laws for the next eight years from the date of the agreement. No taxpayer shall be entitled to a waiver of any penalty, addition to tax, or interest under this section unless full payment of the tax due is made in accordance with rules established by the director of revenue.

4. All taxpayers granted amnesty under this section shall in good faith comply with this state's tax laws for the eight years following the date of the amnesty agreement. If any such taxpayer fails to comply with all of this state's tax laws at any time during the eight years following the date of the agreement, all penalties, additions to tax, and interest that were waived under the amnesty agreement shall become due and owing immediately.

5. If a taxpayer is granted amnesty under this section, such taxpayer shall not be eligible to participate in any future amnesty for the same type of tax.

6. If a taxpayer elects to participate in the amnesty program established in this section as evidenced by full payment of the tax due as established by the director of revenue, that election shall constitute an express and absolute relinquishment of all administrative and judicial rights of appeal. No tax payment received under this section shall be eligible for refund or credit.

7. Nothing in this section shall be interpreted to disallow the department of revenue to adjust a taxpayer's tax return as a result of any state or federal audit.

8. All tax payments received as a result of the amnesty program established in this section, other than revenues earmarked by the Constitution of Missouri, this state's statutes, or subsection 9 of this section, shall be deposited in the tax amnesty fund created in subsection 9 of this section. Moneys in the fund shall only be expended for the following except that any excess monies not used for such purposes shall be deposited into the state general revenue fund:

(1) An increase in the rate of reimbursement to MO HealthNet providers for the fiscal year ending June 30, 2016, above the rate in effect for the fiscal year ending June 30, 2015; and

(2) An increase in the number of adults receiving dental coverage under MO HealthNet in the fiscal year ending June 30, 2016, above the number of adults receiving dental coverage in the fiscal year ending June 30, 2015.

9. There is hereby created in the state treasury the "Tax Amnesty Fund", which shall consist of money collected under this section. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the purpose provided in subsection 8 of this section. Any moneys remaining in the fund at the end of the biennium shall 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.

10. The department of revenue may enter into an agreement with a third-party vendor to provide collection services for eligible delinquent tax liabilities that the department has undertaken to collect under this section, and to assist with the administration of the amnesty program under which contingency and other fees may be payable to such approved vendor out of the revenues from the amnesty program.

11. The department may promulgate rules or issue administrative guidelines as are necessary to implement the provisions 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, 2015, shall be invalid and void.

12. This section shall expire on December 31, 2023.

32.385. OFFSET OF INDEBTEDNESS AGREEMENTS WITH THE FEDERAL GOVERNMENT — DEFINITIONS — DIRECTOR'S POWERS — CERTIFICATION, CONTENTS — FEDERAL OFFICIAL'S POWERS — REFUNDS — RECIPROCAL AGREEMENTS. — 1. As used in this section, the following terms shall mean:

(1) "Federal official", a unit or official of the federal government charged with the collection of nontax liabilities payable to the federal government under 31 U.S.C. Section 3716, as amended;

(2) "Nontax liability due the state", a liability certified to the director of revenue by a state agency and shall include, but shall not be limited to, fines, fees, penalties, and other

nontax assessments imposed by or payable to any state agency that is finally determined to be due and owing;

(3) "Offset agreement", the agreement authorized by this section;

(4) "Person", an individual, partnership, society, association, joint stock company, corporation, public corporation, or any public authority, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity whether appointed by a court or otherwise, and any combination of the foregoing;

(5) "Refund", an amount described as a refund of tax under the provisions of the state tax law that authorized its payment;

(6) "State agency", any department, division, board, commission, office, or other agency of the state of Missouri;

(7) "Vendor payment", any payment, other than a refund, made by the state to any person or entity, and shall include but shall not be limited to any expense reimbursement to an employee of the state; but shall not include a person's salary, wages, or pension.

2. The director of revenue and the commissioner of administration may jointly enter into a reciprocal collection and offset of indebtedness agreement with the federal government, under which the federal government will offset from federal payments to vendors, contractors, and taxpayers debt owed to the state of Missouri, and the state will offset from state tax refunds and from payments otherwise due to vendors and contractors providing goods or services to state departments, agencies, or other state agencies nontax debt owed to the federal government.

3. Under the offset agreement, the director of revenue may:

(1) Certify to a federal official the existence of a person's delinquent tax or nontax liability due the state owed by the person to any state agency;

(2) Request that the federal official withhold any eligible vendor payment to which the person is entitled; and

(3) Provide for the payment of the amount withheld to the state.

4. A certification by a state agency to the director of revenue and by the director of revenue to the federal official under the offset agreement shall include:

(1) The full name and address of the person and any other names known to be used by the person;

(2) The Social Security number or tax identification number;

(3) The amount of the tax or nontax liability;

(4) A statement that the debt is past due and legally enforceable in the amount certified; and

(5) Any other information required by federal statute or regulation applicable to the collection of the debt by offset of federal payments.

5. Under the offset agreement, a federal official may:

(1) Certify to the state of Missouri the existence of a person's delinquent nontax liability owed by the person to the federal government;

(2) Request that the state of Missouri withhold any refund and vendor payment to which the person is entitled;

(3) Certify and request the state of Missouri to withhold a refund or vendor payment only if the laws of the United States:

(a) Allow the state of Missouri to enter into a reciprocal agreement with the United States, under which the federal official would be authorized to offset federal payments to collect delinquent tax and nontax debts owed to the state; and

(b) Provide for the payment of the amount withheld to the state;

(4) Retain a portion of the proceeds of any collection setoff as provided under the offset agreement.

6. Under the offset agreement, a certification by a federal official to the state of Missouri shall include:

(1) The full name of the person and any other names known to be used by the person;

(2) The Social Security number or federal tax identification number;

(3) The amount of the nontax liability; and

(4) A statement that the debt is past due and legally enforceable in the amount certified.

7. If a person for whom a certification is received from a federal official is due a refund of Missouri tax or a vendor payment, the agreement may provide that the state of Missouri shall:

(1) Withhold a refund or vendor payment that is due a person whose name has been certified by a federal official;

(2) In accordance with the provisions of the offset agreement, notify the person of the amount withheld in satisfaction of a liability certified by a federal official;

(3) Pay to the federal official the lesser of:

(a) The entire refund or vendor payment; or

(b) The amount certified; and

(4) Pay any refund or vendor payment in excess of the certified amount to the person.

8. Notwithstanding any other provisions of law to the contrary, the director of revenue and the commissioner of administration shall have the authority to enter into reciprocal agreements with any other state which extends a like comity to this state to offset from state tax refunds and from payments otherwise due to vendors and contractors providing goods or services to state departments, agencies, or other state agencies nontax debt for debts due the other state that extends a like comity to this state.

37.650. OFFICE OF TAXPAYER ADVOCATE ESTABLISHED — APPOINTMENT, TERM, DUTIES — ANNUAL REPORT. — **1. There is hereby established within the department of revenue the "Office of Taxpayer Advocate", for the purpose of providing independent assistance to taxpayers.**

2. The office shall be administered by the taxpayer advocate, who shall be appointed by the governor with the advice and consent of the senate. The taxpayer advocate shall hold office for a term of six years and shall continue to hold office until a successor has been duly appointed. The advocate shall act independently of the department of revenue in the performance of his or her duties. The department of revenue shall provide administrative support and staff as deemed necessary.

3. The office shall have the authority:

(1) To communicate with any taxpayer regarding any tax issues that the taxpayer is experiencing;

(2) To communicate with any employees of the department of revenue regarding a taxpayer's tax issues; and

(3) To have access to any records held by any department or agency regarding a taxpayer's tax issues.

4. For any information obtained from a state agency or entity under this section, the office of taxpayer advocate shall be subject to the same disclosure restrictions and confidentiality requirements that apply to the state agency or entity providing such information to the office of taxpayer advocate. For information obtained directly by the office of taxpayer advocate under this section, the office of taxpayer advocate shall be subject to the same disclosure restrictions and confidentiality requirements that apply to the department of revenue.

5. The office shall annually submit to the governor and the general assembly a detailed report on the work of the office of the taxpayer advocate. Such report shall include, but not be limited to, the number of taxpayer cases handled by the office and the disposition of such cases. The report shall also include any recommendation for changes

in tax laws or the operation of the department of revenue. The report filed by the office shall not be subject to review by any executive branch official.

136.375. FAIR AND CONSISTENT APPLICATION OF MISSOURI TAX LAWS. — **Missouri taxpayers shall have the right to fair and consistent application of Missouri tax laws by the department of revenue.**

136.380. IDENTIFICATION NUMBER OF DEPARTMENT EMPLOYEE PROVIDED TO TAXPAYER, WHEN. — **[**1. The director of revenue shall establish or designate within the department of revenue the "Office of Taxpayers' Ombudsman". Such office shall be available to answer taxpayer questions and help solve taxpayer grievances. The telephone number, facsimile number and address of the taxpayers' ombudsman shall be disseminated to the general public as required in subsection 2 of section 136.355. Such office shall be created from existing personnel or can be staffed from appropriations made for such purpose.

2.**]** Any employee of the department of revenue which communicates with an individual taxpayer either in writing or by telephone shall provide the taxpayer with an identifying number associated with the employee. The director may develop the identifying procedure by policy.

136.450. STUDY COMMISSION ESTABLISHED, MEMBERS, VACANCIES, MEETINGS — DUTIES AND AUTHORITY OF COMMISSION — INTERIM REPORTS — TERMINATION DATE. — **1. There is hereby established the "Study Commission on State Tax Policy" which shall be composed of the following members:**

(1) The members of the joint committee on tax policy established in section 21.810;

(2) The state treasurer;

(3) The state budget director;

(4) The director of the department of revenue, but only if such person has been appointed by the governor with the advice and consent of the senate in accordance with article IV, section 51 of the Constitution of Missouri;

(5) Three individuals representing the needs and concerns of individual taxpayers in this state, one of whom shall be appointed by the lieutenant governor, one of whom shall be appointed by the minority floor leader of the house of representatives, and one of whom shall be appointed by the minority floor leader of the senate;

(6) A certified public accountant, who shall be appointed by the lieutenant governor in consultation with the Missouri Society of Certified Public Accountants;

(7) An independent tax practitioner, who shall be appointed by the lieutenant governor in consultation with the Missouri Society of Accountants;

(8) An individual with experience operating a business with a headquarters in this state and fewer than fifty employees, who shall be appointed by the speaker of the house of representatives;

(9) An individual with experience operating a business with a headquarters in this state and at least fifty employees, who shall be appointed by the president pro tempore of the senate;

(10) Two individuals with significant experience in state and local taxation, public or private budgeting and finance, or public services delivery, one of whom shall be appointed by the speaker of the house of representatives in consultation with the Missouri Association of Counties and the other appointed by the president pro tempore of the senate in consultation with Missouri Municipal League; and

(11) A member of the Missouri Bar with knowledge of the tax laws of this state, including tax administration and compliance, who shall be appointed by the board of governors of the Missouri Bar.

2. Any vacancy on the commission shall be filled in the same manner as the original appointment. Any appointed member of the commission shall serve at the pleasure of the appointing authority. Commission members shall serve without compensation but shall

be entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties.

3. The commission shall meet in the capitol building within ten days after its creation and organize by selecting a chair and vice chair from its members. After its organization, the commission shall adopt an agenda establishing at least five hearing dates. The hearings shall be held in different geographic regions of the state and open to the public. Additional meetings may be scheduled and held as often as the chair deems advisable. A majority of the members shall constitute a quorum.

4. It shall be the duty of the commission:

(1) To make a complete, detailed review and study of the tax structure of the state and its political subdivisions, including tax sources, the impact of taxes, collection procedures, administrative regulations, and all other factors pertinent to the fiscal operation of the state;

(2) To identify the strengths and weaknesses of state tax laws, and develop a broad range of improvements that could be made to modernize the tax system, maximize economic development and growth, and maintain necessary government services at an appropriate level;

(3) To investigate measures and methods to simplify state tax law, improve tax compliance, and reduce administrative costs; and

(4) To examine and study any other aspects of state and local government which may be related to the tax structure of the state.

5. In order to carry out its duties and responsibilities under this section, the commission shall have the authority to:

(1) Consult with public and private universities and academies, public and private organizations, and private citizens in the performance of its duties;

(2) Within the limits of appropriations made for such purpose, employ consultants or others to assist the commission in its work, or contract with public and private entities for analysis and study of current or proposed changes to state and local tax policy; and

(3) Make reasonable requests for staff assistance from the research and appropriations staffs of the house of representatives and senate and the committee on legislative research, as well as the office of administration and the department of revenue.

6. All state agencies and political subdivisions of the state responsible for the administration of tax policies shall cooperate with and assist the commission in the performance of its duties and shall make available all books, records, and information requested, except such books, records, and information as are by law declared confidential in nature, including individually identifiable information regarding a specific taxpayer.

7. The commission may issue interim reports as it deems fit, but it shall provide the governor and the general assembly with reports of its findings and recommendations for legal and administrative changes, along with any proposed legislation the commission recommends for adoption by the general assembly. A preliminary report shall be due by December 31, 2016. A final report shall be due December 31, 2017.

8. The commission shall cease all activities by January 1, 2018. This section shall expire August 28, 2018.

Approved April 27, 2015

HB 385 [HCS HB 385]

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

Defines "correspondence" with regard to real estate brokers

AN ACT to repeal section 339.010, RSMo, and to enact in lieu thereof one new section relating to real estate transactions.

SECTION
A. Enacting clause.
339.010. Definitions — inapplicability of chapter.

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

SECTION A. ENACTING CLAUSE. — Section 339.010, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 339.010, to read as follows:

339.010. DEFINITIONS — INAPPLICABILITY OF CHAPTER. — 1. A "real estate broker" is any person, partnership, limited partnership, limited liability company, association, professional corporation, or corporation, foreign or domestic who, for another, and for a compensation or valuable consideration, does, or attempts to do, any or all of the following:

(1) Sells, exchanges, purchases, rents, or leases real estate;

(2) Offers to sell, exchange, purchase, rent or lease real estate;

(3) Negotiates or offers or agrees to negotiate the sale, exchange, purchase, rental or leasing of real estate;

(4) Lists or offers or agrees to list real estate for sale, lease, rental or exchange;

(5) Buys, sells, offers to buy or sell or otherwise deals in options on real estate or improvements thereon;

(6) Advertises or holds himself or herself out as a licensed real estate broker while engaged in the business of buying, selling, exchanging, renting, or leasing real estate;

(7) Assists or directs in the procuring of prospects, calculated to result in the sale, exchange, leasing or rental of real estate;

(8) Assists or directs in the negotiation of any transaction calculated or intended to result in the sale, exchange, leasing or rental of real estate;

(9) Engages in the business of charging to an unlicensed person an advance fee in connection with any contract whereby the real estate broker undertakes to promote the sale of that person's real estate through its listing in a publication issued for such purpose intended to be circulated to the general public;

(10) Performs any of the foregoing acts on behalf of the owner of real estate, or interest therein, or improvements affixed thereon, for compensation.

2. A "real estate salesperson" is any person, partnership, limited partnership, limited liability company, association, professional corporation, or corporation, domestic or foreign who for a compensation or valuable consideration becomes associated, either as an independent contractor or employee, either directly or indirectly, with a real estate broker to do any of the things above mentioned. The provisions of sections 339.010 to 339.180 and sections 339.710 to 339.860 shall not be construed to deny a real estate salesperson who is compensated solely by commission the right to be associated with a broker as an independent contractor.

3. A "real estate broker-salesperson" is any person, partnership, limited partnership, limited liability company, association, professional corporation, or corporation, domestic or foreign, who has a real estate broker license in good standing, who for a compensation or valuable consideration becomes associated, either as an independent contractor or employee, either directly or indirectly, with a real estate broker to do any of the things above mentioned. A real estate broker-salesperson may not also operate as a real estate broker. The provisions of sections 339.010 to 339.180 and sections 339.710 to 339.860 shall not be construed to deny a real estate salesperson who is compensated solely by commission the right to be associated with a broker as an independent contractor.

4. The term "commission" as used in sections 339.010 to 339.180 and sections 339.710 to 339.860 means the Missouri real estate commission.

5. "Real estate" for the purposes of sections 339.010 to 339.180 and sections 339.710 to 339.860 shall mean, and include, leaseholds, as well as any other interest or estate in land, whether corporeal, incorporeal, freehold or nonfreehold, and the real estate is situated in this state.

6. "Advertising" shall mean any communication, whether oral or written, between a licensee or other entity acting on behalf of one or more licensees and the public, and shall include, but not be limited to, business cards, signs, insignias, letterheads, radio, television, newspaper and magazine ads, internet advertising, websites, display or group ads in telephone directories, and billboards.

7. **"Correspondence" shall mean any written or electronic communication but shall exclude any communication that is ephemeral in nature. Ephemeral information includes text messages, instant message, and any other information or communication which is not designed to be retained or create a permanent record for use in any transaction calculated or intended to result in the sale, exchange, leasing, or rental of real estate.**

8. "Sold", as used in sections 339.010 to 339.180 and sections 339.710 to 339.860, shall mean that the title to the real estate has been transferred or that the real estate has become subject to a bona fide sale contract or purchase agreement.

9. The provisions of sections 339.010 to 339.180 and sections 339.710 to 339.860 shall not apply to:

(1) Any person, partnership, limited partnership, limited liability company, association, professional corporation, or corporation who as owner, lessor, or lessee shall perform any of the acts described in subsection 1 of this section with reference to property owned or leased by them, or to the regular employees thereof;

(2) Any licensed attorney-at-law;

(3) An auctioneer employed by the owner of the property;

(4) Any person acting as receiver, trustee in bankruptcy, administrator, executor, or guardian or while acting under a court order or under the authority of a will, trust instrument or deed of trust or as a witness in any judicial proceeding or other proceeding conducted by the state or any governmental subdivision or agency;

(5) Any person employed or retained to manage real property by, for, or on behalf of the agent or the owner of any real estate shall be exempt from holding a license, if the person is limited to one or more of the following activities:

(a) Delivery of a lease application, a lease, or any amendment thereof, to any person;

(b) Receiving a lease application, lease, or amendment thereof, a security deposit, rental payment, or any related payment, for delivery to, and made payable to, a broker or owner;

(c) Showing a rental unit to any person, as long as the employee is acting under the direct instructions of the broker or owner, including the execution of leases or rental agreements;

(d) Conveying information prepared by a broker or owner about a rental unit, a lease, an application for lease, or the status of a security deposit, or the payment of rent, by any person;

(e) Assisting in the performance of brokers' or owners' functions, administrative, clerical or maintenance tasks;

(f) If the person described in this section is employed or retained by, for, or on behalf of a real estate broker, the real estate broker shall be subject to discipline under this chapter for any conduct of the person that violates this chapter or the regulations promulgated thereunder;

(6) Any officer or employee of a federal agency or the state government or any political subdivision thereof performing official duties;

(7) Railroads and other public utilities regulated by the state of Missouri, or their subsidiaries or affiliated corporations, or to the officers or regular employees thereof, unless performance of any of the acts described in subsection 1 of this section is in connection with the sale, purchase, lease or other disposition of real estate or investment therein unrelated to the principal business activity of such railroad or other public utility or affiliated or subsidiary corporation thereof;

(8) Any bank, trust company, savings and loan association, credit union, insurance company, mortgage banker, or farm loan association organized under the laws of this state or of the United States when engaged in the transaction of business on its own behalf and not for others;

(9) Any newspaper, magazine, periodical, internet site, internet communications, or any form of communications regulated or licensed by the Federal Communications Commission or any successor agency or commission whereby the advertising of real estate is incidental to its operation;

(10) Any developer selling Missouri land owned by the developer;

(11) Any employee acting on behalf of a nonprofit community, or regional economic development association, agency or corporation which has as its principal purpose the general promotion and economic advancement of the community at large, provided that such entity:

(a) Does not offer such property for sale, lease, rental or exchange on behalf of another person or entity;

(b) Does not list or offer or agree to list such property for sale, lease, rental or exchange; or

(c) Receives no fee, commission or compensation, either monetary or in kind, that is directly related to sale or disposal of such properties. An economic developer's normal annual compensation shall be excluded from consideration as commission or compensation related to sale or disposal of such properties; or

(12) Any neighborhood association, as that term is defined in section 441.500, that without compensation, either monetary or in-kind, provides to prospective purchasers or lessors of property the asking price, location, and contact information regarding properties in and near the association's neighborhood, including any publication of such information in a newsletter, internet site, or other medium.

Approved June 3, 2015

HB 391 [HB 391]

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

Changes the notice requirements for automobile insurance cancellations or refusals

AN ACT to repeal sections 379.118 and 379.120, RSMo, and to enact in lieu thereof two new sections relating to automobile insurance notice requirements.

SECTION

A. Enacting clause.
379.118. Notice of cancellation and renewals, due when — reinstatement, when.
379.120. Explanation of refusal to write a policy, how given, contents.

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

SECTION A. ENACTING CLAUSE. — Sections 379.118 and 379.120, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 379.118 and 379.120, to read as follows:

379.118. NOTICE OF CANCELLATION AND RENEWALS, DUE WHEN — REINSTATEMENT, WHEN. — 1. If any insurer proposes to cancel or to refuse to renew a policy of automobile insurance delivered or issued for delivery in this state except at the request of the named insured

or for nonpayment of premium, it shall, on or before thirty days prior to the proposed effective date of the action, send written notice [by certificate of mailing] of its intended action to the named insured at his last known address. **Notice shall be sent by United States Postal Service certificate of mailing, first class mail using Intelligent Mail barcode (IMb), or another mail tracking method used, approved, or accepted by the United States Postal Service.** Where cancellation is for nonpayment of premium at least ten days' notice of cancellation shall be given and such notice shall contain the following notice or substantially similar in bold conspicuous type: "THIS POLICY IS CANCELLED EFFECTIVE AT THE DATE AND TIME INDICATED IN THIS NOTICE. THIS IS THE FINAL NOTICE OF CANCELLATION WE WILL SEND PRIOR TO THE EFFECTIVE DATE AND TIME OF CANCELLATION INDICATED IN THIS NOTICE.". The notice shall state:

(1) The action taken;

(2) The effective date of the action;

(3) The insurer's actual reason for taking such action, the statement of reason to be sufficiently clear and specific so that a person of average intelligence can identify the basis for the insurer's decision without further inquiry. Generalized terms such as "personal habits", "living conditions", "poor morals", or "violation or accident record" shall not suffice to meet the requirements of this subdivision;

(4) That the insured may be eligible for insurance through the assigned risk plan if his insurance is to be cancelled.

2. Issuance of a notice of cancellation under subsection 1 of this section constitutes a present and unequivocal act of cancellation of the policy.

3. An insurer may reinstate a policy cancelled under subsection 1 of this section at any time after the notice of cancellation is issued if the reason for the cancellation is remedied. An insurer may send communications to the insured, including but not limited to billing notices for past due premium, offers to reinstate the policy if past due premium is paid, notices confirming cancellation of the policy, or billing notices for payment of earned but unpaid premium. The fact that a policy may be so reinstated or any such communication may be made does not invalidate or void any cancellation effectuated under subsection 1 of this section or defeat the present and unequivocal nature of acts of cancellation as described under subsection 2 of this section.

4. An insurer shall send an insured written notice of an automobile policy renewal at least fifteen days prior to the effective date of the new policy. The notice shall be sent by first class mail or may be sent electronically if requested by the policyholder, and shall contain the insured's name, the vehicle covered, the total premium amount, and the effective date of the new policy. Any request for electronic delivery of renewal notices shall be designated on the application form signed by the applicant, made in writing by the policyholder, or made in accordance with sections 432.200 to 432.295. The insurer shall comply with any subsequent request by a policyholder to rescind authorization for electronic delivery and to elect to receive renewal notices by first class mail. Any delivery of a renewal notice by electronic means shall not constitute notice of cancellation of a policy even if such notice is included with the renewal notice.

379.120. EXPLANATION OF REFUSAL TO WRITE A POLICY, HOW GIVEN, CONTENTS. — If any insurer refuses to write a policy of automobile insurance, it shall, within thirty days after such refusal, send a written explanation of such refusal to the applicant at his last known address [by certified mail or certificate of mailing]. **Notice shall be sent by United States Postal Service certified mail, certificate of mailing, first class mail using Intelligent Mail barcode (IMb), or another mail tracking method used, approved, or accepted by the United States Postal Service.** The explanation shall state:

(1) The insurer's actual reason for refusing to write the policy, the statement of reason to be sufficiently clear and specific so that a person of average intelligence can identify the basis for the insurer's decision without further inquiry. Generalized terms such as "personal habits",

"living conditions", "poor morals", or "violation or accident record" shall not suffice to meet the requirements of this subdivision;

(2) That the applicant may be eligible for insurance through the assigned risk plan if other insurance is not available.

Approved June 3, 2015

HB 400 [HB 400]

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

Designates the month of November each year as "Epilepsy Awareness Month"

AN ACT to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of epilepsy awareness month.

SECTION
A. Enacting clause.
9.183. Epilepsy awareness month designated for the month of November.

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

SECTION A. ENACTING CLAUSE. — Chapter 9, RSMo, is amended by adding thereto one new section, to be known as section 9.183, to read as follows:

9.183. EPILEPSY AWARENESS MONTH DESIGNATED FOR THE MONTH OF NOVEMBER. — The month of November shall be designated as "Epilepsy Awareness Month" in Missouri. The citizens of the state of Missouri are encouraged to participate in appropriate activities and events to increase awareness of epilepsy and its related symptoms.

Approved July 2, 2015

HB 402 [HB 402]

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

Designates the first full week before Memorial Day as "Safe Boating Week"

AN ACT to amend chapter 9, RSMo, by adding thereto one new section relating to Missouri Safe Boating Week.

SECTION
A. Enacting clause.
9.145. Missouri safe boating week designated for the first full week of May before Memorial Day.

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

SECTION A. ENACTING CLAUSE. — Chapter 9, RSMo, is amended by adding thereto one new section, to be known as section 9.145, to read as follows:

9.145. MISSOURI SAFE BOATING WEEK DESIGNATED FOR THE FIRST FULL WEEK OF MAY BEFORE MEMORIAL DAY. — The first full week of May before Memorial Day is hereby designated as "Missouri Safe Boating Week". The citizens of this state are encouraged to observe the week with appropriate activities and events.

Approved July 6, 2015

HB 403 [SCS HB 403]

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

Designates Missouri as a Purple Heart State

AN ACT to repeal section 301.451, RSMo, and to enact in lieu thereof two new sections relating to veterans awarded the Purple Heart medal.

SECTION

A. Enacting clause.
42.045. Missouri designated as a Purple Heart State.
301.451. Purple Heart medal, special license plates.

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

SECTION A. ENACTING CLAUSE. — Section 301.451, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 42.045 and 301.451, to read as follows:

42.045. MISSOURI DESIGNATED AS A PURPLE HEART STATE. — In order to honor our combat wounded veterans for their service and sacrifice, Missouri shall hereby be designated as a "Purple Heart State".

301.451. PURPLE HEART MEDAL, SPECIAL LICENSE PLATES. — Any person who has been awarded the purple heart medal may apply for special motor vehicle license plates for any vehicle he or she owns, either solely or jointly, other than commercial vehicles weighing over twelve thousand pounds. Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof as a recipient of the purple heart medal as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof, with the words "PURPLE HEART" in place of the words "SHOW-ME STATE" in a form prescribed by the advisory committee established in section 301.129. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. There shall be no fee in addition to regular registration fees for the **[**initial set of**]** **purple heart license** plates issued to the applicant**[**, however, there shall be an additional fee charged for each subsequent set of special purple heart license plates issued equal to the fee charged for personalized license plates, but the additional fee shall only have to be paid once by the qualified applicant at the time of initial application for the additional set of plates**]**. There shall be no limit on the number of license plates any person qualified under this section may obtain so long as each set of license plates issued under this section is issued for vehicles owned solely or jointly by such person. License plates issued under the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person.

Approved July 13, 2015

HB 404 [HB 404]

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

Designates the week in which May 15 falls as "Missouri's Peace Officers Memorial Week"

AN ACT to repeal section 9.120, RSMo, and to enact in lieu thereof one new section relating to Missouri's Peace Officers Memorial Week.

SECTION
A. Enacting clause.
9.120. Week of May 15, Peace Officers Memorial Week.

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

SECTION A. ENACTING CLAUSE. — Section 9.120, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 9.120, to read as follows:

9.120. WEEK OF MAY 15, PEACE OFFICERS MEMORIAL WEEK. — May fifteenth of every year shall be known and designated as "Missouri's Peace Officers Memorial Day"**, and the week in which that date falls shall be known and designated as "Missouri's Peace Officers Memorial Week"**. It shall be a day **and week** on which to commemorate the sacrifices of the federal, state, county and municipal peace officers who have been killed or disabled in the performance of their duties. The United States flag and the Missouri state flag shall be flown at half-staff on all government buildings on Missouri's peace officers memorial day.

Approved July 6, 2015

HB 501 [HB 501]

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

Requires course materials relating to sexual education to contain information regarding sexual predators, online predators, and the consequences of inappropriate text messaging

AN ACT to repeal section 170.015, RSMo, and to enact in lieu thereof one new section relating to course materials relating to human sexuality.

SECTION
A. Enacting clause.
170.015. Human sexuality and sexually transmitted diseases, instruction in, requirements — policies, school boards' duties — certain course materials on human sexuality prohibited, when.

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

SECTION A. ENACTING CLAUSE. — Section 170.015, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 170.015, to read as follows:

170.015. HUMAN SEXUALITY AND SEXUALLY TRANSMITTED DISEASES, INSTRUCTION IN, REQUIREMENTS — POLICIES, SCHOOL BOARDS' DUTIES — CERTAIN COURSE MATERIALS ON HUMAN SEXUALITY PROHIBITED, WHEN. — 1. Any course materials and instruction relating to human sexuality and sexually transmitted diseases shall be medically and factually accurate and shall:

(1) Present abstinence from sexual activity as the preferred choice of behavior in relation to all sexual activity for unmarried pupils because it is the only method that is one hundred percent effective in preventing pregnancy, sexually transmitted diseases and the emotional trauma associated with adolescent sexual activity, and advise students that teenage sexual activity places them at a higher risk of dropping out of school because of the consequences of sexually transmitted diseases and unplanned pregnancy;

(2) Stress that sexually transmitted diseases are serious, possible, health hazards of sexual activity. Pupils shall be provided with the latest medical information regarding exposure to human immunodeficiency virus, acquired immune deficiency syndrome (AIDS), human papilloma virus, hepatitis and other sexually transmitted diseases;

(3) Present students with the latest medically factual information regarding both the possible side effects and health benefits of all forms of contraception, including the success and failure rates for the prevention of pregnancy and sexually transmitted diseases; or shall present students with information on contraceptives and pregnancy in a manner consistent with the provisions of the federal abstinence education law, 42 U.S.C. Section 710;

(4) Include a discussion of the possible emotional and psychological consequences of preadolescent and adolescent sexual activity and the consequences of adolescent pregnancy, as well as the advantages of adoption, including the adoption of special needs children, and the processes involved in making an adoption plan;

(5) Teach skills of conflict management, personal responsibility and positive self-esteem through discussion and role-playing at appropriate grade levels to emphasize that the pupil has the power to control personal behavior. Pupils shall be encouraged to base their actions on reasoning, self-discipline, sense of responsibility, self-control, and ethical considerations, such as respect for one's self and others. Pupils shall be taught not to make unwanted physical and verbal sexual advances or otherwise exploit another person. Pupils shall be taught to resist unwanted sexual advances and other negative peer pressure;

(6) Advise pupils of the laws pertaining to their financial responsibility to children born in and out of wedlock and advise pupils of the provisions of chapter 566 pertaining to statutory rape**;**

(7) Teach pupils about the dangers of sexual predators, including online predators when using electronic communication methods such as the internet, cell phones, text messages, chat rooms, email, and instant messaging programs. Pupils shall be taught how to behave responsibly and remain safe on the internet and the importance of having open communication with responsible adults and reporting any inappropriate situation, activity, or abuse to a responsible adult, and depending on intent and content, to local law enforcement, the Federal Bureau of Investigation, or the National Center for Missing and Exploited Children's CyberTipline; and

(8) Teach pupils about the consequences, both personal and legal, of inappropriate text messaging, even among friends.

2. Policies concerning referrals and parental notification regarding contraception shall be determined by local school boards or charter schools, consistent with the provisions of section 167.611.

3. A school district or charter school which provides human sexuality instruction may separate students according to gender for instructional purposes.

4. The board of a school district or charter school shall determine the specific content of the district's or school's instruction in human sexuality, in accordance with subsections 1 to 3 of this section, and shall ensure that all instruction in human sexuality is appropriate to the age of the students receiving such instruction.

5. A school district or charter school shall notify the parent or legal guardian of each student enrolled in the district or school of:

(1) The basic content of the district's or school's human sexuality instruction to be provided to the student; and

(2) The parent's right to remove the student from any part of the district's or school's human sexuality instruction.

6. A school district or charter school shall make all curriculum materials used in the district's or school's human sexuality instruction available for public inspection pursuant to chapter 610 prior to the use of such materials in actual instruction.

7. No school district or charter school, or its personnel or agents, shall provide abortion services, or permit a person or entity to offer, sponsor, or furnish in any manner any course materials or instruction relating to human sexuality or sexually transmitted diseases to its students if such person or entity is a provider of abortion services.

8. As used in this section, the following terms mean:

(1) "Abortion", the same meaning as such term is defined in section 188.015;

(2) "Abortion services":

(a) Performing, inducing, or assisting in the performance or inducing of an abortion which is not necessary to save the life of the mother;

(b) Encouraging a patient to have an abortion or referring a patient for an abortion, which is not necessary to save the life of the mother; or

(c) Developing or dispensing drugs, chemicals, or devices intended to be used to induce an abortion which is not necessary to save the life of the mother.

Approved July 14, 2015

HB 511 [HB 511]

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

Adds a provision relating to annexation of property approved by a majority of the property owners

AN ACT to repeal section 72.401, RSMo, and to enact in lieu thereof one new section relating to annexation.

SECTION

A. Enacting clause.
72.401. Law to be exclusive for boundary changes if commission established (St. Louis County) — procedure for boundary change — commission members, qualifications, appointment, vacancies — notice of ordinance establishing commission — list of appointees — terms — succession — conflict of interest — boundary adjustment and certain annexations not subject to commission review and not prohibited by existence of established unincorporated area, when.

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

SECTION A. ENACTING CLAUSE. — Section 72.401, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 72.401, to read as follows:

72.401. LAW TO BE EXCLUSIVE FOR BOUNDARY CHANGES IF COMMISSION ESTABLISHED (ST. LOUIS COUNTY) — PROCEDURE FOR BOUNDARY CHANGE — COMMISSION MEMBERS, QUALIFICATIONS, APPOINTMENT, VACANCIES — NOTICE OF ORDINANCE ESTABLISHING COMMISSION — LIST OF APPOINTEES — TERMS — SUCCESSION — CONFLICT OF INTEREST

— **BOUNDARY ADJUSTMENT AND CERTAIN ANNEXATIONS NOT SUBJECT TO COMMISSION REVIEW AND NOT PROHIBITED BY EXISTENCE OF ESTABLISHED UNINCORPORATED AREA, WHEN.** — 1. If a commission has been established **[**pursuant to section 72.400**]** **under sections 72.400 to 72.423** in any county with a charter form of government where fifty or more cities, towns and villages have been established, any boundary change within the county shall proceed solely and exclusively in the manner provided for by sections 72.400 to 72.423, notwithstanding any statutory provisions to the contrary concerning such boundary changes.

2. In any county with a charter form of government where fifty or more cities, towns and villages have been established, if the governing body of such county has by ordinance established a boundary commission, as provided in sections 72.400 to 72.423, then boundary changes in such county shall proceed only as provided in sections 72.400 to 72.423.

3. The commission shall be composed of eleven members as provided in this subsection. No member, employee or contractor of the commission shall be an elective official, employee or contractor of the county or of any political subdivision within the county or of any organization representing political subdivisions or officers or employees of political subdivisions. Each of the appointing authorities described in subdivisions (1) to (3) of this subsection shall appoint persons who shall be residents of their respective locality so described. The appointing authority making the appointments shall be:

(1) The chief elected officials of all municipalities wholly within the county which have a population of more than twenty thousand persons, who shall name two members to the commission as prescribed in this subsection each of whom is a resident of a municipality within the county of more than twenty thousand persons;

(2) The chief elected officials of all municipalities wholly within the county which have a population of twenty thousand or less but more than ten thousand persons, who shall name one member to the commission as prescribed in this subsection who is a resident of a municipality within the county with a population of twenty thousand or less but more than ten thousand persons;

(3) The chief elected officials of all municipalities wholly within the county which have a population of ten thousand persons or less, who shall name one member to the commission as prescribed in this subsection who is a resident of a municipality within the county with a population of ten thousand persons or less;

(4) An appointive body consisting of the director of the county department of planning, the president of the municipal league of the county, one additional person designated by the county executive, and one additional person named by the board of the municipal league of the county, which appointive body, acting by a majority of all of its members, shall name three members of the commission who are residents of the county; and

(5) The county executive of the county, who shall name four members of the commission, three of whom shall be from the unincorporated area of the county and one of whom shall be from the incorporated area of the county. The seat of a commissioner shall be automatically vacated when the commissioner changes his or her residence so as to no longer conform to the terms of the requirements of the commissioner's appointment. The commission shall promptly notify the appointing authority of such change of residence.

4. Upon the passage of an ordinance by the governing body of the county establishing a boundary commission, the governing body of the county shall, within ten days, send by United States mail written notice of the passage of the ordinance to the chief elected official of each municipality wholly or partly in the county.

5. Each of the appointing authorities described in subdivisions (1) to (4) of subsection 3 of this section shall meet within thirty days of the passage of the ordinance establishing the commission to compile its list of appointees. Each list shall be delivered to the county executive within forty-one days of the passage of such ordinance. The county executive shall appoint members within forty-five days of the passage of the ordinance. If a list is not submitted by the time specified, the county executive shall appoint the members using the criteria of subsection

3 of this section before the sixtieth day from the passage of the ordinance. At the first meeting of the commission appointed after the effective date of the ordinance, the commissioners shall choose by lot the length of their terms. Three shall serve for one year, two for two years, two for three years, two for four years, and two for five years. All succeeding commissioners shall serve for five years. Terms shall end on December thirty-first of the respective year. No commissioner shall serve more than two consecutive full terms. Full terms shall include any term longer than two years.

6. When a member's term expires, or if a member is for any reason unable to complete **[**his**]** **such member's** term, the respective appointing authority shall appoint such member's successor. Each appointing authority shall act to ensure that each appointee is secured accurately and in a timely manner, when a member's term expires or as soon as possible when a member is unable to complete **[**his**]** **such member's** term. A member whose term has expired shall continue to serve until **[**his**]** **a** successor is appointed and qualified.

7. The commission, its employees and subcontractors shall be subject to the regulation of conflicts of interest as defined in sections 105.450 to **[**105.498**]** **105.496** and to the requirements for open meetings and records under chapter 610.

8. Notwithstanding any provisions of law to the contrary, any boundary adjustment approved by the residential property owners and the governing bodies of the affected municipalities or the county, if involved, and any voluntary annexation approved by municipal ordinance provided that the municipality owns the area to be annexed, that the area is contiguous with the municipality, and that the area is utilized only for parks and recreation purposes, shall not be subject to commission review. Such a boundary adjustment or annexation is not prohibited by the existence of an established unincorporated area.

9. Any annexation of property or defined areas of properties approved by a majority of property owners residing thereon and by ordinance of any municipality that is a service provider for both the water and sanitary sewer within the municipality shall be effective as provided in the annexation ordinance and shall not be subject to commission review. Such annexation shall not be prohibited by the existence of an established unincorporated area.

Approved June 30, 2015

HB 514 [HB 514]

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

Modifies provisions relating to tax increment financing

AN ACT to repeal section 99.845, RSMo, and to enact in lieu thereof two new sections relating to tax increment financing.

SECTION
- A. Enacting clause.
- 99.845. Tax increment financing adoption — division of ad valorem taxes — payments in lieu of tax, deposit, inclusion and exclusion of current equalized assessed valuation for certain purposes, when — other taxes included, amount — new state revenues, disbursements — supplemental tax increment financing fund established, disbursement.
- 99.866. Blighted low-income housing site, financing agreement between state and St. Louis City for possible retention of federal geospatial intelligence jobs — limitation on amount.

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

SECTION A. ENACTING CLAUSE. — Section 99.845, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 99.845 and 99.866, to read as follows:

99.845. TAX INCREMENT FINANCING ADOPTION — DIVISION OF AD VALOREM TAXES — PAYMENTS IN LIEU OF TAX, DEPOSIT, INCLUSION AND EXCLUSION OF CURRENT EQUALIZED ASSESSED VALUATION FOR CERTAIN PURPOSES, WHEN — OTHER TAXES INCLUDED, AMOUNT — NEW STATE REVENUES, DISBURSEMENTS — SUPPLEMENTAL TAX INCREMENT FINANCING FUND ESTABLISHED, DISBURSEMENT. — 1. A municipality, either at the time a redevelopment project is approved or, in the event a municipality has undertaken acts establishing a redevelopment plan and redevelopment project and has designated a redevelopment area after the passage and approval of sections 99.800 to 99.865 but prior to August 13, 1982, which acts are in conformance with the procedures of sections 99.800 to 99.865, may adopt tax increment allocation financing by passing an ordinance providing that after the total equalized assessed valuation of the taxable real property in a redevelopment project exceeds the certified total initial equalized assessed valuation of the taxable real property in the redevelopment project, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in such redevelopment project by taxing districts and tax rates determined in the manner provided in subsection 2 of section 99.855 each year after the effective date of the ordinance until redevelopment costs have been paid shall be divided as follows:

(1) That portion of taxes, penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing;

(2) (a) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid to the municipal treasurer who shall deposit such payment in lieu of taxes into a special fund called the "Special Allocation Fund" of the municipality for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Beginning August 28, 2014, if the voters in a taxing district vote to approve an increase in such taxing district's levy rate for ad valorem tax on real property, any additional revenues generated within an existing redevelopment project area that are directly attributable to the newly voter-approved incremental increase in such taxing district's levy rate shall not be considered payments in lieu of taxes subject to deposit into a special allocation fund without the consent of such taxing district. Revenues will be considered directly attributable to the newly voter-approved incremental increase to the extent that they are generated from the difference between the taxing district's actual levy rate currently imposed and the maximum voter-approved levy rate at the time that the redevelopment project was adopted. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the redevelopment project from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable. The municipality may, in the ordinance, pledge the funds in the special allocation fund for the payment of such costs and obligations and provide for the collection of payments in lieu of taxes, the lien of which may be foreclosed in the same manner as a special assessment lien as provided in section 88.861. No part of the current equalized assessed valuation of each lot, block, tract, or parcel of property in the area selected for the redevelopment project attributable to any increase above the total initial equalized assessed value of such properties shall be used in calculating the general state school aid formula provided for in section 163.031 until such time as all redevelopment costs have been paid as provided for in this section and section 99.850.

(b) Notwithstanding any provisions of this section to the contrary, for purposes of determining the limitation on indebtedness of local government pursuant to Article VI, Section 26(b) of the Missouri Constitution, the current equalized assessed value of the property in an area selected for redevelopment attributable to the increase above the total initial equalized assessed valuation shall be included in the value of taxable tangible property as shown on the last completed assessment for state or county purposes.

(c) The county assessor shall include the current assessed value of all property within the taxing district in the aggregate valuation of assessed property entered upon the assessor's book and verified pursuant to section 137.245, and such value shall be utilized for the purpose of the debt limitation on local government pursuant to Article VI, Section 26(b) of the Missouri Constitution;

(3) For purposes of this section, "levies upon taxable real property in such redevelopment project by taxing districts" shall not include the blind pension fund tax levied under the authority of Article III, Section 38(b) of the Missouri Constitution, or the merchants' and manufacturers' inventory replacement tax levied under the authority of subsection 2 of Section 6 of Article X of the Missouri Constitution, except in redevelopment project areas in which tax increment financing has been adopted by ordinance pursuant to a plan approved by vote of the governing body of the municipality taken after August 13, 1982, and before January 1, 1998.

2. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after July 12, 1990, and prior to August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest imposed by the municipality, or other taxing districts, which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, licenses, fees or special assessments other than payments in lieu of taxes and any penalty and interest thereon, or, effective January 1, 1998, taxes levied pursuant to section 94.660, for the purpose of public transportation, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Any provision of an agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of other municipal revenues to the special allocation fund shall be and remain enforceable.

3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest which are imposed by the municipality or other taxing districts, and which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, taxes levied for the purpose of public transportation pursuant to section 94.660, taxes imposed on sales pursuant to subsection 2 of section 67.1712 for the purpose of operating and maintaining a metropolitan park and recreation district, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, any sales tax imposed by a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, for the purpose of sports stadium improvement or levied by such county under section 238.410 for the purpose

of the county transit authority operating transportation facilities, or for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 28, 2013, taxes imposed on sales under and pursuant to section 67.700 or 650.399 for the purpose of emergency communication systems, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Beginning August 28, 2014, if the voters in a taxing district vote to approve an increase in such taxing district's sales tax or use tax, other than the renewal of an expiring sales or use tax, any additional revenues generated within an existing redevelopment project area that are directly attributable to the newly voter-approved incremental increase in such taxing district's levy rate shall not be considered economic activity taxes subject to deposit into a special allocation fund without the consent of such taxing district.

4. Beginning January 1, 1998, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance and which have complied with subsections 4 to 12 of this section, in addition to the payments in lieu of taxes and economic activity taxes described in subsections 1, 2 and 3 of this section, up to fifty percent of the new state revenues, as defined in subsection 8 of this section, estimated for the businesses within the project area and identified by the municipality in the application required by subsection 10 of this section, over and above the amount of such taxes reported by businesses within the project area as identified by the municipality in their application prior to the approval of the redevelopment project by ordinance, while tax increment financing remains in effect, may be available for appropriation by the general assembly as provided in subsection 10 of this section to the department of economic development supplemental tax increment financing fund, from the general revenue fund, for distribution to the treasurer or other designated financial officer of the municipality with approved plans or projects.

5. The treasurer or other designated financial officer of the municipality with approved plans or projects shall deposit such funds in a separate segregated account within the special allocation fund established pursuant to section 99.805.

6. No transfer from the general revenue fund to the Missouri supplemental tax increment financing fund shall be made unless an appropriation is made from the general revenue fund for that purpose. No municipality shall commit any state revenues prior to an appropriation being made for that project. For all redevelopment plans or projects adopted or approved after December 23, 1997, appropriations from the new state revenues shall not be distributed from the Missouri supplemental tax increment financing fund into the special allocation fund unless the municipality's redevelopment plan ensures that one hundred percent of payments in lieu of taxes and fifty percent of economic activity taxes generated by the project shall be used for eligible redevelopment project costs while tax increment financing remains in effect. This account shall be separate from the account into which payments in lieu of taxes are deposited, and separate from the account into which economic activity taxes are deposited.

7. In order for the redevelopment plan or project to be eligible to receive the revenue described in subsection 4 of this section, the municipality shall comply with the requirements of subsection 10 of this section prior to the time the project or plan is adopted or approved by ordinance. The director of the department of economic development and the commissioner of the office of administration may waive the requirement that the municipality's application be submitted prior to the redevelopment plan's or project's adoption or the redevelopment plan's or project's approval by ordinance.

8. For purposes of this section, "new state revenues" means:

(1) The incremental increase in the general revenue portion of state sales tax revenues received pursuant to section 144.020, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law. In no event shall the incremental increase include any amounts attributable to retail sales

unless the municipality or authority has proven to the Missouri development finance board and the department of economic development and such entities have made a finding that the sales tax increment attributable to retail sales is from new sources which did not exist in the state during the baseline year. The incremental increase in the general revenue portion of state sales tax revenues for an existing or relocated facility shall be the amount that current state sales tax revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan as provided in subsection 10 of this section; or

(2) The state income tax withheld on behalf of new employees by the employer pursuant to section 143.221 at the business located within the project as identified by the municipality. The state income tax withholding allowed by this section shall be the municipality's estimate of the amount of state income tax withheld by the employer within the redevelopment area for new employees who fill new jobs directly created by the tax increment financing project.

9. Subsection 4 of this section shall apply only to **the following:**

(1) Blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256, blighted areas located in federal empowerment zones, or to blighted areas located in central business districts or urban core areas of cities which districts or urban core areas at the time of approval of the project by ordinance, provided that the enterprise zones, federal empowerment zones or blighted areas contained one or more buildings at least fifty years old; and

[(1)**]** **(a)** Suffered from generally declining population or property taxes over the twenty-year period immediately preceding the area's designation as a project area by ordinance; or

[(2)**]** **(b)** Was a historic hotel located in a county of the first classification without a charter form of government with a population according to the most recent federal decennial census in excess of one hundred fifty thousand and containing a portion of a city with a population according to the most recent federal decennial census in excess of three hundred fifty thousand**;**

(2) Blighted areas consisting solely of the site of a former automobile manufacturing plant located in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants. For the purposes of this section, "former automobile manufacturing plant" means a redevelopment area containing a minimum of one hundred acres, and such redevelopment area was previously used primarily for the manufacture of automobiles but ceased such manufacturing after the 2007 calendar year; or

(3) Blighted areas consisting solely of the site of a former insurance company national service center containing a minimum of one hundred acres located in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants.

10. The initial appropriation of up to fifty percent of the new state revenues authorized pursuant to **[**subsections 4 and 5**]** **subsection 4** of this section shall not be made to or distributed by the department of economic development to a municipality until all of the following conditions have been satisfied:

(1) The director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee have approved a tax increment financing application made by the municipality for the appropriation of the new state revenues. The municipality shall include in the application the following items in addition to the items in section 99.810:

(a) The tax increment financing district or redevelopment area, including the businesses identified within the redevelopment area;

(b) The base year of state sales tax revenues or the base year of state income tax withheld on behalf of existing employees, reported by existing businesses within the project area prior to approval of the redevelopment project;

(c) The estimate of the incremental increase in the general revenue portion of state sales tax revenue or the estimate for the state income tax withheld by the employer on behalf of new employees expected to fill new jobs created within the redevelopment area after redevelopment;

(d) The official statement of any bond issue pursuant to this subsection after December 23, 1997;

(e) An affidavit that is signed by the developer or developers attesting that the provisions of subdivision (1) of subsection 1 of section 99.810 have been met and specifying that the redevelopment area would not be reasonably anticipated to be developed without the appropriation of the new state revenues;

(f) The cost-benefit analysis required by section 99.810 includes a study of the fiscal impact on the state of Missouri; **[**and**]**

(g) The statement of election between the use of the incremental increase of the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area;

(h) The name, street and mailing address, and phone number of the mayor or chief executive officer of the municipality;

(i) The street address of the development site;

(j) The three-digit North American Industry Classification System number or numbers characterizing the development project;

(k) The estimated development project costs;

(l) The anticipated sources of funds to pay such development project costs;

(m) Evidence of the commitments to finance such development project costs;

(n) The anticipated type and term of the sources of funds to pay such development project costs;

(o) The anticipated type and terms of the obligations to be issued;

(p) The most recent equalized assessed valuation of the property within the development project area;

(q) An estimate as to the equalized assessed valuation after the development project area is developed in accordance with a development plan;

(r) The general land uses to apply in the development area;

(s) The total number of individuals employed in the development area, broken down by full-time, part-time, and temporary positions;

(t) The total number of full-time equivalent positions in the development area;

(u) The current gross wages, state income tax withholdings, and federal income tax withholdings for individuals employed in the development area;

(v) The total number of individuals employed in this state by the corporate parent of any business benefitting from public expenditures in the development area, and all subsidiaries thereof, as of December thirty-first of the prior fiscal year, broken down by full-time, part-time, and temporary positions;

(w) The number of new jobs to be created by any business benefitting from public expenditures in the development area, broken down by full-time, part-time, and temporary positions;

(x) The average hourly wage to be paid to all current and new employees at the project site, broken down by full-time, part-time, and temporary positions;

(y) For project sites located in a metropolitan statistical area, as defined by the federal Office of Management and Budget, the average hourly wage paid to nonmanagerial employees in this state for the industries involved at the project, as established by the United States Bureau of Labor Statistics;

(z) For project sites located outside of metropolitan statistical areas, the average weekly wage paid to nonmanagerial employees in the county for industries involved at the project, as established by the United States Department of Commerce;

(aa) A list of other community and economic benefits to result from the project;

(bb) A list of all development subsidies that any business benefitting from public expenditures in the development area has previously received for the project, and the name of any other granting body from which such subsidies are sought;

(cc) A list of all other public investments made or to be made by this state or units of local government to support infrastructure or other needs generated by the project for which the funding pursuant to this section is being sought;

(dd) A statement as to whether the development project may reduce employment at any other site, within or without the state, resulting from automation, merger, acquisition, corporate restructuring, relocation, or other business activity;

(ee) A statement as to whether or not the project involves the relocation of work from another address and if so, the number of jobs to be relocated and the address from which they are to be relocated;

(ff) A list of competing businesses in the county containing the development area and in each contiguous county;

(gg) A market study for the development area;

(hh) A certification by the chief officer of the applicant as to the accuracy of the development plan;

(2) The methodologies used in the application for determining the base year and determining the estimate of the incremental increase in the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area shall be approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. Upon approval of the application, the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee shall issue a certificate of approval. The department of economic development may request the appropriation following application approval;

(3) The appropriation shall be either a portion of the estimate of the incremental increase in the general revenue portion of state sales tax revenues in the redevelopment area or a portion of the estimate of the state income tax withheld by the employer on behalf of new employees who fill new jobs created in the redevelopment area as indicated in the municipality's application, approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. At no time shall the annual amount of the new state revenues approved for disbursements from the Missouri supplemental tax increment financing fund exceed thirty-two million dollars; **provided, however, that such thirty-two million dollar cap shall not apply to redevelopment plans or projects initially listed by name in the applicable appropriations bill after August 28, 2015, which involve either:**

(a) A former automobile manufacturing plant; or

(b) The retention of a federal employer employing over two thousand geospatial intelligence jobs.

At no time shall the annual amount of the new state revenues for disbursements from the Missouri supplemental tax increment financing fund for redevelopment plans and projects eligible under the provisions of paragraph (a) of this subdivision exceed four million dollars in the aggregate. At no time shall the annual amount of the new state revenues for disbursements from the Missouri supplemental tax increment financing fund for redevelopment plans and projects eligible under the provisions of paragraph (b) of this subdivision exceed twelve million dollars in the aggregate. To the extent a redevelopment plan or project independently meets the eligibility criteria set forth in both paragraphs (a) and (b) of this subdivision, then at no such time shall the annual amount of new state revenues for disbursements from the Missouri supplemental tax increment financing fund for such eligible redevelopment plan or project exceed twelve million dollars in the aggregate;

(4) Redevelopment plans and projects receiving new state revenues shall have a duration of up to fifteen years, unless prior approval for a longer term is given by the director of the

department of economic development or his or her designee and the commissioner of the office of administration or his or her designee; except that, in no case shall the duration exceed twenty-three years.

11. In addition to the areas authorized in subsection 9 of this section, the funding authorized pursuant to subsection 4 of this section shall also be available in a federally approved levee district, where construction of a levee begins after December 23, 1997, and which is contained within a county of the first classification without a charter form of government with a population between fifty thousand and one hundred thousand inhabitants which contains all or part of a city with a population in excess of four hundred thousand or more inhabitants.

12. There is hereby established within the state treasury a special fund to be known as the "Missouri Supplemental Tax Increment Financing Fund", to be administered by the department of economic development. The department shall annually distribute from the Missouri supplemental tax increment financing fund the amount of the new state revenues as appropriated as provided in the provisions of **[**subsections 4 and 5**]** **subsection 4** of this section if and only if the conditions of subsection 10 of this section are met. The fund shall also consist of any gifts, contributions, grants or bequests received from federal, private or other sources. Moneys in the Missouri supplemental tax increment financing fund shall be disbursed per project pursuant to state appropriations.

13. Redevelopment project costs may include, at the prerogative of the state, the portion of salaries and expenses of the department of economic development and the department of revenue reasonably allocable to each redevelopment project approved for disbursements from the Missouri supplemental tax increment financing fund for the ongoing administrative functions associated with such redevelopment project. Such amounts shall be recovered from new state revenues deposited into the Missouri supplemental tax increment financing fund created under this section.

14. For redevelopment plans or projects approved by ordinance that result in net new jobs from the relocation of a national headquarters from another state to the area of the redevelopment project, the economic activity taxes and new state tax revenues shall not be based on a calculation of the incremental increase in taxes as compared to the base year or prior calendar year for such redevelopment project, rather the incremental increase shall be the amount of total taxes generated from the net new jobs brought in by the national headquarters from another state. In no event shall this subsection be construed to allow a redevelopment project to receive an appropriation in excess of up to fifty percent of the new state revenues.

99.866. Blighted low-income housing site, financing agreement between state and St. Louis City for possible retention of federal geospatial intelligence jobs — limitation on amount. — The state of Missouri, acting through the department of economic development and the office of administration, and any city not within a county, acting directly, through an affiliated entity or through such city's land clearance for redevelopment authority, may enter into a financing agreement relating to the redevelopment of an area contiguous with a former public housing site that has been declared blighted under Missouri law and which may lead to the retention within such city of, and relocation to such blighted area within such city by, a federal employer employing over two thousand geospatial intelligence jobs. Such financing agreement may provide for the appropriation and disbursement of state withholding tax revenues and city tax revenues generated from such employer for up to thirty years to fund costs associated with the retention of such employer; provided, however, that the annual amount of the state appropriation contemplated by this section plus any appropriation of state withholding tax revenues related to such employer from the Missouri supplemental tax increment financing fund pursuant to section 99.845 shall not exceed twelve million dollars per year and shall maintain a positive net fiscal impact for the state over the term. If the state of Missouri income tax rates are reduced or replaced after August 28, 2015, the

department of economic development shall request an appropriation from the general assembly of an amount sufficient to offset any reduction in available withholding tax revenues resulting directly from such tax rate reduction or replacement, which in no event shall exceed the amounts that would have been received had the state income tax rates not been reduced or replaced.

Approved June 22, 2015

HB 515 [HB 515]

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

Changes the laws regarding public retirement systems

AN ACT to repeal sections 86.200, 86.207, 86.213, 86.237, 86.250, 86.251, 86.257, 86.263, 86.270, 86.320, 86.1110, 86.1270, 86.1500, and 86.1630, RSMo, and to enact in lieu thereof fourteen new sections relating to local government retirement systems.

SECTION
A. Enacting clause.
86.200. Definitions.
86.207. Members of system, who are — reserve officer not a member.
86.213. Board of trustees to administer — members of board, selection — terms.
86.237. Legal adviser — medical board — duties.
86.250. Members may retire when — application to board to be made when — compulsory retirement.
86.251. Deferred retirement option plan — election — deposit of retirement allowance in DROP account — termination of participation, when — forms of payment — effect of participation — death of member, payment of funds — accidental disability retirement allowance, effect — interest, amount — approval by IRS — election for monthly survivor annuity, when.
86.257. Disability retirement allowance granted, when — periodic medical examinations required, when — cessation of disability benefit, when.
86.263. Service-connected accidental disability retirement for active service members, requirements — periodic examinations required, when — cessation of benefits, when.
86.270. Investigation and examination of applicants for disability benefits.
86.320. Contributions, rate of — deduction from compensation.
86.1110. Military leave of absence, effect of — service credit for military service, when.
86.1270. Retirement plan deemed qualified plan under federal law — board to administer plan as a qualified plan — vesting of benefits — distributions.
86.1500. Military service, effect on creditable service — election to purchase creditable service, when — service credit for military service, when.
86.1630. Tax-exempt status of plan to be maintained — assets of system to be held in trust — member benefits vested, when — distribution of benefits.

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

SECTION A. ENACTING CLAUSE. — Sections 86.200, 86.207, 86.213, 86.237, 86.250, 86.251, 86.257, 86.263, 86.270, 86.320, 86.1110, 86.1270, 86.1500, and 86.1630, RSMo, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 86.200, 86.207, 86.213, 86.237, 86.250, 86.251, 86.257, 86.263, 86.270, 86.320, 86.1110, 86.1270, 86.1500, and 86.1630 to read as follows:

86.200. DEFINITIONS. — The following words and phrases as used in sections 86.200 to 86.366, unless a different meaning is plainly required by the context, shall have the following meanings:

(1) "Accumulated contributions", the sum of all mandatory contributions deducted from the compensation of a member and credited to the member's individual account, together with members' interest thereon;

(2) "Actuarial equivalent", a benefit of equal value when computed upon the basis of mortality tables and interest assumptions adopted by the board of trustees;

(3) "Average final compensation":

(a) With respect to a member who earns no creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last three years of creditable service as a police officer, or if the member has had less than three years of creditable service, the average earnable compensation of the member's entire period of creditable service;

(b) With respect to a member who is not participating in the DROP pursuant to section 86.251 on October 1, 2001, who did not participate in the DROP at any time before such date, and who earns any creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last two years of creditable service as a policeman, or if the member has had less than two years of creditable service, then the average earnable compensation of the member's entire period of creditable service;

(c) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and who terminates employment as a police officer for reasons other than death or disability before earning at least two years of creditable service after such return, the portion of the member's benefit attributable to creditable service earned before DROP entry shall be determined using average final compensation as defined in paragraph (a) of this subdivision; and the portion of the member's benefit attributable to creditable service earned after return to active participation in the system shall be determined using average final compensation as defined in paragraph (b) of this subdivision;

(d) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in the DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and who terminates employment as a police officer after earning at least two years of creditable service after such return, the member's benefit attributable to all of such member's creditable service shall be determined using the member's average final compensation as defined in paragraph (b) of this subdivision;

(e) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and whose employment as a police officer terminates due to death or disability after such return, the member's benefit attributable to all of such member's creditable service shall be determined using the member's average final compensation as defined in paragraph (b) of this subdivision; and

(f) With respect to the surviving spouse or surviving dependent child of a member who earns any creditable service on or after October 1, 2001, the average earnable compensation of the member during the member's last two years of creditable service as a police officer or, if the member has had less than two years of creditable service, the average earnable compensation of the member's entire period of creditable service;

(4) "Beneficiary", any person in receipt of a retirement allowance or other benefit;

(5) **[**"Board of police commissioners", any board of police commissioners, police commissioners and any other officials or boards now or hereafter authorized by law to employ and manage a permanent police force in such cities;

(6)**]** "Board of trustees", the board provided in sections 86.200 to 86.366 to administer the retirement system;

[(7)**] (6)** "Creditable service", prior service plus membership service as provided in sections 86.200 to 86.366;

[(8)**] (7)** "DROP", the deferred retirement option plan provided for in section 86.251;

[(9)] **(8)** "Earnable compensation", the annual salary established under section 84.160 which a member would earn during one year on the basis of the member's rank or position plus any additional compensation for academic work and shift differential that may be provided by any official or board now or hereafter authorized by law to employ and manage a permanent police force in such cities. Such amount shall include the member's deferrals to a deferred compensation plan pursuant to Section 457 of the Internal Revenue Code or to a cafeteria plan pursuant to Section 125 of the Internal Revenue Code or, effective October 1, 2001, to a transportation fringe benefit program pursuant to Section 132(f)(4) of the Internal Revenue Code. Earnable compensation shall not include a member's additional compensation for overtime, standby time, court time, nonuniform time or unused vacation time. Notwithstanding the foregoing, the earnable compensation taken into account under the plan established pursuant to sections 86.200 to 86.366 with respect to a member who is a noneligible participant, as defined in this subdivision, for any plan year beginning on or after October 1, 1996, shall not exceed the amount of compensation that may be taken into account under Section 401(a)(17) of the Internal Revenue Code, as adjusted for increases in the cost of living, for such plan year. For purposes of this subdivision, a "noneligible participant" is an individual who first becomes a member on or after the first day of the first plan year beginning after the earlier of:

(a) The last day of the plan year that includes August 28, 1995; or

(b) December 31, 1995;

[(10)] **(9)** "Internal Revenue Code", the federal Internal Revenue Code of 1986, as amended;

[(11)] **(10)** "Mandatory contributions", the contributions required to be deducted from the salary of each member who is not participating in DROP in accordance with section 86.320;

[(12)] **(11)** "Medical board", the [board of three physicians of different disciplines] **health care organization** appointed by the trustees of the police retirement board and responsible for arranging and passing upon all medical examinations required under the provisions of sections 86.200 to 86.366, which [board] shall investigate all essential statements and certificates made by or on behalf of a member in connection with an application for disability retirement and shall report in writing to the board of trustees its conclusions and recommendations[, which can be based upon the opinion of a single member or that of an outside specialist if one is appointed, upon all the matters referred to such medical board];

[(13)] **(12)** "Member", a member of the retirement system as defined by sections 86.200 to 86.366;

[(14)] **(13)** "Members' interest", interest on accumulated contributions at such rate as may be set from time to time by the board of trustees;

[(15)] **(14)** "Membership service", service as a policeman rendered since last becoming a member, except in the case of a member who has served in the Armed Forces of the United States and has subsequently been reinstated as a policeman, in which case "membership service" means service as a policeman rendered since last becoming a member prior to entering such armed service;

[(16)] **(15)** "Plan year" or "limitation year", the twelve consecutive-month period beginning each October first and ending each September thirtieth;

[(17)] **(16)** "Policeman" or "police officer", any member of the police force of such cities who holds a rank in such police force;

[(18)] **(17)** "Prior service", all service as a policeman rendered prior to the date the system becomes operative or prior to membership service which is creditable in accordance with the provisions of sections 86.200 to 86.366;

[(19)] **(18)** "Reserve officer", any member of the police reserve force of such cities, armed or unarmed, who works less than full time, without compensation, and who, by his or her assigned function or as implied by his or her uniform, performs duties associated with those of a police officer and who currently receives a service retirement as provided by sections 86.200 to 86.366;

[(20)**] (19)** "Retirement allowance", annual payments for life as provided by sections 86.200 to 86.366 which shall be payable in equal monthly installments or any benefits in lieu thereof granted to a member upon termination of employment as a police officer and actual retirement;

[(21)**] (20)** "Retirement system", the police retirement system of the cities as defined in sections 86.200 to 86.366;

[(22)**] (21)** "Surviving spouse", the surviving spouse of a member who was the member's spouse at the time of the member's death.

86.207. MEMBERS OF SYSTEM, WHO ARE — RESERVE OFFICER NOT A MEMBER. — 1. **Except as provided herein,** all persons who become policemen and all policemen who enter or reenter the service of **[**the**] any** city **not within a county** after the first day of October, 1957, become members as a condition of their employment and shall receive no pensions or retirement allowance from any other pension or retirement system supported wholly or in part by the city **not within a county** or the state of Missouri, nor shall they be required to make contributions under any other pension or retirement system of the city **not within a county** or the state of Missouri **for the same period of service**, anything to the contrary notwithstanding. **Any employee of a city not within a county who is earning creditable service in a retirement plan established by said city under section 95.540 and subsequently becomes a policeman may elect to remain a member of said retirement plan and shall not be required to become a member of a police retirement system established under section 86.200. However, an employee of a city not within a county who is earning creditable service in a retirement plan established by said city under section 95.540 and who subsequently becomes a policeman may elect to transfer membership and creditable service to the police retirement system created under section 86.200. Such transfers are subject to the conditions and requirements contained in section 105.691 and are also subject to any existing agreements between the said retirement plans; provided however, transfers completed prior to January 1, 2016, shall occur without regard to the vesting requirements of the receiving plan contained in section 105.691. As part of the transfer process described herein, the respective retirement plans may require the employee to acknowledge and agree as a condition of transfer that any election made under this section is irrevocable, constitutes a waiver of any right to receive retirement and disability benefits except as provided by the police retirement system, and that plan terms may be modified in the future.**

2. If any member ceases to be in service for more than one year unless the member has attained the age of fifty-five or has twenty years or more of creditable service, or if the member withdraws the member's accumulated contributions or if the member receives benefits under the retirement system or dies, the member thereupon ceases to be a member; except in the case of a member who has served in the Armed Forces of the United States and has subsequently been reinstated as a policeman. A member who has terminated employment as a police officer, has actually retired and is receiving retirement benefits under the system shall be considered a retired member.

3. A reserve officer shall not be considered a member of the system for the purpose of determining creditable service, nor shall any contributions be due. A reserve officer shall not be entitled to any benefits from the system other than those awarded when the reserve officer originally retired under section 86.250, nor shall service as a reserve officer prohibit distribution of those benefits.

86.213. BOARD OF TRUSTEES TO ADMINISTER — MEMBERS OF BOARD, SELECTION — TERMS. — 1. The general administration and the responsibility for the proper operation of the retirement system and for making effective the provisions of sections 86.200 to 86.366 are hereby vested in a board of trustees of nine persons. The board shall be constituted as follows:

(1) The comptroller of the city, ex officio. If the comptroller is absent from any meeting of the board of trustees for any cause whatsoever, the comptroller may be represented by either the deputy comptroller or the first assistant comptroller who in such case shall have full power to act as a member of the said board of trustees;

(2) Two members to be appointed by the mayor of the city to serve for a term of two years, except the mayor shall not appoint the police chief of the municipal police force**[**,**] or** the city's director of public safety**[**, or the president of the board of police commissioners of the city**]**;

(3) Three members to be elected by the members of the retirement system of the city for a term of three years; provided, however, that the term of office of the first three members so elected shall begin immediately upon their election and one such member's term shall expire one year from the date the retirement system becomes operative, another such member's term shall expire two years from the date the retirement system becomes operative and the other such member's term shall expire three years from the date the retirement system becomes operative; provided, further, that such members shall be members of the system and hold office only while members of the system;

(4) Three members who shall be retired members of the retirement system to be elected by the retired members of the retirement system for a term of three years; except that, the term of office of the first two members so elected shall begin immediately upon their election and one such member's term shall expire two years from the date of election and the other such member's term shall expire three years from the date of election.

2. Any member elected chairman of the board of trustees may serve without term limitations.

3. Each commissioned elected trustee shall be granted travel time by the St. Louis metropolitan police department to attend any and all functions that have been authorized by the board of trustees of the police retirement system of St. Louis. Travel time, with compensation, for a trustee shall not exceed thirty days in any board fiscal year.

86.237. LEGAL ADVISER — MEDICAL BOARD — DUTIES. — 1. The board of trustees is authorized to use the city counselor of the specified cities as a legal advisor to the board of trustees and may also appoint an attorney-at-law or firm of attorneys-at-law to serve as the legal advisor and consultant to the board of trustees and to represent the system and the board of trustees in all legal proceedings.

2. The board of trustees shall designate a **[**medical director, who**] medical board which** shall **[**appoint physicians, including himself or herself if appropriate, as he or she deems necessary to**]** arrange for and pass upon all medical examinations required under the provisions of sections 86.200 to 86.366. Such **[**physicians**] medical board** shall investigate all essential statements as to physical or mental conditions made by or on behalf of a member in connection with an application for disability retirement and shall report in writing **[**their**] to the board of trustees its** conclusions and recommendations upon all the matters referred to them. **[**The medical director shall report in writing to the board of trustees conclusions and recommendations concerning all essential statements as to physical or mental conditions made by or on behalf of a member in connection with an application for disability retirement.**]**

86.250. MEMBERS MAY RETIRE WHEN — APPLICATION TO BOARD TO BE MADE WHEN — COMPULSORY RETIREMENT. — Retirement of a member on a service retirement allowance shall be made by the board of trustees as follows:

(1) Any member may terminate employment as a police officer and actually retire after completing twenty or more years of creditable service or attaining the age of fifty-five upon the member's written application to the board of trustees setting forth at what time, but not more than ninety days subsequent to the execution and filing of the application, the member desires to be retired;

(2) Any member in service who has attained the age of sixty-five shall be terminated as a police officer and actually retired forthwith provided that upon request of the [board] **chief** of police [commissioners] the board of trustees may permit such member to remain in service for periods of not to exceed one year from the date of the last request from the [board] **chief** of police [commissioners].

86.251. DEFERRED RETIREMENT OPTION PLAN — ELECTION — DEPOSIT OF RETIREMENT ALLOWANCE IN DROP ACCOUNT — TERMINATION OF PARTICIPATION, WHEN — FORMS OF PAYMENT — EFFECT OF PARTICIPATION — DEATH OF MEMBER, PAYMENT OF FUNDS — ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE, EFFECT — INTEREST, AMOUNT — APPROVAL BY IRS — ELECTION FOR MONTHLY SURVIVOR ANNUITY, WHEN. — 1. The board of trustees may develop and establish a deferred retirement option plan (DROP) in which members who are eligible for retirement but who have not terminated employment as police officers and who have not actually retired may participate. The DROP shall be designed to allow members with at least twenty years of creditable service or who have attained the age of fifty-five who have achieved eligibility for retirement and are entitled to a service retirement allowance and other benefits to postpone actual retirement, continue active employment and accumulate a deferred receipt of the service retirement allowance. No one shall participate in the DROP for a period exceeding five years.

2. Any member who has at least twenty years of creditable service or has attained the age of fifty-five may elect in writing before retirement to participate in the DROP. A member electing to participate in the DROP shall postpone actual retirement, shall continue in active employment and shall not receive any direct retirement allowance payments or benefits during the period of participation.

3. Upon the start of the participation in the DROP, the member shall cease to make any mandatory contributions to the system. No contribution shall be required by the city into the DROP account. During the period of participation in the DROP, the amount that the member would have received as a service retirement allowance if the member had actually retired instead of entering DROP shall be deposited monthly in the member's DROP account which shall be established in the member's name by the board of trustees. The member's service retirement allowance shall not be adjusted for any cost-of-living increases for any period prior to the member's termination of employment as a police officer and actual retirement. Cost-of-living increases, if any, for any period following the member's termination of employment as a police officer and actual retirement shall be applied only to monthly service retirement payments made following termination of employment as a police officer and actual retirement. Service earned during the period of participation in the DROP shall not be creditable service and shall not be counted in determination of any service retirement allowance or surviving spouse's or dependents' benefits. Compensation paid during the period of participation in the DROP shall not be earnable compensation and shall not be counted in the determination of any service retirement allowance or surviving spouse's or dependent's benefits. The member's service retirement allowance shall be frozen as of the date the member enters DROP. Except as specifically provided in sections 86.200 to 86.366, the member's frozen service retirement allowance shall not increase while the member is participating in DROP or after the member's participation in DROP ends, and the member shall not share in any benefit improvement that is enacted or that becomes effective while such member is participating in the DROP.

4. A member shall cease participation in the DROP upon the termination of the member's employment as a police officer and actual retirement, or at the end of the five-year period commencing on the first day of the member's participation in the DROP, or as of the effective date[, but in no event prior to October 1, 2001,] of the member's election to return to active participation in the system, whichever occurs first. A member's election to return to active participation in the system before the end of the five-year period commencing on the first day of participation in the DROP shall be made and shall become effective in accordance with

procedures established by the board of trustees[, but in no event prior to October 1, 2001]. Upon the member's termination of employment as a police officer and actual retirement, the member shall elect to receive the value of the member's DROP account, in one of the following forms of payment:

(a) A lump sum payment; or

(b) Equal monthly installments over a ten-year period. Either form of payment should begin within thirty days after the member's notice to the board of trustees that the member has selected a particular option.

5. If a member who is participating in the DROP elects to return to active participation in the system or if a member who is participating in the DROP does not terminate employment and actually retires as a police officer in the city for which the retirement system was established pursuant to sections 86.200 to 86.366 at the end of the five-year period commencing on the first day of the member's participation in the DROP, the member shall return to active participation in the system and shall resume making mandatory contributions to the system effective as of the day after participation in the DROP ends [or, if later, October 1, 2001]. The board of trustees shall notify the [police commissioners] **chief of police** to begin deducting mandatory contributions from the member's salary and the member's employment period shall count as creditable service beginning as of the day the member returns to active participation.

6. In no event shall a member whose participation in DROP has ended for any reason be eligible to participate in DROP again.

7. Upon the member's termination of employment as a police officer and actual retirement, the member's mandatory contributions to the retirement system shall be paid to the member pursuant to subsection 4 of section 86.253.

8. If a member dies prior to termination of employment as a police officer and actual retirement while participating in the DROP or before the member has received full withdrawal of the amount in the member's DROP account under the installment optional payment form, the remaining balance of the member's DROP account shall be payable to the member's surviving spouse; or, if the member is then unmarried, to the member's dependent children in equal shares; or, if none, to the member's dependent mother or father; or, if none, to the member's designated beneficiary or, if no such beneficiary is then living, to the member's estate. Payment shall be made in a lump sum within sixty days after receipt by the board of trustees of evidence and proof of the death of a member. In addition, the member's mandatory contributions, if any, that were not already paid to the member pursuant to subsection 4 of section 86.253 shall be paid to the member's surviving spouse pursuant to section 86.288.

9. If a member applies for and receives benefits for an accidental disability retirement allowance pursuant to the provisions of section 86.263, the member shall forfeit all rights, claims or interest in the member's DROP account and the member's benefits shall be calculated as if the member has continued in employment and had not elected to participate in the DROP. Any portion of a DROP account that has been forfeited as provided in this subsection shall be a general asset of the system.

10. A member's DROP account shall earn interest equal to the rate of return earned by the system's investment portfolio on a market value basis, including realized and unrealized gains and losses, net of investment expense, as certified by the system's actuary. As of the last day of each plan year beginning after DROP participation begins, the member's DROP account balance, determined as of the last day of the prior plan year, shall be credited with interest at the investment rate earned by the assets of the retirement system for such prior plan year. If distribution of the member's DROP account balance is made in a lump sum under subsection 4 or 8 of this section, interest for the plan year of distribution shall be credited on the ending balance for the prior plan year at the investment rate earned on the assets of the retirement system for the prior plan year, in proportion to the part of the plan year preceding the date of the member's termination of employment or death, whichever is earlier. If the member's DROP account is paid in equal monthly installments pursuant to subsection 4 of this section, interest

during the installment period shall be credited as of the last day of each plan year ending after installment payment begins on the account balance as of the first or last day of the plan year, whichever is lower, at the investment rate earned by the assets of the system for the prior plan year. Interest for the year in which the final installment is paid shall be credited on the balance remaining after the final installment is paid, at the investment rate earned on the assets of the system for the prior plan year, in proportion to the part of the plan year preceding payment of the final installment. Any interest credited to the DROP account during the installment period shall be paid as soon as reasonably possible after the final monthly installment. No interest shall be credited on amounts, if any, added to the member's DROP account during the year in which the distribution of the account is completed.

11. The board of trustees shall not incur any liability individually or on behalf of other individuals for any act or omission made in good faith in relation to the DROP or assets credited to DROP accounts established by this section. The provisions of the Internal Revenue Code and regulations promulgated thereunder shall supersede any provision of this section if there is any inconsistency with the Internal Revenue Code or regulation.

12. Upon the receipt by the board of trustees of evidence and proof that the death of a member resulted from an event occurring while the member was in the actual performance of duty, and if the member is participating in the DROP, the member's surviving spouse or, if the member is then unmarried, the member's unmarried dependent children, may elect within thirty days after the member's death to have the amount in the member's DROP account paid in the form of a monthly survivor annuity. Payment of the survivor annuity shall begin within sixty days after the election is received. Payment to the member's surviving spouse shall continue until the surviving spouse's death; payment to the member's unmarried dependent children shall be made while any child qualifies as an unmarried dependent child pursuant to section 86.280. The survivor annuity shall be the actuarial equivalent of the member's DROP account as of the date of the member's death. In no event shall the total amount paid pursuant to this subsection be less than the member's DROP account balance as of the date of the member's death.

86.257. DISABILITY RETIREMENT ALLOWANCE GRANTED, WHEN — PERIODIC MEDICAL EXAMINATIONS REQUIRED, WHEN — CESSATION OF DISABILITY BENEFIT, WHEN. — 1. Upon the application of the [board] **chief** of police [commissioners or any successor body] **or a member**, any member who has completed ten or more years of creditable service or upon the police retirement system created by sections 86.200 to 86.366 first attaining, after August 28, 2013, a funded ratio, as defined in section 105.660 and as determined by the system's annual actuarial valuation, of at least eighty percent, a member who has completed five or more years of creditable service and who has become permanently unable to perform the duties of a police officer as the result of an injury or illness not exclusively caused or induced by the actual performance of his or her official duties or by his or her own negligence shall be retired by the board of [police commissioners or any successor body] **trustees of the police retirement system** upon certification by the medical board of the police retirement system and approval by the board of trustees of the police retirement system that the member is mentally or physically unable to perform the duties of a police officer, that the inability is permanent or likely to become permanent, and that the member should be retired.

2. Once each year during the first five years following such member's retirement, and at least once in every three-year period thereafter, the board of trustees may, and upon the member's application shall, require any nonduty disability beneficiary who has not yet attained sixty years of age to undergo a medical examination at a place designated by the medical board or such physicians as the medical board appoints. If any nonduty disability beneficiary who has not attained sixty years of age refuses to submit to a medical examination, his or her nonduty disability pension may be discontinued until his or her withdrawal of such refusal, and if his or her refusal continues for one year, all rights in and to such pension may be revoked by the board of trustees.

3. If the medical board certifies to the board of trustees that a nonduty disability beneficiary is able to perform the duties of a police officer, and if the board of trustees concurs on the report, then such beneficiary's nonduty disability pension shall cease.

4. If upon cessation of a disability pension under subsection 3 of this section, the former disability beneficiary is restored to active service, he or she shall again become a member, and he or she shall contribute thereafter at the same rate as other members. Upon his or her subsequent retirement, he or she shall be credited with all of his or her active retirement, but not including any time during which the former disability beneficiary received a disability pension under this section.

86.263. SERVICE-CONNECTED ACCIDENTAL DISABILITY RETIREMENT FOR ACTIVE SERVICE MEMBERS, REQUIREMENTS — PERIODIC EXAMINATIONS REQUIRED, WHEN — CESSATION OF BENEFITS, WHEN. — 1. Any member in active service who is permanently unable to perform the full and unrestricted duties of a police officer as the natural, proximate, and exclusive result of an accident occurring within the actual performance of duty at some definite time and place, through no negligence on the member's part, shall be retired by the board of **[**police commissioners or any successor body**]** **trustees of the police retirement system** upon certification by **[**one or more physicians of**]** the medical board that the member is mentally or physically unable to perform the full and unrestricted duties of a police officer, that the inability is permanent or likely to become permanent, and that the member should be retired. The inability to perform the "full and unrestricted duties of a police officer" means the member is unable to perform all the essential job functions for the position of police officer as established by the **[**board**]** **chief** of police **[**commissioners or any successor body**]**.

2. No member shall be approved for retirement under the provisions of subsection 1 of this section unless the application was made and submitted **[**to the board of police commissioners or any successor body**]** **by the chief of police or a member** no later than five years following the date of accident, provided, that if the accident was reported within five years of the date of the accident and an examination made of the member within thirty days of the date of accident by a health care provider whose services were provided through the **[**board**]** **chief** of police **[**commissioners**]** with subsequent examinations made as requested, then an application made more than five years following the date of the accident shall be considered timely.

3. Once each year during the first five years following a member's retirement, and at least once in every three-year period thereafter, the board of trustees may require any disability beneficiary who has not yet attained sixty years of age to undergo a medical examination or medical examinations at a place designated by the medical board or such physicians as the medical board appoints. If any disability beneficiary who has not attained sixty years of age refuses to submit to a medical examination, his or her disability pension may be discontinued by the board of trustees of the police retirement system until his or her withdrawal of such refusal, and if his or her refusal continues for one year, all rights in and to such pension may be revoked by the board of trustees.

4. If the medical board certifies to the board of trustees that a disability beneficiary is able to perform the duties of a police officer, then such beneficiary's disability pension shall cease.

5. If upon cessation of a disability pension under subsection 4 of this section, the former disability beneficiary is restored to active service, he or she shall again become a member, and he or she shall contribute thereafter at the same rate as other members. Upon his or her subsequent retirement, he or she shall be credited with all of his or her active service time as a member including the service time prior to receiving disability retirement, but not including any time during which the former disability beneficiary received a disability pension under this section.

6. If upon cessation of a disability pension under subsection 4 of this section, the former disability beneficiary is not restored to active service, such former disability beneficiary shall be entitled to the retirement benefit to which such former disability beneficiary would have been

entitled if such former disability beneficiary had terminated service for any reason other than dishonesty or being convicted of a felony at the time of such cessation of such former disability beneficiary's disability pension. For purposes of such retirement benefits, such former disability beneficiary shall be credited with all of the former disability beneficiary's active service time as a member, but not including any time during which the former disability beneficiary received a disability beneficiary pension under this section.

86.270. INVESTIGATION AND EXAMINATION OF APPLICANTS FOR DISABILITY BENEFITS. — 1. Any determination of whether a member is disabled under the provisions of section 86.257 or 86.263 shall consist of an investigation of the member's physical and mental condition by the medical **[**director**]** **board** of the police retirement system **[**and all physicians appointed by the medical director**]** under the provisions of section 86.237 and an investigation by the board of trustees of the police retirement system of any other matter relevant to determine whether the member satisfies the applicable requirements of section 86.257 or 86.263. The board of trustees may authorize the use of staff of the police retirement system and other persons not employed by the police retirement system to assist in its investigation. The board of trustees of the police retirement system and the medical **[**director**]** **board** of the police retirement system and any such physicians appointed by the medical **[**director**]** **board** under the provisions of section 86.237 may communicate with each other as to matters relevant to determine whether the member satisfies the applicable requirements of section 86.257 or 86.263.

2. The board of trustees shall require each member who applies for disability benefits and any disability beneficiary to be reexamined under the provisions of section 86.257 or 86.263 to undergo medical examinations at places designated by the medical **[**director**]** **board** and any physicians appointed by the medical **[**director**]** **board** under the provisions of section 86.237. **[**The examination shall be made by the medical director or by any physicians appointed by the medical director under the provisions of section 86.237.**]**

86.320. CONTRIBUTIONS, RATE OF — DEDUCTION FROM COMPENSATION. — 1. The board of trustees shall certify to the **[**board**]** **chief** of police **[**commissioners and the board of police commissioners**]** **who** shall cause to be deducted from the salary of each member on each and every payroll for each and every pay period, seven percent of the compensation of each member who is not participating in the DROP, including each member whose participation in the DROP has ended and who has returned to active participation in the system pursuant to section 86.251, and zero percent of the compensation of each member who is participating in the DROP or whose participation in the DROP has ended but who has not returned to active participation in the system pursuant to section 86.251.

2. The deductions provided for in this section shall be made notwithstanding that the minimum compensation provided by law for any member shall be reduced thereby. Every member shall be deemed to consent to the deductions made and provided for in this section, and shall receipt for the member's full salary or compensation and payment of salary or compensation less such deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for services rendered during the period covered by the payment except as to benefits provided by sections 86.200 to 86.366. The **[**board**]** **chief** of police **[**commissioners**]** shall certify to the board of trustees on each and every payroll or in such other manner as the board of trustees shall prescribe the amount deducted, and such amounts shall be paid into the system and shall be credited together with members' interest thereon to the individual account of the member from whose compensation such deduction was made.

3. The board of trustees is authorized to grant additional benefits for such parts of contributions as were made prior to the adoption of the seven-percent rate for all members which were in excess of the compulsory contributions required of each member.

86.1110. MILITARY LEAVE OF ABSENCE, EFFECT OF — SERVICE CREDIT FOR MILITARY SERVICE, WHEN. — 1. Whenever a member is given a leave of absence for military service and

returns to employment after discharge from the service, such member shall be entitled to creditable service for the years of employment prior to the leave of absence.

2. Except as provided in subsection 3 of this section, a member who served on active duty in the Armed Forces of the United States and who became a member, or returned to membership, after discharge under honorable conditions, may elect prior to retirement to purchase creditable service equivalent to such service in the Armed Forces, not to exceed two years, provided the member is not receiving and is not eligible to receive retirement credits or benefits from any other public or private retirement plan for the service to be purchased, other than a United States military service retirement system or United States Social Security benefits attributable to such military service, and an affidavit so stating is filed by the member with the retirement system. A member electing to make such purchase shall pay to the retirement system an amount equal to the actuarial cost of the additional benefits attributable to the additional service credit to be purchased, as of the date the member elects to make such purchase. Payment in full of the amount due from a member electing to purchase creditable service under this subsection shall be made over a period not to exceed five years, measured from the date of election, or prior to the commencement date for payment of benefits to the member from the retirement system, whichever is earlier, including interest on unpaid balances compounded annually at the interest rate assumed from time to time for actuarial valuations of the retirement system. If payment in full including interest is not made within the prescribed period, any partial payments made by the member shall be refunded, and no creditable service attributable to such election, or as a result of any such partial payments, shall be allowed; provided that if a benefit commencement date occurs because of the death or disability of a member who has made an election under this subsection and if the member is current in payments under an approved installment plan at the time of the death or disability, such election shall be valid if the member, the surviving spouse, or other person entitled to benefit payments pays the entire balance of the remaining amount due, including interest to the date of such payment, within sixty days after the member's death or disability. The time of a disability shall be deemed to be the time when such member is retired by the board of police commissioners for reason of disability as provided in sections 86.900 to 86.1280.

3. Notwithstanding any other provision of sections 86.900 to 86.1280, **on or after August 28, 2015,** a member who **[**is on leave of absence for military service during any portion of which leave the United States is in a state of declared war, or a compulsory draft is in effect for any of the military branches of the United States, or any units of the military reserves of the United States, including the National Guard, are mobilized for combat military operations,**] returns to service from a leave of absence for active duty military service** and who becomes entitled to reemployment rights and other employment benefits under Title 38, Chapter 43 of the U.S. Code, relating to employment and reemployment rights of members of the uniformed services by meeting the requirements for such rights and benefits under Section 4312 of said chapter, or the corresponding provisions of any subsequent applicable federal statute, shall be entitled to service credit for the time spent in such military service for all purposes of sections 86.900 to 86.1280 **[**and such member shall not be required to pay any member contributions for such time. If it becomes necessary for the years of such service to be included in the calculation of such member's compensation for any purpose, such member shall be deemed to have received the same compensation throughout such period of service as the member's base annual salary immediately prior to the commencement of such leave of absence; provided, however, that the foregoing provisions of this subsection shall apply only to such portion of such leave with respect to which the cumulative length of the absence and of all previous absences from a position of employment with the employer by reason of service in the uniformed services does not exceed five years except for such period of any such excess as meets the requirements for exceptions to such five-year limitation set forth in the aforesaid Section 4312**] only to the extent such member pays any required member contributions for such time. The amount of required member contributions shall be calculated on the base compensation the member would**

have received during such leave period. The total amount of service credit that will be granted at the member contribution rate is limited to a maximum of five years. The retirement board may waive the required contributions for military leave of absence, not to exceed three years of creditable service, if the member provides duty orders under Title 10 or Title 32 U.S.C. and discharge from active duty documentation in the form of a DD214 or NGB23.

86.1270. **RETIREMENT PLAN DEEMED QUALIFIED PLAN UNDER FEDERAL LAW — BOARD TO ADMINISTER PLAN AS A QUALIFIED PLAN — VESTING OF BENEFITS — DISTRIBUTIONS.** — 1. A retirement plan under sections 86.900 to 86.1280 is a qualified plan under the provisions of applicable federal law. The benefits and conditions of a retirement plan under sections 86.900 to 86.1280 shall always be adjusted to ensure that the tax-exempt status is maintained.

2. The retirement board shall administer the retirement system in a manner as to retain at all times qualified status under Section 401(a) of the Internal Revenue Code.

3. The retirement board shall hold in trust the assets of the retirement system for the exclusive benefit of the members and their beneficiaries and for defraying reasonable administrative expenses of the system. No part of such assets shall, at any time prior to the satisfaction of all liabilities with respect to members and their beneficiaries, be used for or diverted to any purpose other than such exclusive benefit or to any purpose inconsistent with sections 86.900 to 86.1280.

4. A member's benefit shall be one hundred percent vested and nonforfeitable upon the member's attainment of normal retirement age, which shall be the earlier of:

(1) Completion of twenty-five years of service for Tier I members and twenty-seven years of service for Tier II members;

(2) Age sixty for any Tier I member who has completed at least ten years of creditable service or age sixty for any Tier II member who has completed at least fifteen years of creditable service;

(3) Age seventy without regard to years of service; or

(4) To the extent funded, upon the termination of the system established under sections 86.900 to 86.1280 or any partial termination which affects the members or any complete discontinuance of contributions by the city to the system. Amounts representing forfeited nonvested benefits of terminated members shall not be used to increase benefits payable from the system but may be used to reduce contributions for future plan years.

5. Distribution of benefits shall begin not later than April first of the year following the later of the calendar year during which the member becomes seventy and one-half years of age or the calendar year in which the member retires, and shall otherwise conform to Section 401(a)(9) of the Internal Revenue Code.

6. A member or beneficiary of a member shall not accrue a service retirement annuity, disability retirement annuity, death benefit, whether death occurs in the line of duty or otherwise, or any other benefit under sections 86.900 to 86.1280 in excess of the benefit limits applicable to the fund under Section 415 of the Internal Revenue Code. The retirement board shall reduce the amount of any benefit that exceeds those limits by the amount of the excess. If the total benefits under the retirement system and the benefits and contributions to which any member is entitled under any other qualified plan or plans maintained by the board of police commissioners that employs the member would otherwise exceed the applicable limits under Section 415 of the Internal Revenue Code, the benefits the member would otherwise receive from the retirement system shall be reduced to the extent necessary to enable the benefits to comply with Section 415 of the Internal Revenue Code.

7. The total salary taken into account for any purpose for any member of the retirement system shall not exceed two hundred thousand dollars per year, subject to periodic adjustments in accordance with guidelines provided by the United States Secretary of the Treasury, and shall

not exceed such other limits as may be applicable at any given time under Section 401(a)(17) of the Internal Revenue Code.

8. If the amount of any benefit is to be determined on the basis of actuarial assumptions that are not otherwise specifically set forth for that purpose in sections 86.900 to 86.1280, the actuarial assumptions to be used are those earnings and mortality assumptions being used on the date of the determination by the retirement system's actuary and approved by the retirement board. The actuarial assumptions being used at any particular time shall be attached as an addendum to a copy of the retirement system's statute that is maintained by the retirement board and shall be treated for all purposes as a part of sections 86.900 to 86.1280. The actuarial assumptions may be changed by the retirement system's actuary annually if approved by the retirement board, but a change in actuarial assumptions shall not result in any decrease in benefits accrued as of the effective date of the change.

9. Any member or beneficiary who is entitled to receive any distribution that is an eligible rollover distribution, as defined by Section 402(c)(4) of the Internal Revenue Code, is entitled to have that distribution transferred directly to another eligible retirement plan of the member's or beneficiary's choice upon providing direction to the secretary of this retirement system regarding the transfer in accordance with procedures established by the retirement board. **Effective for distributions made on or after January 1, 2010, a nonspouse beneficiary may elect to directly rollover an eligible rollover distribution to an individual retirement account under Section 408(a) of the Internal Revenue Code of 1986, as amended; to an individual retirement annuity under Section 408(b) of the Internal Revenue Code of 1986, as amended; or if the participant satisfies the requirements for making a Roth contribution under Section 408(A)(c)(3)(B) of the Internal Revenue Code of 1986, as amended, to a Roth individual retirement account.**

10. For all distributions made after December 31, 2001:

(1) For the purposes of subsection 9 of this section, an eligible retirement plan shall also mean an annuity contract described in Section 403(b) of the Internal Revenue Code and an eligible plan under Section 457(b) of the Internal Revenue Code which is maintained by the state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from the retirement system. The definition of eligible retirement plan shall also apply in the case of a distribution to a surviving spouse or to a spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Section 414(p) of the Internal Revenue Code; and

(2) For purposes of subsection 9 of this section, a portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax employee contributions which are not includable in gross income. However, such portion may be paid only to an individual retirement account or annuity described in Section 408(a) or 408(b) of the Internal Revenue Code, or to a qualified defined contribution plan described in Section 401(a) or 403(a) of the Internal Revenue Code that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution that is includable in gross income and the portion of such distribution that is not so includable.

86.1500. MILITARY SERVICE, EFFECT ON CREDITABLE SERVICE — ELECTION TO PURCHASE CREDITABLE SERVICE, WHEN — SERVICE CREDIT FOR MILITARY SERVICE, WHEN. — 1. Whenever a member is given a leave of absence for military service and returns to employment after discharge from the service, such member shall be entitled to creditable service for the years of employment prior to the leave of absence.

2. Except as provided in subsection 3 of this section, a member who served on active duty in the Armed Forces of the United States and who became a member, or returned to membership, after discharge under honorable conditions, may elect prior to retirement to purchase creditable service equivalent to such service in the Armed Forces, not to exceed two

years, provided the member is not receiving and is not eligible to receive retirement credits or benefits from any other public or private retirement plan for the service to be purchased, other than a United States military service retirement system or United States Social Security benefits attributable to such military service, and an affidavit so stating is filed by the member with the retirement system. A member electing to make such purchase shall pay to the retirement system an amount equal to the actuarial cost of the additional benefits attributable to the additional service credit to be purchased, as of the date the member elects to make such purchase. Payment in full of the amount due from a member electing to purchase creditable service under this subsection shall be made over a period not to exceed five years, measured from the date of election, or prior to the commencement date for payment of benefits to the member from the retirement system, whichever is earlier, including interest on unpaid balances compounded annually at the interest rate assumed from time to time for actuarial valuations of the retirement system. If payment in full including interest is not made within the prescribed period, any partial payments made by the member shall be refunded, and no creditable service attributable to such election, or as a result of any such partial payments, shall be allowed; provided that if a benefit commencement date occurs because of the death or disability of a member who has made an election under this subsection and if the member is current in payments under an approved installment plan at the time of the death or disability, such election shall be valid if the member, the surviving spouse or other person entitled to benefit payments pays the entire balance of the remaining amount due, including interest to the date of such payment, within sixty days after the member's death or disability. The time of a disability shall be deemed to be the time when such member is determined by the retirement board to be totally and permanently disabled as provided in section 86.1560.

3. Notwithstanding any other provision of sections 86.1310 to 86.1640, **on or after August 28, 2015,** a member who [is on leave of absence for military service during any portion of which leave the United States is in a state of declared war, or a compulsory draft is in effect for any of the military branches of the United States, or any units of the military reserves of the United States, including the National Guard, are mobilized for combat military operations,] **returns to service from a leave of absence for active duty military service** and who becomes entitled to reemployment rights and other employment benefits under Title 38, Chapter 43 of the U.S. Code, relating to employment and reemployment rights of members of the uniformed services by meeting the requirements for such rights and benefits under Section 4312 of said chapter, or the corresponding provisions of any subsequent applicable federal statute, shall be entitled to service credit for the time spent in such military service for all purposes of sections 86.1310 to 86.1640 [and such member shall not be required to pay any member contributions for such time. If it becomes necessary for the years of such service to be included in the calculation of such member's compensation for any purpose, such member shall be deemed to have received the same compensation throughout such period of service as the member's base annual salary immediately prior to the commencement of such leave of absence; provided, however, that the foregoing provisions of this subsection shall apply only to such portion of such leave with respect to which the cumulative length of the absence and of all previous absences from a position of employment with the employer by reason of service in the uniformed services does not exceed five years except for such period of any such excess as meets the requirements for exceptions to such five-year limitation set forth in the aforesaid Section 4312] **only to the extent such member pays any required member contributions for such time. The amount of required member contributions shall be calculated on the base compensation the member would have received during such leave period. The total amount of service credit that will be granted at the member contribution rate is limited to a maximum of five years. The retirement board may waive the required contributions for military leave of absence, not to exceed three years of creditable service, if the member provides duty orders under Title 10 or Title 32 U.S.C. and discharge from active duty documentation in the form of a DD214 or NGB23**.

86.1630. TAX-EXEMPT STATUS OF PLAN TO BE MAINTAINED — ASSETS OF SYSTEM TO BE HELD IN TRUST — MEMBER BENEFITS VESTED, WHEN — DISTRIBUTION OF BENEFITS. — 1. A retirement plan under sections 86.1310 to 86.1640 is a qualified plan under the provisions of applicable federal law. The benefits and conditions of a retirement plan under sections 86.1310 to 86.1640 shall always be adjusted to ensure that the tax-exempt status is maintained.

2. The retirement board shall administer this retirement system in such manner as to retain at all times qualified status under Section 401(a) of the Internal Revenue Code.

3. The retirement board shall hold in trust the assets of the retirement system for the exclusive benefit of the members and their beneficiaries and for defraying reasonable administrative expenses of the system. No part of such assets shall, at any time prior to the satisfaction of all liabilities with respect to members and their beneficiaries, be used for or diverted to any purpose other than such exclusive benefit or to any purpose inconsistent with sections 86.1310 to 86.1640.

4. A member's benefit shall be one hundred percent vested and nonforfeitable upon the member's attainment of normal retirement age, which shall be the earlier of:

(1) The attaining of the age of sixty-five or the member's tenth anniversary of employment, whichever is later for any Tier I member, or the attaining of the age of sixty-seven or the member's twentieth anniversary of employment, whichever is later for any Tier II member;

(2) For any Tier I member when the total sum of age and years of creditable service equals or exceeds eighty, or for any Tier II member when the total sum of age and years of creditable service equals or exceeds eighty-five; or

(3) To the extent funded, upon the termination of the system established under sections 86.1310 to 86.1640 or any partial termination which affects the member or any complete discontinuance of contributions by the city to the system. Amounts representing forfeited nonvested benefits of terminated members shall not be used to increase benefits payable from the system but may be used to reduce contributions for future plan years.

5. Distribution of benefits shall begin not later than April first of the year following the later of the calendar year during which the member becomes seventy and one-half years of age or the calendar year in which the member retires, and shall otherwise conform to Section 401(a)(9) of the Internal Revenue Code.

6. A member or beneficiary of a member shall not accrue a service retirement annuity, disability retirement annuity, death benefit, whether death occurs in the line of duty or otherwise, or any other benefit under sections 86.1310 to 86.1640 in excess of the benefit limits applicable to the fund under Section 415 of the Internal Revenue Code. The retirement board shall reduce the amount of any benefit that exceeds the limits of this section by the amount of the excess. If the total benefits under the retirement system and the benefits and contributions to which any member is entitled under any other qualified plan or plans maintained by the board of police commissioners that employs the member would otherwise exceed the applicable limits under Section 415 of the Internal Revenue Code, the benefits the member would otherwise receive from the retirement system are reduced to the extent necessary to enable the benefits to comply with Section 415 of the Internal Revenue Code.

7. The total salary taken into account for any purpose for any member of the retirement system shall not exceed two hundred thousand dollars per year, subject to periodic adjustments in accordance with guidelines provided by the United States Secretary of the Treasury and may not exceed such other limits as may be applicable at any given time under Section 401(a)(17) of the Internal Revenue Code.

8. If the amount of any benefit is determined on the basis of actuarial assumptions that are not specifically set forth for that purpose in sections 86.1310 to 86.1640, the actuarial assumptions to be used are those earnings and mortality assumptions used on the date of the determination by the retirement system's actuary and approved by the retirement board. The actuarial assumptions used at any particular time shall be attached as an addendum to a copy of the retirement system's statute maintained by the retirement board and shall be treated for all

purposes as part of sections 86.1310 to 86.1640. The actuarial assumptions may be changed by the retirement system's actuary annually if approved by the retirement board, but a change in actuarial assumptions shall not result in any decrease in benefits accrued as of the effective date of the change.

9. Any member or beneficiary who is entitled to receive any distribution that is an eligible rollover distribution, as defined by Section 402(c)(4) of the Internal Revenue Code, is entitled to have that distribution transferred directly to another eligible retirement plan of the member's or beneficiary's choice upon providing direction to the secretary of the retirement system regarding the transfer in accordance with procedures established by the retirement board. **Effective for distributions made on or after January 1, 2010, a nonspouse beneficiary may elect to directly rollover an eligible rollover distribution to an individual retirement account under Section 408(a) of the Internal Revenue Code of 1986, as amended; to an individual retirement annuity under Section 408(b) of the Internal Revenue Code of 1986, as amended; or if the participant satisfies the requirements for making a Roth contribution under Section 408(A)(c)(3)(B) of the Internal Revenue Code of 1986, as amended, to a Roth individual retirement account.**

10. For all distributions made after December 31, 2001:

(1) For the purposes of subsection 9 of this section, an eligible retirement plan shall also mean an annuity described in Section 403(b) of the Internal Revenue Code and an eligible plan under Section 457(b) of the Internal Revenue Code that is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from the retirement system. The definition for eligible retirement plan shall also apply in the case of a distribution to a surviving spouse or to a spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Section 414(p) of the Internal Revenue Code; and

(2) For the purposes of subsection 9 of this section, a portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax employee contributions which are not includable in gross income. However, such portion may be paid only to an individual retirement account or annuity described in Section 408(a) or 408(b) of the Internal Revenue Code, or to a qualified defined contribution plan described in Section 401(a) or 403(a) of the Internal Revenue Code that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution that is includable in gross income and the portion of such distribution that is not so includable.

Approved July 13, 2015

HB 517 [SS SCS HCS HBs 517 & 754]

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

Changes the laws regarding taxation

AN ACT to repeal sections 32.069, 65.620, 94.579, 136.110, 143.161, 143.191, 143.801, 143.811, 144.020, 144.030, 144.049, and 144.080, RSMo, and to enact in lieu thereof twelve new sections relating to taxation, with an existing penalty provision.

SECTION
A. Enacting clause.
32.069. Interest allowed and paid on refund or overpayment of interest paid in excess of annual interest rate.
65.620. Abolition of township government — effect.

94.579. Sales tax authorized — ballot language — use of moneys — repeal of tax, ballot language — continuation of tax, ballot language.
136.110. Moneys received — record — deposit — audit of director's books — promptly defined.
143.161. Missouri dependency exemptions.
143.191. Employer to withhold tax from wages — armed services, withholding from wages or retirement — federal civil service retirement, withholding authorized, when — inapplicable to out-of-state businesses, when.
143.801. Limitations on credit or refund.
143.811. Interest on overpayment.
144.020. Rate of tax — tickets, notice of sales tax.
144.030. Exemptions from state and local sales and use taxes.
144.049. Sales tax holiday for clothing, personal computers, and school supplies, when.
144.080. Seller responsible for tax — rules — returns — advertising absorption of tax, stated on invoice or receipt — violation, penalty.

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

SECTION A. ENACTING CLAUSE. — Sections 32.069, 65.620, 94.579, 136.110, 143.161, 143.191, 143.801, 143.811, 144.020, 144.030, 144.049, and 144.080, RSMo, are repealed and twelve new sections enacted in lieu thereof, to be known as sections 32.069, 65.620, 94.579, 136.110, 143.161, 143.191, 143.801, 143.811, 144.020, 144.030, 144.049, and 144.080, to read as follows:

32.069. INTEREST ALLOWED AND PAID ON REFUND OR OVERPAYMENT OF INTEREST PAID IN EXCESS OF ANNUAL INTEREST RATE. — 1. Notwithstanding any other provision of law to the contrary, interest shall be allowed and paid on any refund or overpayment at the rate determined by section 32.068 only if the overpayment is not refunded within one hundred twenty days**[**, or within ninety days in the case of taxes imposed by sections 143.011 and 143.041,**]** from the latest of the following dates:

(1) The last day prescribed for filing a tax return or refund claim, without regard to any extension of time granted;

(2) The date the return, payment, or claim is filed; or

(3) The date the taxpayer files for a credit or refund and provides accurate and complete documentation to support such claim.

2. Notwithstanding any other provision of law to the contrary, interest shall be allowed and paid on any refund or overpayment at the rate determined by section 32.068 only if the overpayment in the case of taxes imposed by sections 143.011 and 143.041 is not refunded within forty-five days from the date the return or claim is filed.

65.620. ABOLITION OF TOWNSHIP GOVERNMENT — EFFECT. — 1. Whenever any county abolishes township organization the county treasurer and ex officio collector shall immediately settle his accounts as treasurer with the county commission and shall thereafter perform all duties, exercise all powers, have all rights and be subject to all liabilities imposed and conferred upon the county collector of revenue under chapter 52 until the first Monday in March after the general election next following the abolishment of township organization and until a collector of revenue for the county is elected and qualified. The person elected collector at the general election as aforesaid, if that election is not one for collector of revenue under chapter 52, shall serve until the first Monday in March following the election and qualification of a collector of revenue under chapter 52. Upon abolition of township organization a county treasurer shall be appointed to serve until the expiration of the term of such officer pursuant to chapter 54.

2. Upon abolition of township organization, title to all property of all kinds theretofore owned by the several townships of the county shall vest in the county and the county shall be liable for all outstanding obligations and liabilities of the several townships.

3. The terms of office of all township officers shall expire on the abolition of township organization and the township trustee of each township shall immediately settle his accounts with

the county clerk and all township officers shall promptly deliver to the appropriate county officers, as directed by the county commission, all books, papers, records and property pertaining to their offices.

4. For a period of one calendar year following the abolition of the townships or until the voters of the county have approved a tax levy for road and bridge purposes, whichever occurs first, the county collector shall continue to collect a property tax on a countywide basis in an amount equal to the tax levied by the township that had the lowest total tax rate in the county immediately prior to the abolishment of the townships. The continued collection of the tax shall be considered a continuation of an existing tax and shall not be considered a new tax levy.

94.579. SALES TAX AUTHORIZED — BALLOT LANGUAGE — USE OF MONEYS — REPEAL OF TAX, BALLOT LANGUAGE — CONTINUATION OF TAX, BALLOT LANGUAGE. — 1. The governing body of any home rule city with more than one hundred fifty-one thousand five hundred but fewer than one hundred fifty-one thousand six hundred inhabitants is hereby authorized to impose, by order or ordinance, a sales tax on all retail sales made within the city which are subject to sales tax under chapter 144. The tax authorized in this section shall not exceed one percent, and shall be imposed solely for the purpose of providing revenues for the operation of public safety departments, including police and fire departments, and for pension programs, and health care for employees and pensioners of the public safety departments. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The order or ordinance shall not become effective unless the governing body of the city submits to the voters residing within the city at a state general, primary, or special election a proposal to authorize the governing body of the city to impose a tax under this section. If the tax authorized in this section is not approved by the voters, then the city shall have an additional year during which to meet its required contribution payment beyond the time period described in section 105.683. If the city meets its required contribution payment in this time, then, notwithstanding the provisions of section 105.683 to the contrary, the delinquency shall not constitute a lien on the funds of the political subdivision, the board of such plan shall not be authorized to compel payment by application for writ of mandamus, and the state treasurer and the director of the department of revenue shall not withhold twenty-five percent of the certified contribution deficiency from the total moneys due the political subdivision from the state. The one-year extension shall only be available to the city on a one-time basis.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall .... (insert the name of the city) impose a sales tax at a rate of .... (up to one) percent, solely for the purpose of providing revenues for the operation of public safety departments of the city?

☐ YES ☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter immediately following notification to the department of revenue. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

3. All revenue collected under this section by the director of the department of revenue on behalf of any city, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the "Public Safety Protection Sales Tax Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the trust fund and credited to the city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such city. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. The director shall keep accurate records of the amounts in the fund, and such records shall be open to the inspection of the officers of such city and to the public. Not later than the tenth day of each month, the director shall distribute all moneys deposited in the fund during the preceding month to the city. Such funds shall be deposited with the treasurer of the city, and all expenditures of moneys from the fund shall be by an appropriation ordinance enacted by the governing body of the city.

4. On or after the effective date of the tax, the director of revenue shall be responsible for the administration, collection, enforcement, and operation of the tax, and sections 32.085 and 32.087 shall apply. In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing body of the city may authorize the use of a bracket system similar to that authorized in section 144.285, and notwithstanding the provisions of that section, this new bracket system shall be used where this tax is imposed and shall apply to all taxable transactions. Beginning with the effective date of the tax, every retailer in the city shall add the sales tax to the sale price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. For purposes of this section, all retail sales shall be deemed to be consummated at the place of business of the retailer.

5. All applicable provisions in sections 144.010 to 144.525 governing the state sales tax, and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax, and all exemptions granted to agencies of government, organizations, and persons under sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax. The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption from the tax. All discounts allowed the retailer under the state sales tax for the collection of and for payment of taxes are hereby allowed and made applicable to the tax. The penalties for violations provided in section 32.057 and sections 144.010 to 144.525 are hereby made applicable to violations of this section. If any person is delinquent in the payment of the amount required to be paid under this section, or in the event a determination has been made against the person for the tax and penalties under this section, the limitation for bringing suit for the collection of the delinquent tax and penalties shall be the same as that provided in sections 144.010 to 144.525.

6. The governing body of any city that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. The ballot of submission shall be in substantially the following form:

Shall .... (insert the name of the city) repeal the sales tax imposed at a rate of .... (up to one) percent for the purpose of providing revenues for the operation of public safety departments of the city?

☐ YES ☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved.

If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

7. The governing body of any city that has adopted the sales tax authorized in this section shall submit the question of [repeal] **continuation** of the tax to the voters every five years from the date of its inception on a date available for elections for the city. The ballot of submission shall be in substantially the following form:

Shall .... (insert the name of the city) [repeal the] **continue collecting a** sales tax imposed at a rate of .... (up to one) percent for the purpose of providing revenues for the operation of public safety departments of the city?

☐ YES ☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the question by the qualified voters voting thereon are [in favor of repeal, that] **opposed to continuation,** repeal shall become effective on December thirty-first of the calendar year in which such [repeal was] **continuation was failed to be** approved. If a majority of the votes cast on the question by the qualified voters voting thereon are [opposed to the repeal] **in favor of continuation**, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and [the repeal is] **continuation fails to be** approved by a majority of the qualified voters voting on the question.

8. Whenever the governing body of any city that has adopted the sales tax authorized in this section receives a petition, signed by a number of registered voters of the city equal to at least two percent of the number of registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

9. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the city shall notify the director of the department of revenue of the action at least ninety days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director shall remit the balance in the account to the city and close the account of that city. The director shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

136.110. MONEYS RECEIVED — RECORD — DEPOSIT — AUDIT OF DIRECTOR'S BOOKS — PROMPTLY DEFINED. — 1. The director of revenue shall promptly record all sums of money collected or received by the director and shall immediately thereafter deposit the same with the state treasurer, excluding all funds received and disbursed by the state on behalf of counties and cities, towns and villages. The state treasurer, upon receipt of any moneys from the director of revenue, shall give his or her receipt therefor, executing the same in triplicate, and shall deliver one copy of such receipt to the director of revenue, one copy to the commissioner of administration, and shall retain the third copy thereof in the files of the state treasurer. The books of the director of revenue shall be audited by the state auditor at such times as may be required by law, and at such other times as may be directed by the governor.

2. For the purposes of this section, the term "promptly" shall mean within two business days.

143.161. MISSOURI DEPENDENCY EXEMPTIONS. — 1. For all taxable years beginning after December 31, 1997, a resident may deduct one thousand two hundred dollars for each dependent for whom such resident is entitled to a dependency exemption deduction for federal income tax purposes. In the case of a dependent who has attained sixty-five years of age on or before the last day of the taxable year, if such dependent resides in the taxpayer's home or the dependent's own home or if such dependent does not receive Medicaid or state funding while residing in a facility licensed pursuant to chapter 198, the taxpayer may deduct an additional one thousand dollars.

2. **[**For all taxable years beginning before January 1, 1999, a resident who qualifies as an unmarried head of household or as a surviving spouse for federal income tax purposes may deduct an additional eight hundred dollars.**]** For all taxable years beginning on or after January 1, 1999, a resident who qualifies as an unmarried head of household or as a surviving spouse for federal income tax purposes may deduct an additional one thousand four hundred dollars.

3. For all taxable years beginning on or after January 1, 2015, for each birth for which a certificate of birth resulting in stillbirth has been issued under section 193.165, a taxpayer may claim the exemption under subsection 1 of this section only in the taxable year in which the stillbirth occurred, if the child otherwise would have been a member of the taxpayer's household.

143.191. EMPLOYER TO WITHHOLD TAX FROM WAGES — ARMED SERVICES, WITHHOLDING FROM WAGES OR RETIREMENT — FEDERAL CIVIL SERVICE RETIREMENT, WITHHOLDING AUTHORIZED, WHEN — INAPPLICABLE TO OUT-OF-STATE BUSINESSES, WHEN. — 1. Every employer maintaining an office or transacting any business within this state and making payment of any wages taxable under **[**sections 143.011 to 143.998**]** **this chapter** to a resident or nonresident individual shall deduct and withhold from such wages for each payroll period the amount provided in subsection 3 of this section.

2. The term "wages" referred to in subsection 1 of this section means wages as defined by section 3401(a) of the Internal Revenue Code of 1986, as amended. The term "employer" means any person, firm, corporation, association, fiduciary of any kind, or other type of organization for whom an individual performs service as an employee, except that if the person or organization for whom the individual performs service does not have control of the payment of compensation for such service, the term "employer" means the person having control of the payment of the compensation. The term includes the United States, this state, other states, and all agencies, instrumentalities, and subdivisions of any of them.

3. **(1)** The method of determining the amount to be withheld shall be prescribed by regulations of the director of revenue. The prescribed table, percentages, or other method shall result, so far as practicable, in withholding from the employee's wages during each calendar year an amount substantially equivalent to the tax reasonably estimated to be due from the employee

under [sections 143.011 to 143.998] **this chapter** with respect to the amount of such wages included in his Missouri adjusted gross income during the calendar year.

(2) The amount to be withheld by an employer with respect to tips received by an employee in the course of the employee's employment shall be calculated based solely upon the amount of tips reported by the employee in a written statement furnished to the employer as required by subsection (a) of section 6053 of the Internal Revenue Code of 1986, as amended, or if greater, the amount of tips received by the employer and remitted to the employee. If an employee shares tips, the employer shall withhold only from the employee who actually receives the shared tips. The employer's Missouri income tax withholding obligation with respect to an employee's tip income shall be limited to the portion of the employee's wages under the control of the employer against which the employer is required, pursuant to federal law, to withhold federal income taxes on the employee's tips. Such withholding obligation shall be calculated after making reductions for all required federal tax withholding, Missouri income tax withholding on non-tip income, and other amounts which have higher legal priority.

4. For purposes of this section an employee shall be entitled to the same number of personal and dependency withholding exemptions as the number of exemptions to which he is entitled for federal income tax withholding purposes. An employer may rely upon the number of federal withholding exemptions claimed by the employee, except where the employee provides the employer with a form claiming a different number of withholding exemptions in this state.

5. The director of revenue may enter into agreements with the tax departments of other states (which require income tax to be withheld from the payment of wages) so as to govern the amounts to be withheld from the wages of residents of such states under this section. Such agreements may provide for recognition of anticipated tax credits in determining the amounts to be withheld and, under regulations prescribed by the director of revenue, may relieve employers in this state from withholding income tax on wages paid to nonresident employees. The agreements authorized by this subsection are subject to the condition that the tax department of such other states grant similar treatment to residents of this state.

6. The director of revenue shall enter into agreements with the Secretary of the Treasury of the United States or with the appropriate secretaries of the respective branches of the Armed Forces of the United States for the withholding, as required by subsections 1 and 2 of this section, of income taxes due the state of Missouri on wages or other payments for service in the armed services of the United States or on payments received as retirement or retainer pay of any member or former member of the Armed Forces entitled to such pay.

7. Subject to appropriations for the purpose of implementing this section, the director of revenue shall comply with provisions of the laws of the United States as amended and the regulations promulgated thereto in order that all residents of this state receiving monthly retirement income as a civil service annuitant from the federal government taxable by this state may have withheld monthly from any such moneys, whether pension, annuities or otherwise, an amount for payment of state income taxes as required by state law, but such withholding shall not be less than twenty-five dollars per quarter.

8. The provisions of this section shall not apply to out-of-state businesses operating under sections 190.270 to 190.285.

143.801. LIMITATIONS ON CREDIT OR REFUND. — 1. A claim for credit or refund of an overpayment of any tax imposed by sections 143.011 to 143.996 shall be filed by the taxpayer within three years from the time the return was filed or two years from the time the tax was paid, whichever of such periods expires the later; or if no return was filed by the taxpayer, within two years from the time the tax was paid. No credit or refund shall be allowed or made after the expiration of the period of limitation prescribed in this subsection for the filing of a claim for credit or refund, unless a claim for credit or refund is filed by the taxpayer within such period.

2. If the claim is filed by the taxpayer during the three-year period prescribed in subsection 1 **of this section**, the amount of the credit or refund shall not exceed the portion of the tax paid within the three years immediately preceding the filing of the claim plus the period of any extension of time for filing the return. If the claim is not filed within such three-year period, but is filed within the two-year period, the amount of the credit or refund shall not exceed the portion of the tax paid during the two years immediately preceding the filing of the claim. If no claim is filed, the credit or refund shall not exceed the amount which would be allowable under either of the preceding sentences, as the case may be, if a claim was filed on the date the credit or refund is allowed.

3. If pursuant to subsection 6 of section 143.711 an agreement for an extension of the period for assessment of income taxes is made within the period prescribed in subsection 1 of this section for the filing of a claim for credit or refund, the period for filing a claim for credit or for making a credit or refund if no claim is filed, shall not expire prior to six months after the expiration of the period within which an assessment may be made pursuant to the agreement or any extension thereof. The amount of such credit or refund shall not exceed the portion of the tax paid after the execution of the agreement and before the filing of the claim or the making of the credit or refund, as the case may be, plus the portion of the tax paid within the period which would be applicable under subsection 1 of this section if a claim had been filed on the date the agreement was executed.

4. If a taxpayer is required by section 143.601 to report a change or correction in federal taxable income reported on his federal income tax return, or to report a change or correction which is treated in the same manner as if it were an overpayment for federal income tax purposes, an amended return or a claim for credit or refund of any resulting overpayment of tax shall be filed by the taxpayer within one year from the time the notice of such change or correction or such amended return was required to be filed with the director of revenue. If the report or amended return required by section 143.601 is not filed within the ninety-day period therein specified, interest on any resulting refund or credit shall cease to accrue after such ninetieth day. The amount of such credit or refund shall not exceed the amount of the reduction in tax attributable to:

(1) The issues on which such federal change or correction or the items amended on the taxpayer's amended federal income tax return are based, and

(2) Any change in the amount of **[**his**]** **the taxpayer's** federal income tax deduction under the provisions of subsection 1 of section 143.171. No effect shall be given in the preceding sentence to any federal change or correction or to any item on an amended return unless it is timely under the applicable federal period of limitations. The time and amount provisions of this subsection shall be in lieu of any other provisions of this section. This subsection shall not affect the time within which or the amount for which a claim for credit or refund may be filed apart from this subsection.

5. If the claim for credit or refund relates to an overpayment of tax on account of the deductibility by the taxpayer of a debt as a debt which became worthless or a loss from worthlessness of a security or the effect that the deductibility of a debt or of a loss has on the application to the taxpayer of a carryover, the claim may be made, under regulations prescribed by the director of revenue within seven years from the date prescribed by law for filing the return for the year with respect to which the claim is made.

6. If the claim for credit or refund relates to an overpayment attributable to a net operating loss carryback or a capital loss carryback, in lieu of the three-year period of limitations prescribed in subsection 1 of this section, the period shall be that period which ends with the expiration of the fifteenth day of the fortieth month (or the thirty-ninth month, in the case of a corporation) following the end of the taxable year of the net operating loss or net capital loss which results in such carryback, or the period prescribed in subsection 3 of this section in respect of such taxable year, whichever expires later. In the case of such a claim, the amount of the credit or refund may exceed the portion of the tax paid within the period provided in subsections 2, 3 and

4 of this section, whichever is applicable, to the extent of the amount of the overpayment attributable to such carryback.

7. (1) No period of limitations provided in subsections 1 to 6 of this section shall apply if a taxpayer amends, or the federal Internal Revenue Service or its successor agency changes, the taxpayer's federal income tax return for the same tax period and:

(a) Such amendment or change occurs after any period of limitations provided in subsections 1 to 6 of this section has expired;

(b) Such amendment or change reveals that the taxpayer is eligible to claim a credit or refund of an overpayment of any tax imposed under this chapter; and

(c) A period of limitations provided in subsections 1 to 6 of this section prohibits the taxpayer from claiming such credit or refund.

(2) If the taxpayer files a claim for such credit or refund, the claim shall be filed in the manner provided in this chapter and shall be filed within one year from the time the taxpayer amends or the federal Internal Revenue Service changes the taxpayer's federal income tax return.

143.811. INTEREST ON OVERPAYMENT. — 1. Under regulations prescribed by the director of revenue, interest shall be allowed and paid at the rate determined by section 32.065 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 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:

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

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

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

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

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

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

5. If any overpayment of tax imposed by sections 143.011 and 143.041 is refunded within **[**ninety**]** **forty-five** days after the **[**last date prescribed or permitted by extension of time for filing the return of such tax**]** **date the return or claim is filed**, no interest shall be allowed under this section on overpayment.

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

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

144.020. RATE OF TAX — TICKETS, NOTICE OF SALES TAX. — 1. A tax is hereby levied and imposed for the privilege of titling new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be titled under the laws of the state of Missouri and, except as provided in subdivision (9) of this subsection, upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state. The rate of tax shall be as follows:

(1) Upon every retail sale in this state of tangible personal property, excluding motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats and outboard motors required to be titled under the laws of the state of Missouri and subject to tax under subdivision (9) of this subsection, a tax equivalent to four percent of the purchase price paid or charged, or in case such sale involves the exchange of property, a tax equivalent to four percent of the consideration paid or charged, including the fair market value of the property exchanged at the time and place of the exchange, except as otherwise provided in section 144.025;

(2) A tax equivalent to four percent of the amount paid for admission and seating accommodations, or fees paid to, or in any place of amusement, entertainment or recreation, games and athletic events;

(3) A tax equivalent to four percent of the basic rate paid or charged on all sales of electricity or electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(4) A tax equivalent to four percent on the basic rate paid or charged on all sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto; except that, the payment made by telecommunications subscribers or others, pursuant to section 144.060, and any amounts paid for access to the internet or interactive computer services shall not be considered as amounts paid for telecommunications services;

(5) A tax equivalent to four percent of the basic rate paid or charged for all sales of services for transmission of messages of telegraph companies;

(6) A tax equivalent to four percent on the amount of sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp or other place in which rooms, meals or drinks are regularly served to the public**. The tax imposed under this subdivision shall not apply to any automatic mandatory gratuity for a large group imposed by a restaurant when such gratuity is reported as employee tip income and the restaurant withholds income tax under section 143.191 on such gratuity**;

(7) A tax equivalent to four percent of the amount paid or charged for intrastate tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(8) A tax equivalent to four percent of the amount paid or charged for rental or lease of tangible personal property, provided that if the lessor or renter of any tangible personal property had previously purchased the property under the conditions of "sale at retail" or leased or rented the property and the tax was paid at the time of purchase, lease or rental, the lessor, sublessor, renter or subrenter shall not apply or collect the tax on the subsequent lease, sublease, rental or subrental receipts from that property. The purchase, rental or lease of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors shall be taxed and the tax paid

as provided in this section and section 144.070. In no event shall the rental or lease of boats and outboard motors be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation nor shall any such rental or lease be subject to any tax imposed to, for, or in such places of amusement, entertainment or recreation. Rental and leased boats or outboard motors shall be taxed under the provisions of the sales tax laws as provided under such laws for motor vehicles and trailers. Tangible personal property which is exempt from the sales or use tax under section 144.030 upon a sale thereof is likewise exempt from the sales or use tax upon the lease or rental thereof;

(9) A tax equivalent to four percent of the purchase price, as defined in section 144.070, of new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri. This tax is imposed on the person titling such property, and shall be paid according to the procedures in section 144.440.

2. All tickets sold which are sold under the provisions of sections 144.010 to 144.525 which are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the words "This ticket is subject to a sales tax.".

144.030. EXEMPTIONS FROM STATE AND LOCAL SALES AND USE TAXES. — 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

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

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

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

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

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

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

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

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

(8) Animals or poultry used for breeding or feeding purposes, or captive wildlife;

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

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

(11) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

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

(13) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision (5) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing

contain at least twenty-five percent recovered materials as defined in section 260.200. There shall be a rebuttable presumption that the raw materials used in the primary manufacture of automobiles contain at least twenty-five percent recovered materials. For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

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

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

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

(17) Tangible personal property purchased by a rural water district;

(18) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation, provided, however, that a municipality or other political subdivision may enter into revenue-sharing agreements with private persons, firms, or corporations providing goods or services, including management services, in or for the place of amusement, entertainment or recreation, games or athletic events, and provided further that nothing in this subdivision shall exempt from tax any amounts retained by any private person, firm, or corporation under such revenue-sharing agreement;

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

(20) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

(21) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not-for-profit civic, social, service or fraternal organizations, including

fraternal organizations which have been declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not-for-profit institution of higher education not otherwise excluded pursuant to subdivision (20) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

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

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

(a) Used exclusively for agricultural purposes;

(b) Used on land owned or leased for the purpose of producing farm products; and

(c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

(24) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use:

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

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

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

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

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

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

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

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

(30) All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

(31) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways;

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

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

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

(35) All sales of grain bins for storage of grain for resale;

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

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

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

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

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

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

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

(41) All materials, replacement parts, and equipment purchased for use directly upon, and for the modification, replacement, repair, and maintenance of aircraft, aircraft power plants, and aircraft accessories;

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

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

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

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

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

144.049. **SALES TAX HOLIDAY FOR CLOTHING, PERSONAL COMPUTERS, AND SCHOOL SUPPLIES, WHEN.** — 1. For purposes of this section, the following terms mean:

(1) "Clothing", any article of wearing apparel, including footwear, intended to be worn on or about the human body. The term shall include but not be limited to cloth and other material used to make school uniforms or other school clothing. Items normally sold in pairs shall not be separated to qualify for the exemption. The term shall not include watches, watchbands, jewelry, handbags, handkerchiefs, umbrellas, scarves, ties, headbands, or belt buckles; and

(2) "Personal computers", a laptop, desktop, or tower computer system which consists of a central processing unit, random access memory, a storage drive, a display monitor, and a keyboard and devices designed for use in conjunction with a personal computer, such as a disk drive, memory module, compact disk drive, daughterboard, [digitalizer] **digitizer**, microphone, modem, motherboard, mouse, multimedia speaker, printer, scanner, single-user hardware, single-user operating system, soundcard, or video card;

(3) "School supplies", any item normally used by students in a standard classroom for educational purposes, including but not limited to textbooks, notebooks, paper, writing instruments, crayons, art supplies, rulers, book bags, backpacks, handheld calculators, chalk, maps, and globes. The term shall not include watches, radios, CD players, headphones, sporting equipment, portable or desktop telephones, copiers or other office equipment, furniture, or fixtures. School supplies shall also include computer software having a taxable value of three hundred fifty dollars or less **and any graphing calculator having a taxable value of one hundred fifty dollars or less**.

2. In each year beginning on or after January 1, 2005, there is hereby specifically exempted from state sales tax law all retail sales of any article of clothing having a taxable value of one hundred dollars or less, all retail sales of school supplies not to exceed fifty dollars per purchase, all computer software with a taxable value of three hundred fifty dollars or less, **all graphing calculators having a taxable value of one hundred fifty dollars or less,** and all retail sales of personal computers or computer peripheral devices not to exceed [three] **one** thousand five hundred dollars, during a three-day period beginning at 12:01 a.m. on the first Friday in August and ending at midnight on the Sunday following.

3. If the governing body of any political subdivision adopted an ordinance that applied to the 2004 sales tax holiday to prohibit the provisions of this section from allowing the sales tax holiday to apply to such political subdivision's local sales tax, then, notwithstanding any provision

of a local ordinance to the contrary, the 2005 sales tax holiday shall not apply to such political subdivision's local sales tax. However, any such political subdivision may enact an ordinance to allow the 2005 sales tax holiday to apply to its local sales taxes. A political subdivision must notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any ordinance or order rescinding an ordinance or order to opt out.

4. This section shall not apply to any sales which take place within the Missouri state fairgrounds.

5. This section applies to sales of items bought for personal use only.

6. After the 2005 sales tax holiday, any political subdivision may, by adopting an ordinance or order, choose to prohibit future annual sales tax holidays from applying to its local sales tax. After opting out, the political subdivision may rescind the ordinance or order. The political subdivision must notify the department of revenue not less than forty-five calendar days prior to the beginning date of the sales tax holiday occurring in that year of any ordinance or order rescinding an ordinance or order to opt out.

7. This section may not apply to any retailer when less than two percent of the retailer's merchandise offered for sale qualifies for the sales tax holiday. The retailer shall offer a sales tax refund in lieu of the sales tax holiday.

144.080. SELLER RESPONSIBLE FOR TAX — RULES — RETURNS — ADVERTISING ABSORPTION OF TAX, STATED ON INVOICE OR RECEIPT — VIOLATION, PENALTY. — 1. Every person receiving any payment or consideration upon the sale of property or rendering of service, subject to the tax imposed by the provisions of sections 144.010 to 144.525, is exercising the taxable privilege of selling the property or rendering the service at retail and is subject to the tax levied in section 144.020. The person shall be responsible not only for the collection of the amount of the tax imposed on the sale or service to the extent possible under the provisions of section 144.285, but shall, on or before the last day of the month following each calendar quarterly period of three months, file a return with the director of revenue showing the person's gross receipts and the amount of tax levied in section 144.020 for the preceding quarter, and shall remit to the director of revenue, with the return, the taxes levied in section 144.020, except as provided in subsections 2 and 3 of this section. The director of revenue may promulgate rules or regulations changing the filing and payment requirements of sellers, but shall not require any seller to file and pay more frequently than required in this section.

2. Where the aggregate amount levied and imposed upon a seller by section 144.020 is in excess of two hundred and fifty dollars for either the first or second month of a calendar quarter, the seller shall file a return and pay such aggregate amount for such months to the director of revenue by the twentieth day of the succeeding month.

3. Where the aggregate amount levied and imposed upon a seller by section 144.020 is less than forty-five dollars in a calendar quarter, the director of revenue shall by regulation permit the seller to file a return for a calendar year. The return shall be filed and the taxes paid on or before January thirty-first of the succeeding year.

4. The seller of any property or person rendering any service, subject to the tax imposed by sections 144.010 to 144.525, shall collect the tax from the purchaser of such property or the recipient of the service to the extent possible under the provisions of section 144.285, but the seller's inability to collect any part or all of the tax does not relieve the seller of the obligation to pay to the state the tax imposed by section 144.020; except that the collection of the tax imposed by sections 144.010 to 144.525 on motor vehicles and trailers shall be made as provided in sections 144.070 and 144.440.

5. **[**It shall be unlawful for**]** Any person **[**to**]** **may** advertise or hold out or state to the public or to any customer directly **[**or indirectly**]** that the tax or any part thereof imposed by sections 144.010 to 144.525, and required to be collected by the person, will be assumed or absorbed by the person, **[**or that it will not be separately stated and added to the selling price of the**]** **provided**

that the amount of tax assumed or absorbed shall be stated on any invoice or receipt for the property sold or service rendered **[**, or if added, that it or any part thereof will be refunded**]**. Any person violating any of the provisions of this section shall be guilty of a misdemeanor. **This subsection shall not apply to any retailer prohibited from collecting and remitting sales tax under section 66.630.**

Approved July 6, 2015

HB 522 [SS SCS HB 522, HB 34, HB 133, HB 134, HB 810, HB 338, & HB 873]

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

Changes the laws regarding bridge and highway designations

AN ACT to repeal section 227.297, RSMo, and to enact in lieu thereof ten new sections relating to bridge and highway designations.

SECTION

A. Enacting clause.
227.297. Heroes Way designation program established — signage — application procedure — joint committee to review applications.
227.380. Theodore McNeal Highway designated for portion of Highway 115 in St. Louis City.
227.417. Jerry Corp Memorial Highway designated for portion of U.S. Highway 160 in Ozark County.
227.419. Harriet Beard Highway designated for portion of Highway 63 from Adair-Macon County line to northern border of city of Kirksville.
227.428. Randy Bever Memorial Highway designated for portion of Business Highway 71 in Andrew County.
227.523. Irwin C. Cudworth Memorial Bridge designated on Highway CC in Ozark County.
227.524. Ray-Carroll County Veterans Memorial Highway designated for portion of Highway 10.
227.525. Billy Yates Highway designated for portion of U.S. Highway 160 in Ripley County.
227.526. Veterans Memorial Expressway designated for portion of Highway 54 in Camden County.
227.527. Donald Lee Cook Memorial Highway designated for portion of State Highway 21 in Reynolds County.

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

SECTION A. ENACTING CLAUSE. — Section 227.297, RSMo, is repealed and ten new sections enacted in lieu thereof, to be known as sections 227.297, 227.380, 227.417, 227.419, 227.428, 227.523, 227.524, 227.525, 227.526, and 227.527, to read as follows:

227.297. HEROES WAY DESIGNATION PROGRAM ESTABLISHED — SIGNAGE — APPLICATION PROCEDURE — JOINT COMMITTEE TO REVIEW APPLICATIONS. — 1. This section establishes **[**an interchange**] a** designation program, to be known as the "Heroes Way **[**Interchange**]** Designation Program", to honor the fallen Missouri heroes who have been killed in action while performing active military duty with the Armed Forces **[**in Afghanistan or Iraq on or after September 11, 2001**]**. The signs shall be placed upon interstate or state-numbered highway interchanges **or upon bridges or segments of highway on the state highway system** in accordance with this section, and any applicable federal and state limitations or conditions on highway signage, including location and spacing.

2. Any person who is related by marriage, adoption, or consanguinity within the second degree to a member of the United States Armed Forces who was killed in action while performing active military duty with the Armed Forces **[**in Afghanistan or Iraq on or after September 11, 2001**]**, and who was a resident of this state at the time he or she was killed in action, may apply for **[**an interchange**] a** designation under the provisions of this section.

3. Any person described under subsection 2 of this section who desires to have an interstate or state numbered highway interchange **or bridge or segment of highway on the state**

highway system designated after his or her family member shall petition the department of transportation by submitting the following:

(1) An application in a form prescribed by the director, describing the interstate or state numbered highway interchange **or bridge or segment of highway on the state highway system** for which the designation is sought and the proposed name of the interchange**, bridge or relevant segment of highway**. The application shall include the name of at least one current member of the general assembly who will sponsor the **[**interchange**]** designation. The application may contain written testimony for support of the **[**interchange**]** designation;

(2) Proof that the family member killed in action was a member of the United States Armed Forces and proof that such family member was in fact killed in action while performing active military duty with the United States Armed Forces **[**in Afghanistan or Iraq on or after September 11, 2001**]**. Acceptable proof shall be a statement from the Missouri veterans commission or the United States Department of Veterans Affairs so certifying such facts;

(3) By signing a form provided by the Missouri transportation department, the applicant shall certify that the applicant is related by marriage, adoption, or consanguinity within the second degree to the member of the United States Armed Forces who was killed in action; and

(4) A fee to be determined by the commission to cover the costs of constructing and maintaining the proposed interchange**, bridge, or highway** signs. The fee shall not exceed the cost of constructing and maintaining each sign.

4. All moneys received by the department of transportation for the construction and maintenance of interchange**, bridge, or highway** signs shall be deposited in the state treasury to the credit of the state road fund.

5. The documents and fees required under this section shall be submitted to the department of transportation.

6. The department of transportation shall submit for approval or disapproval all applications for **[**interchange**]** designations to the joint committee on transportation oversight. The joint committee on transportation oversight may review such applications at any scheduled meeting convened pursuant to section 21.795. If satisfied with the application and all its contents, the committee shall approve the application. The committee shall notify the department of transportation upon the approval or denial of an application for **[**an interchange**] a** designation.

7. The department of transportation shall give notice of any proposed **[**interchange**]** designation under this section in a manner reasonably calculated to advise the public of such proposal. Reasonable notice shall include posting the proposal for the designation on the department's official public website and making available copies of the sign designation application to any representative of the news media or public upon request and posting the application on a bulletin board or other prominent public place which is easily accessible to the public and clearly designated for that purpose at the principal office.

8. If the memorial **[**interchange**]** designation request is not approved by the joint committee on transportation oversight, ninety-seven percent of the application fee shall be refunded to the applicant.

9. Two signs shall be erected for each interchange**, bridge, or highway** designation processed under this section.

10. No interchange**, bridge, or highway** may be named or designated after more than one member of the United States Armed Forces killed in action. Such person shall only be eligible for one interchange**, bridge, or highway** designation under the provisions of this section.

11. Any highway signs erected for any **[**interchange**]** designation under the provisions of this section shall be erected and maintained for a twenty-year period. After such period, the signs shall be subject to removal by the department of transportation and the interchange**, bridge, or highway** may be designated to honor persons other than the current designee. An existing **[**interchange**]** designation processed under the provisions of this section may be retained for additional twenty-year increments if, at least one year before the designation's expiration, an

application to the department of transportation is made to retain the designation along with the required documents and all applicable fees required under this section.

227.380. THEODORE MCNEAL HIGHWAY DESIGNATED FOR PORTION OF HIGHWAY 115 IN ST. LOUIS CITY. — The portion of State Highway 115 in St. Louis City from the intersection of Natural Bridge Avenue and Salisbury Street west to the intersection of State Highway 115 and Jennings Station Road shall be designated the "Theodore McNeal Highway". Cost for such designation shall be paid by private donations.

227.417. JERRY CORP MEMORIAL HIGHWAY DESIGNATED FOR PORTION OF U.S. HIGHWAY 160 IN OZARK COUNTY. — The portion of U.S. Highway 160 in Ozark County from the bridge that crosses Bryant Creek to a location two and one-half miles east of such bridge shall be known as the "Jerry Corp Memorial Highway". The costs for such designation shall be paid by private donations.

227.419. HARRIET BEARD HIGHWAY DESIGNATED FOR PORTION OF HIGHWAY 63 FROM ADAIR-MACON COUNTY LINE TO NORTHERN BORDER OF CITY OF KIRKSVILLE. — The portion of Highway 63 from the Adair-Macon County line to the northern border of the city limits of the city of Kirksville shall be designated the "Harriet Beard Highway". The department of transportation shall erect and maintain appropriate signs designating such highway with costs to be paid by private donations.

227.428. RANDY BEVER MEMORIAL HIGHWAY DESIGNATED FOR PORTION OF BUSINESS HIGHWAY 71 IN ANDREW COUNTY. — The portion of Business Highway 71 from the Interstate 29 intersection traveling north for two miles and located in Andrew County shall be designated as the "Randy Bever Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway with the cost for such designation to be paid by private donation.

227.523. IRWIN C. CUDWORTH MEMORIAL BRIDGE DESIGNATED ON HIGHWAY CC IN OZARK COUNTY. — The bridge on Highway CC crossing over North Fork White River in Ozark County shall be designated the "Irwin C. Cudworth Memorial Bridge". The department of transportation shall erect and maintain appropriate signs designating such bridge, with the costs of such designation to be paid for by private donations.

227.524. RAY-CARROLL COUNTY VETERANS MEMORIAL HIGHWAY DESIGNATED FOR PORTION OF HIGHWAY 10. — The portion of Highway 10 from the western border of the city limits of Norborne in Carroll County to the eastern border of the city limits of Hardin in Ray County shall be designated the "Ray-Carroll County Veterans Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway with costs to be paid by private donations.

227.525. BILLY YATES HIGHWAY DESIGNATED FOR PORTION OF U.S. HIGHWAY 160 IN RIPLEY COUNTY. — The portion of U.S. Highway 160 in Ripley County which is located within the city limits of Doniphan shall be designated the "Billy Yates Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid for by private donation.

227.526. VETERANS MEMORIAL EXPRESSWAY DESIGNATED FOR PORTION OF HIGHWAY 54 IN CAMDEN COUNTY. — The portion of Highway 54 from the Grand Glaize Bridge in Camden County to Key Largo Road in Camden County shall be designated the "Veterans Memorial Expressway". The department of transportation shall erect and

maintain appropriate signs designating such highway with costs to be paid by private donations.

227.527. DONALD LEE COOK MEMORIAL HIGHWAY DESIGNATED FOR PORTION OF STATE HIGHWAY 21 IN REYNOLDS COUNTY. — The portion of State Highway 21 from State Route U continuing through the city of Lesterville to Elm Street in Lesterville located in Reynolds County shall be designated as the "Donald Lee Cook Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway with the cost for such designation to be paid by private donation.

Approved June 25, 2015

HB 524 [HB 524]

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

Allows the Director of the Department of Revenue to adopt rules and regulations allowing specified motor vehicle or trailer lienholders to electronically release a lien

AN ACT to repeal sections 301.640 and 306.420 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 301.640 as enacted by senate bill no. 82, ninety-fourth general assembly, first regular session, and section 306.420 as enacted by house bill no. 2008 merged with senate bill no. 895, ninety- first general assembly, second regular session, and section 700.370, RSMo, and to enact in lieu thereof four new sections relating to the electronic transmission of motor vehicle lien documents.

SECTION

A. Enacting clause.
32.096. Electronic release of liens filed electronically — rulemaking authority.
301.640. Beginning January 1, 2017 — Release of lienholders' rights upon satisfaction of lien or encumbrance, procedure — issuance of new certificate of ownership — certain liens deemed satisfied, when — penalty — rulemaking authority.
301.640. Until December 31, 2016 — Release of lienholders' rights upon satisfaction of lien or encumbrance, procedure — issuance of new certificate of ownership — certain liens deemed satisfied, when — penalty — rulemaking authority.
306.420. Beginning January 1, 2017 — Satisfaction of lien or encumbrance, release of, procedure — duties of lienholder and director of revenue — penalty for unauthorized release of a lien.
306.420. Until December 31, 2016 — Satisfaction of lien or encumbrance, release of, procedure — duties of lienholder and director of revenue — penalty for unauthorized release of a lien.
700.370. Satisfaction of lien or encumbrance, release of, procedure.

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

SECTION A. ENACTING CLAUSE. — Sections 301.640 and 306.420 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 301.640 as enacted by senate bill no. 82, ninety-fourth general assembly, first regular session, and section 306.420 as enacted by house bill no. 2008 merged with senate bill no. 895, ninety- first general assembly, second regular session, and section 700.370, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 32.096, 301.640, 306.420, and 700.370, to read as follows:

32.096. ELECTRONIC RELEASE OF LIENS FILED ELECTRONICALLY — RULEMAKING AUTHORITY. — 1. The director of revenue may adopt rules and regulations that authorize a lienholder to electronically release a lien on property titled with the department of

revenue. Only liens filed electronically with the department may be released electronically. Once the lien has been released, the department shall electronically confirm receipt of such release.

2. 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, 2015, shall be invalid and void.

301.640. BEGINNING JANUARY 1, 2017 — RELEASE OF LIENHOLDERS' RIGHTS UPON SATISFACTION OF LIEN OR ENCUMBRANCE, PROCEDURE — ISSUANCE OF NEW CERTIFICATE OF OWNERSHIP — CERTAIN LIENS DEEMED SATISFIED, WHEN — PENALTY — RULEMAKING AUTHORITY. — 1. Within five business days after the satisfaction of any lien or encumbrance of a motor vehicle or trailer, the lienholder shall release the lien or encumbrance on the certificate**,** [or] **on** a separate document, **or electronically under section 32.096 and any rules and regulations adopted thereunder,** and mail or deliver the certificate or a separate document to the owner or any person who delivers to the lienholder an authorization from the owner to receive the certificate or such documentation. The release on the certificate or separate document shall be notarized. Each perfected subordinate lienholder, if any, shall release such lien or encumbrance as provided in this section for the first lienholder. The owner may cause the certificate to be mailed or delivered to the director of revenue, who shall issue a new certificate of ownership upon application and payment of the required fee. A lien or encumbrance shall be satisfied for the purposes of this section when a lienholder receives payment in full in the form of certified funds, as defined in section 381.410, or when the lienholder receives payment in full electronically or by way of electronic funds transfer, whichever first occurs.

2. If the electronic certificate of ownership is in the possession of the director of revenue, the lienholder shall notify the director within five business days after any release of a lien and provide the director with the most current address of the owner or any person who delivers to the lienholder an authorization from the owner to receive the certificate or such documentation. The director shall note such release on the electronic certificate and if no other lien exists the director shall mail or deliver the certificate free of any lien to the owner or any person who has delivered to the lienholder an authorization from the owner to receive the certificate or such documentation from the director.

3. If the purchase price of a motor vehicle or trailer did not exceed six thousand dollars at the time of purchase, a lien or encumbrance which was not perfected by a motor vehicle financing corporation whose net worth exceeds one hundred million dollars, or a depository institution, shall be considered satisfied within six years from the date the lien or encumbrance was originally perfected unless a new lien or encumbrance has been perfected as provided in section 301.600. This subsection does not apply to motor vehicles or trailers for which the certificate of ownership has recorded in the second lienholder portion the words "subject to future advances".

4. Any lienholder who fails to timely comply with subsection 1 or 2 of this section shall pay to the person or persons satisfying the lien or encumbrance liquidated damages up to a maximum of two thousand five hundred dollars for each lien. Liquidated damages shall be five hundred dollars if the lienholder does not comply within five business days after satisfaction of the lien or encumbrance. Liquidated damages shall be one thousand dollars if the lienholder does not comply within ten business days after satisfaction of the lien or encumbrance. Liquidated damages shall be two thousand dollars if the lienholder does not comply within fifteen business days after satisfaction of the lien or encumbrance. Liquidated damages shall be two thousand

five hundred dollars if the lienholder does not comply within twenty business days after satisfaction of the lien or encumbrance. If delivery of the certificate or other lien release is made by mail, the delivery date is the date of the postmark for purposes of this subsection. In computing any period of time prescribed or allowed by this section, the day of the act or event after which the designated period of time begins to run is not to be counted. However, the last day of the period so computed is to be included, unless it is a Saturday, Sunday, or a legal holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or legal holiday.

5. Any person who knowingly and intentionally sends in a separate document releasing a lien of another without authority to do so shall be guilty of a class D felony.

301.640. UNTIL DECEMBER 31, 2016 — RELEASE OF LIENHOLDERS' RIGHTS UPON SATISFACTION OF LIEN OR ENCUMBRANCE, PROCEDURE — ISSUANCE OF NEW CERTIFICATE OF OWNERSHIP — CERTAIN LIENS DEEMED SATISFIED, WHEN — PENALTY — RULEMAKING AUTHORITY. — 1. Within five business days after the satisfaction of any lien or encumbrance of a motor vehicle or trailer, the lienholder shall release the lien or encumbrance on the certificate**,** [or] **on** a separate document, **or electronically under section 32.096 and any rules and regulations adopted thereunder,** and mail or deliver the certificate or a separate document to the owner or any person who delivers to the lienholder an authorization from the owner to receive the certificate or such documentation. The release on the certificate or separate document shall be notarized. Each perfected subordinate lienholder, if any, shall release such lien or encumbrance as provided in this section for the first lienholder. The owner may cause the certificate to be mailed or delivered to the director of revenue, who shall issue a new certificate of ownership upon application and payment of the required fee. A lien or encumbrance shall be satisfied for the purposes of this section when a lienholder receives payment in full in the form of certified funds, as defined in section 381.410, or when the lienholder receives payment in full electronically or by way of electronic funds transfer, whichever first occurs.

2. If the electronic certificate of ownership is in the possession of the director of revenue, the lienholder shall notify the director within five business days after any release of a lien and provide the director with the most current address of the owner or any person who delivers to the lienholder an authorization from the owner to receive the certificate or such documentation. The director shall note such release on the electronic certificate and if no other lien exists the director shall mail or deliver the certificate free of any lien to the owner or any person who has delivered to the lienholder an authorization from the owner to receive the certificate or such documentation from the director.

3. If the purchase price of a motor vehicle or trailer did not exceed six thousand dollars at the time of purchase, a lien or encumbrance which was not perfected by a motor vehicle financing corporation whose net worth exceeds one hundred million dollars, or a depository institution, shall be considered satisfied within six years from the date the lien or encumbrance was originally perfected unless a new lien or encumbrance has been perfected as provided in section 301.600. This subsection does not apply to motor vehicles or trailers for which the certificate of ownership has recorded in the second lienholder portion the words "subject to future advances".

4. Any lienholder who fails to timely comply with subsection 1 or 2 of this section shall pay to the person or persons satisfying the lien or encumbrance liquidated damages up to a maximum of two thousand five hundred dollars for each lien. Liquidated damages shall be five hundred dollars if the lienholder does not comply within five business days after satisfaction of the lien or encumbrance. Liquidated damages shall be one thousand dollars if the lienholder does not comply within ten business days after satisfaction of the lien or encumbrance. Liquidated damages shall be two thousand dollars if the lienholder does not comply within fifteen business days after satisfaction of the lien or encumbrance. Liquidated damages shall be two thousand five hundred dollars if the lienholder does not comply within twenty business days after

satisfaction of the lien or encumbrance. If delivery of the certificate or other lien release is made by mail, the delivery date is the date of the postmark for purposes of this subsection. In computing any period of time prescribed or allowed by this section, the day of the act or event after which the designated period of time begins to run is not to be counted. However, the last day of the period so computed is to be included, unless it is a Saturday, Sunday, or a legal holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or legal holiday.

5. Any person who knowingly and intentionally sends in a separate document releasing a lien of another without authority to do so shall be guilty of a class C felony.

306.420. BEGINNING JANUARY 1, 2017 — SATISFACTION OF LIEN OR ENCUMBRANCE, RELEASE OF, PROCEDURE — DUTIES OF LIENHOLDER AND DIRECTOR OF REVENUE — PENALTY FOR UNAUTHORIZED RELEASE OF A LIEN. — 1. Upon the satisfaction of a lien or encumbrance on an outboard motor, motorboat, vessel, or watercraft, the lienholder shall within ten days execute a release of his or her lien or encumbrance[,] on the certificate**,** [or] **on a** separate document, **or electronically under section 32.096 and any rules and regulations adopted thereunder,** and mail or deliver the certificate or separate document to the owner or any person who delivers to the lienholder an authorization from the owner to receive the documentation. The release on the certificate or separate document shall be notarized. Each perfected subordinate lienholder, if any, shall release such lien or encumbrance as provided in this section for the first lienholder. The owner may cause the certificate of title, the release, and the required fee to be mailed or delivered to the director of revenue, who shall release the lienholder's rights on the certificate and issue a new certificate of title.

2. If the electronic certificate of title is in the possession of the director of revenue, the lienholder shall notify the director within ten business days of any release of lien and provide the director with the most current address of the owner. The director shall note such release on the electronic certificate and if no other lien exists, the director shall mail or deliver the certificate free of any lien to the owner.

3. Any person who knowingly and intentionally sends in a separate document releasing a lien of another without authority to do so shall be guilty of a class D felony.

306.420. UNTIL DECEMBER 31, 2016 — SATISFACTION OF LIEN OR ENCUMBRANCE, RELEASE OF, PROCEDURE — DUTIES OF LIENHOLDER AND DIRECTOR OF REVENUE — PENALTY FOR UNAUTHORIZED RELEASE OF A LIEN. — 1. Upon the satisfaction of a lien or encumbrance on an outboard motor, motorboat, vessel, or watercraft, the lienholder shall within ten days execute a release of his or her lien or encumbrance[,] on the certificate**,** [or] **on a** separate document, **or electronically under section 32.096 and any rules and regulations adopted thereunder,** and mail or deliver the certificate or separate document to the owner or any person who delivers to the lienholder an authorization from the owner to receive the documentation. The release on the certificate or separate document shall be notarized. Each perfected subordinate lienholder, if any, shall release such lien or encumbrance as provided in this section for the first lienholder. The owner may cause the certificate of title, the release, and the required fee to be mailed or delivered to the director of revenue, who shall release the lienholder's rights on the certificate and issue a new certificate of title.

2. If the electronic certificate of title is in the possession of the director of revenue, the lienholder shall notify the director within ten business days of any release of lien and provide the director with the most current address of the owner. The director shall note such release on the electronic certificate and if no other lien exists, the director shall mail or deliver the certificate free of any lien to the owner.

3. Any person who knowingly and intentionally sends in a separate document releasing a lien of another without authority to do so shall be guilty of a class C felony.

700.370. SATISFACTION OF LIEN OR ENCUMBRANCE, RELEASE OF, PROCEDURE. — 1. Upon the satisfaction of a lien or encumbrance on a manufactured home, the lienholder shall, within ten days after demand, release the lien or encumbrance on the certificate**,** **[**or**]** **on** a separate document, **or electronically under section 32.096 and any rules and regulations adopted thereunder,** and mail or deliver the certificate or separate document to the owner or any person who delivers to the lienholder an authorization from the owner to receive the certificate or separate document. Each perfected subordinate lienholder, if any, shall release such lien or encumbrance as provided in this section for the first lienholder. The release on the certificate or separate document shall be notarized. The owner may cause the certificate of title, the release, and the required fee to be mailed or delivered to the director of revenue, who shall release the lienholder's rights on the certificate and issue a new certificate of title.

2. If the electronic certificate of ownership is in the possession of the director of revenue, the lienholder shall notify the director within ten business days of any release of a lien and provide the director with the most current address of the owner. The director shall note such release on the electronic certificate and if no other lien exists the director shall mail or deliver the certificate free of any lien to the owner.

Approved June 30, 2015

HB 531 [HB 531]

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

Requires liquid nicotine products to be sold in child-safe packaging

AN ACT to repeal section 407.926, RSMo, and to enact in lieu thereof one new section relating to child-resistant packaging for liquid nicotine containers, with penalty provisions.

SECTION
A. Enacting clause.
407.926. No tobacco sales to minors — penalties — alternative nicotine products and vapor products, sale to minors prohibited — nicotine liquid containers, requirements, penalty.

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

SECTION A. ENACTING CLAUSE. — Section 407.926, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 407.926, to read as follows:

407.926. NO TOBACCO SALES TO MINORS — PENALTIES — ALTERNATIVE NICOTINE PRODUCTS AND VAPOR PRODUCTS, SALE TO MINORS PROHIBITED — NICOTINE LIQUID CONTAINERS, REQUIREMENTS, PENALTY. — 1. Any person or entity who sells tobacco products, alternative nicotine products, or vapor products shall deny the sale of such tobacco products to any person who is less than eighteen years of age.

2. Any person or entity who sells or distributes tobacco products, alternative nicotine products, or vapor products by mail or through the internet in this state in violation of subsection 1 of this section shall be assessed a fine of two hundred fifty dollars for the first violation and five hundred dollars for each subsequent violation.

3. Alternative nicotine products and vapor products shall only be sold to persons eighteen years of age or older, shall be subject to local and state sales tax, but shall not be otherwise taxed or regulated as tobacco products.

4. (1) Any nicotine liquid container that is sold at retail in this state shall satisfy the child-resistant effectiveness standards set forth in 16 CFR 1700.15(b) as in effect on the

effective date of this section when tested in accordance with the method described in 16 CFR 1700.20 as in effect on the effective date of this section.

(2) For the purposes of this subsection, "nicotine liquid container" shall mean a bottle or other container of liquid or other substance containing nicotine if the liquid or substance is sold, marketed, or intended for use in a vapor product. A "nicotine liquid container" shall not include a liquid or other substance containing nicotine in a cartridge that is sold, marketed, or intended for use in a vapor product, provided that such cartridge is prefilled and sealed by the manufacturer and not intended to be opened by the consumer.

(3) Any person who engages in retail sales of liquid nicotine containers in this state in violation of this subsection shall be assessed a fine of two hundred fifty dollars for the first violation and five hundred dollars for each subsequent violation.

(4) The department of health and senior services may adopt rules necessary to carry out the provisions of this subsection. 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 under 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, 2015, shall be invalid and void.

(5) The provisions of this subsection and any rules adopted hereunder shall be null, void, and of no force and effect upon the effective date of the final regulations issued by the federal Food and Drug Administration or from any other federal agency if such regulations mandate child-resistant effectiveness standards for nicotine liquid containers.

Approved July 8, 2015

HB 567 [HB 567]

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

Designates December 4 as "Alpha Phi Alpha Day" in Missouri in honor of the first black intercollegiate Greek-letter fraternity established for African-Americans

AN ACT to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of Alpha Phi Alpha day.

SECTION
A. Enacting clause.
9.162. December 4, Alpha Phi Alpha Day.

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

SECTION A. ENACTING CLAUSE. — Chapter 9, RSMo, is amended by adding thereto one new section, to be known as section 9.162, to read as follows:

9.162. DECEMBER 4, ALPHA PHI ALPHA DAY. — 1. December fourth is hereby designated as "Alpha Phi Alpha Day" in the state of Missouri. The citizens of this state are encouraged to observe the day with appropriate activities and events to commemorate the founding of the first black intercollegiate Greek-letter fraternity established for African-Americans.

2. Alpha Phi Alpha Fraternity, Inc., was founded on Tuesday, December 4, 1906, at Cornell University in Ithaca, New York. Given racial attitudes in 1906, the accomplishments of the original founding members, Dr. Henry Arthur Callis, Charles Henry Chapman, Eugene Kinckle Jones, George Biddle Kelley, Nathaniel Allison Murray, Robert Harold Ogle, and Vertner Woodson Tandy, known as the "Seven Jewels" were monumental. These men were determined to bind themselves together to ensure that each would survive the racially hostile environment. In coming together with the simple act of founding the Alpha Phi Alpha fraternity, these men set outstanding examples of scholarship, leadership, and tenacity.

3. Today, Alpha Phi Alpha and its more than two hundred ninety thousand members and more than seven hundred thirty chapters over five continents continues its commitment to members of the fraternity and the African-American community by dedicating itself to fostering the spirit of brotherhood, training a new generation of leaders, building the technological capacity of members, bringing consistency to the implementation of the fraternity's national programs, and ensuring that chapters have the necessary preparation to implement fraternal incentives and day-to-day operations. The Fraternity aims are manly deeds, scholarship, and love for all mankind, and its motto is "First of All, Servants of All, We Shall Transcend All.".

4. Famous Alpha Phi Alpha members include W.E.B. DuBois, civil rights activist and founder of the NAACP; Duke Ellington, jazz musician; Fredrick Douglas, author, abolitionist, and civil rights activist; Thurgood Marshall, former United States Supreme Court Justice and manager of the landmark United States Supreme Court case Brown v. Board of Education which declared segregation unconstitutional; Jesse Owens, Olympic gold medalist; Emanuel Cleaver II, United States Representative from Missouri; and Dr. Martin Luther King, Jr., civil rights activist and the fraternity's most recognized member.

5. The Beta Lambda Chapter, chartered in Kansas City, Missouri, in 1919, is Alpha Phi Alpha fraternity's second-oldest alumni chapter and the first established west of the Mississippi River.

Approved July 6, 2015

HB 587 [HCS HB 587]

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

Modifies provisions relating to licensing fees paid to the Division of Finance by entities and persons licensed under the Missouri Sale of Checks Law, credit service organizations, and consumer credit lenders

AN ACT to repeal sections 361.707, 361.715, 364.030, 364.105, 365.030, 367.140, 407.640, and 408.500, RSMo, and to enact in lieu thereof eight new sections relating to licensing fees paid to the director of the division of finance.

SECTION
A. Enacting clause.
361.707. Application for license, content — investigation fee, applied to license fee, when.
361.715. License issued upon investigation, when — fee — charge for applications to amend and reissue.
364.030. Financial institutions to obtain license, exceptions — application — fee.
364.105. Registration required — fee — forms.
365.030. Sales finance company, license required — exceptions — application — fee.
367.140. Annual registration — fee, amount — certificates, issuance, display.
407.640. Registration statements, filing, contents — fee.

408.500. Unsecured loans of five hundred dollars or less, licensure of lenders, interest rates and fees allowed — penalties for violations — cost of collection expenses — notice required, form.

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

SECTION A. ENACTING CLAUSE. — Sections 361.707, 361.715, 364.030, 364.105, 365.030, 367.140, 407.640, and 408.500, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 361.707, 361.715, 364.030, 364.105, 365.030, 367.140, 407.640, and 408.500, to read as follows:

361.707. APPLICATION FOR LICENSE, CONTENT — INVESTIGATION FEE, APPLIED TO LICENSE FEE, WHEN. — 1. Each application for a license pursuant to sections 361.700 to 361.727 shall be in writing and under oath to the director in such form as he may prescribe. The application shall state the full name and business address of:

(1) The proprietor, if the applicant is an individual;

(2) Every member, if the applicant is a partnership or association;

(3) The corporation and each officer and director thereof, if the applicant is a corporation.

2. Each application for a license shall be accompanied by an investigation fee of [one] **three** hundred dollars. If the license is granted the investigation fee shall be applied to the license fee for the first year. No investigation fee shall be refunded.

361.715. LICENSE ISSUED UPON INVESTIGATION, WHEN — FEE — CHARGE FOR APPLICATIONS TO AMEND AND REISSUE. — 1. Upon the filing of the application, the filing of a certified audit, the payment of the investigation fee and the approval by the director of the necessary bond, the director shall cause, investigate, and determine whether the character, responsibility, and general fitness of the principals of the applicant or any affiliates are such as to command confidence and warrant belief that the business of the applicant will be conducted honestly and efficiently and that the applicant is in compliance with all other applicable state and federal laws. If satisfied, the director shall issue to the applicant a license pursuant to the provisions of sections 361.700 to 361.727. In processing a renewal license, the director shall require the same information and follow the same procedures described in this subsection.

2. Each licensee shall pay to the director before the issuance of the license, and annually thereafter on or before April fifteenth of each year, a license fee of [one] **three** hundred dollars.

3. The director may assess a reasonable charge, not to exceed [one] **three** hundred dollars, for any application to amend and reissue an existing license.

364.030. FINANCIAL INSTITUTIONS TO OBTAIN LICENSE, EXCEPTIONS — APPLICATION — FEE. — 1. No person shall engage in the business of a financing institution in this state without a license therefor as provided in this chapter; except, however, that no bank, trust company, loan and investment company, licensed sales finance company, registrant under the provisions of sections 367.100 to 367.200, or person who makes only occasional purchases of retail time contracts or accounts under retail charge agreements and which purchases are not being made in the course of repeated or successive purchase of retail installment contracts from the same seller, shall be required to obtain a license under this chapter but shall comply with all the laws of this state applicable to the conduct and operation of a financing institution.

2. The application for the license shall be in writing, under oath and in the form prescribed by the director. The application shall contain the name of the applicant; date of incorporation, if incorporated; the address where the business is or is to be conducted and similar information as to any branch office of the applicant; the name and resident address of the owner or partners or, if a corporation or association, of the directors, trustees and principal officers, and other pertinent information as the director may require.

3. The license fee for each calendar year or part thereof shall be the sum of [three] **five** hundred dollars for each place of business of the licensee in this state which shall be paid into

the general revenue fund. The director may establish a biennial licensing arrangement but in no case shall the fees be payable for more than one year at a time.

4. Each license shall specify the location of the office or branch and must be conspicuously displayed therein. In case the location is changed, the director shall either endorse the change of location of the license or mail the licensee a certificate to that effect, without charge.

5. Upon the filing of an application, and the payment of the fee, the director shall issue a license to the applicant to engage in the business of a financing institution under and in accordance with the provisions of this chapter for a period which shall expire the last day of December next following the date of its issuance. The license shall not be transferable or assignable. No licensee shall transact any business provided for by this chapter under any other name.

364.105. REGISTRATION REQUIRED — FEE — FORMS. — 1. No person shall engage in the business of a premium finance company in this state without first registering as a premium finance company with the director.

2. The annual registration fee shall be **[**three**]** **five** hundred dollars payable to the director as of the first day of July of each year. The director may establish a biennial licensing arrangement but in no case shall the fees be payable for more than one year at a time.

3. Registration shall be made on forms prepared by the director and shall contain the following information:

(1) Name, business address and telephone number of the premium finance company;

(2) Name and business address of corporate officers and directors or principals or partners;

(3) A sworn statement by an appropriate officer, principal or partner of the premium finance company that:

(a) The premium finance company is financially capable to engage in the business of insurance premium financing; and

(b) If a corporation, that the corporation is authorized to transact business in this state;

(4) If any material change occurs in the information contained in the registration form, a revised statement shall be submitted to the director accompanied by an additional fee of **[**one**]** **three** hundred dollars.

365.030. SALES FINANCE COMPANY, LICENSE REQUIRED — EXCEPTIONS — APPLICATION — FEE. — 1. No person shall engage in the business of a sales finance company in this state without a license as provided in this chapter; except, that no bank, trust company, savings and loan association, loan and investment company or registrant under the provisions of sections 367.100 to 367.200 authorized to do business in this state is required to obtain a license under this chapter but shall comply with all of the other provisions of this chapter.

2. The application for the license shall be in writing, under oath and in the form prescribed by the director. The application shall contain the name of the applicant; date of incorporation, if incorporated; the address where the business is or is to be conducted and similar information as to any branch office of the applicant; the name and resident address of the owner or partners or, if a corporation or association, of the directors, trustees and principal officers, and such other pertinent information as the director may require.

3. The license fee for each calendar year or part thereof shall be the sum of **[**three**]** **five** hundred dollars for each place of business of the licensee in this state. The director may establish a biennial licensing arrangement but in no case shall the fees be payable for more than one year at a time.

4. Each license shall specify the location of the office or branch and must be conspicuously displayed there. In case the location is changed, the director shall either endorse the change of location on the license or mail the licensee a certificate to that effect, without charge.

5. Upon the filing of the application, and the payment of the fee, the director shall issue a license to the applicant to engage in the business of a sales finance company under and in

accordance with the provisions of this chapter for a period which shall expire the last day of December next following the date of its issuance. The license shall not be transferable or assignable. No licensee shall transact any business provided for by this chapter under any other name.

367.140. ANNUAL REGISTRATION — FEE, AMOUNT — CERTIFICATES, ISSUANCE, DISPLAY. — 1. Every lender shall, at the time of filing application for certificate of registration as provided in section 367.120 hereof, pay the sum of [three] **five** hundred dollars as an annual registration fee for the period ending the thirtieth day of June next following the date of payment and in full payment of all expenses for investigations, examinations and for the administration of sections 367.100 to 367.200, except as provided in section 367.160, and thereafter a like fee shall be paid on or before June thirtieth of each year; provided, that if a lender is supervised by the commissioner of finance under any other law, the charges for examination and supervision required to be paid under said law shall be in lieu of the annual fee for registration and examination required under this section. The fee shall be made payable to the director of revenue. If the initial registration fee for any certificate of registration is for a period of less than twelve months, the registration fee shall be prorated according to the number of months that said period shall run. The director may establish a biennial licensing arrangement but in no case shall the fees be payable for more than one year at a time.

2. Upon receipt of such fee and application for registration, and provided the bond, if required by the director, has been filed, the director shall issue to the lender a certificate containing the lender's name and address and reciting that such lender is duly and properly registered to conduct the supervised business. The lender shall keep this certificate of registration posted in a conspicuous place at the place of business recited in the registration certificate. Where the lender engages in the supervised business at or from more than one office or place of business, such lender shall obtain a separate certificate of registration for each such office or place of business.

3. Certificates of registration shall not be assignable or transferable except that the lender named in any such certificate may obtain a change of address of the place of business therein set forth. Each certificate of registration shall remain in full force and effect until surrendered, revoked, or suspended as herein provided.

407.640. REGISTRATION STATEMENTS, FILING, CONTENTS — FEE. — 1. A credit services organization shall file a registration statement with the director of finance before conducting business in this state. The registration statement must contain:

(1) The name and address of the credit services organization; and

(2) The name and address of any person who directly or indirectly owns or controls ten percent or more of the outstanding shares of stock in the credit services organization.

2. The registration statement must also contain either:

(1) A full and complete disclosure of any litigation or unresolved complaint filed by or with a governmental authority of this state relating to the operation of the credit services organization; or

(2) A notarized statement that states that there has been no litigation or unresolved complaint filed by or with a governmental authority of this state relating to the operation of the credit services organization.

3. The credit services organization shall update the statement not later than the ninetieth day after the date on which a change in the information required in the statement occurs.

4. Each credit services organization registering under this section shall maintain a copy of the registration statement in the office of the credit services organization. The credit services organization shall allow a buyer to inspect the registration statement on request.

5. The director of finance may charge each credit services organization that files a registration statement with the director of finance a reasonable fee not to exceed [one] **three**

hundred dollars to cover the cost of filing. The director of finance may not require a credit services organization to provide information other than that provided in the registration statement as part of the registration process.

408.500. UNSECURED LOANS OF FIVE HUNDRED DOLLARS OR LESS, LICENSURE OF LENDERS, INTEREST RATES AND FEES ALLOWED — PENALTIES FOR VIOLATIONS — COST OF COLLECTION EXPENSES — NOTICE REQUIRED, FORM. — 1. Lenders, other than banks, trust companies, credit unions, savings banks and savings and loan companies, in the business of making unsecured loans of five hundred dollars or less shall obtain a license from the director of the division of finance. An annual license fee of **[**three**]** **five** hundred dollars per location shall be required. The license year shall commence on January first each year and the license fee may be prorated for expired months. The director may establish a biennial licensing arrangement but in no case shall the fees be payable for more than one year at a time. The provisions of this section shall not apply to pawnbroker loans, consumer credit loans as authorized under chapter 367, nor to a check accepted and deposited or cashed by the payee business on the same or the following business day. The disclosures required by the federal Truth in Lending Act and regulation Z shall be provided on any loan, renewal or extension made pursuant to this section and the loan, renewal or extension documents shall be signed by the borrower.

2. Entities making loans pursuant to this section shall contract for and receive simple interest and fees in accordance with sections 408.100 and 408.140. Any contract evidencing any fee or charge of any kind whatsoever, except for bona fide clerical errors, in violation of this section shall be void. Any person, firm or corporation who receives or imposes a fee or charge in violation of this section shall be guilty of a class A misdemeanor.

3. Notwithstanding any other law to the contrary, cost of collection expenses, which include court costs and reasonable attorneys fees, awarded by the court in suit to recover on a bad check or breach of contract shall not be considered as a fee or charge for purposes of this section.

4. Lenders licensed pursuant to this section shall conspicuously post in the lobby of the office, in at least fourteen-point bold type, the maximum annual percentage rates such licensee is currently charging and the statement: NOTICE:

This lender offers short-term loans. Please read and understand the terms of the loan agreement before signing.

5. The lender shall provide the borrower with a notice in substantially the following form set forth in at least ten-point bold type, and receipt thereof shall be acknowledged by signature of the borrower:

(1) This lender offers short-term loans. Please read and understand the terms of the loan agreement before signing.

(2) You may cancel this loan without costs by returning the full principal balance to the lender by the close of the lender's next full business day.

6. The lender shall renew the loan upon the borrower's written request and the payment of any interest and fees due at the time of such renewal; however, upon the first renewal of the loan agreement, and each subsequent renewal thereafter, the borrower shall reduce the principal amount of the loan by not less than five percent of the original amount of the loan until such loan is paid in full. However, no loan may be renewed more than six times.

7. When making or negotiating loans, a licensee shall consider the financial ability of the borrower to reasonably repay the loan in the time and manner specified in the loan contract. All records shall be retained at least two years.

8. A licensee who ceases business pursuant to this section must notify the director to request an examination of all records within ten business days prior to cessation. All records must be retained at least two years.

9. Any lender licensed pursuant to this section who fails, refuses or neglects to comply with the provisions of this section, or any laws relating to consumer loans or commits any criminal act may have its license suspended or revoked by the director of finance after a hearing before

the director on an order of the director to show cause why such order of suspension or revocation should not be entered specifying the grounds therefor which shall be served on the licensee at least ten days prior to the hearing.

10. Whenever it shall appear to the director that any lender licensed pursuant to this section is failing, refusing or neglecting to make a good faith effort to comply with the provisions of this section, or any laws relating to consumer loans, the director may issue an order to cease and desist which order may be enforceable by a civil penalty of not more than one thousand dollars per day for each day that the neglect, failure or refusal shall continue. The penalty shall be assessed and collected by the director. In determining the amount of the penalty, the director shall take into account the appropriateness of the penalty with respect to the gravity of the violation, the history of previous violations, and such other matters as justice may require.

Approved June 22, 2015

HB 613 [SCS HCS HB 613]

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

Changes the laws regarding the collection of property taxes

AN ACT to repeal sections 52.260, 65.620, 137.076, 140.170, 140.310, 140.340, 140.350, 140.405, 140.410, 140.420, and 231.444, RSMo, and to enact in lieu thereof thirteen new sections relating to the collection of property taxes.

SECTION
A. Enacting clause.
52.260. Fees for collecting certain taxes and fees to be deposited in county general revenue fund (certain counties).
65.620. Abolition of township government — effect.
137.018. Certain merchandise exempt from ad valorem taxes.
137.076. Valuation by assessor, factors to be considered — income-based approach for assessment of parcels.
140.170. County collector to publish delinquent land list — contents — site of sale — expenses — publisher's affidavit to be recorded — exception for certain property, contents of list.
140.195. Entry on property not trespass, when.
140.310. Possession by purchaser, when — rents — rights of occupant and purchaser.
140.340. Redemption, when — manner.
140.350. Redemption by minors and incapacitated or disabled persons, when.
140.405. Purchaser of property at delinquent land tax auction, deed issued to, when — notice of right of redemption — redemption of property first, when — loss of interest, when — notice, authorized manner.
140.410. Execution and record of deed by purchaser — failure — assignment prohibited, when — recording fee required, when.
140.420. Deed to purchaser if unredeemed.
231.444. County road tax — counties of the third and fourth classification — special road rock fund.

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

SECTION A. ENACTING CLAUSE. — Sections 52.260, 65.620, 137.076, 140.170, 140.310, 140.340, 140.350, 140.405, 140.410, 140.420, and 231.444, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 52.260, 65.620, 137.018, 137.076, 140.170, 140.195, 140.310, 140.340, 140.350, 140.405, 140.410, 140.420, and 231.444, to read as follows:

52.260. FEES FOR COLLECTING CERTAIN TAXES AND FEES TO BE DEPOSITED IN COUNTY GENERAL REVENUE FUND (CERTAIN COUNTIES). — The collector in counties not having township organization shall collect on behalf of the county the following fees for collecting all

state, county, bridge, road, school, back and delinquent, and all other local taxes, including merchants', manufacturers' and liquor and beer licenses, other than ditch and levee taxes, and the fees collected shall be deposited in the county general fund:

(1) In all counties wherein the total amount levied for any one year exceeds two hundred and fifty thousand dollars and is less than three hundred and fifty thousand dollars, a fee of two and one-half percent on the amount collected;

(2) In all counties wherein the total amount levied for any one year exceeds three hundred and fifty thousand dollars and is less than **[**two**]** **three** million dollars, a fee of two and one-half percent on the first three hundred and fifty thousand dollars collected and one percent on whatever amount may be collected over three hundred and fifty thousand dollars;

(3) In all counties wherein the total amount levied for any one year exceeds **[**two**]** **three** million dollars, a fee of one percent on the amounts collected.

65.620. ABOLITION OF TOWNSHIP GOVERNMENT — EFFECT. — 1. Whenever any county abolishes township organization the county treasurer and ex officio collector shall immediately settle his accounts as treasurer with the county commission and shall thereafter perform all duties, exercise all powers, have all rights and be subject to all liabilities imposed and conferred upon the county collector of revenue under chapter 52 until the first Monday in March after the general election next following the abolishment of township organization and until a collector of revenue for the county is elected and qualified. The person elected collector at the general election as aforesaid, if that election is not one for collector of revenue under chapter 52, shall serve until the first Monday in March following the election and qualification of a collector of revenue under chapter 52. Upon abolition of township organization a county treasurer shall be appointed to serve until the expiration of the term of such officer pursuant to chapter 54.

2. Upon abolition of township organization, title to all property of all kinds theretofore owned by the several townships of the county shall vest in the county and the county shall be liable for all outstanding obligations and liabilities of the several townships.

3. The terms of office of all township officers shall expire on the abolition of township organization and the township trustee of each township shall immediately settle his accounts with the county clerk and all township officers shall promptly deliver to the appropriate county officers, as directed by the county commission, all books, papers, records and property pertaining to their offices.

4. For a period of one calendar year following the abolition of the townships or until the voters of the county have approved a tax levy for road and bridge purposes, whichever occurs first, the county collector shall continue to collect a property tax on a county-wide basis in an amount equal to the tax levied by the township that had the lowest total tax rate in the county immediately prior to the abolishment of the townships. The continued collection of the tax shall be considered a continuation of an existing tax and shall not be considered a new tax levy.

137.018. CERTAIN MERCHANDISE EXEMPT FROM AD VALOREM TAXES. — 1. As used in this section, the term "merchandise" shall include short term rentals of equipment and other merchandise offered for short term rentals by rental companies under 532412 or 532210 of the 2012 edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget, which will subsequently or ultimately sell such merchandise or equipment. As used in this section, the term "short term rental" shall mean rentals for a period of less than three hundred sixty-five consecutive days, for an undefined period, or under an open-ended contract.

2. For the purposes of article X, section 6 of the Constitution of Missouri, all merchandise held or owned by a merchant whether or not currently subject to a short term rental and which will subsequently or ultimately be sold shall be considered inventory and exempt from ad valorem taxes.

137.076. VALUATION BY ASSESSOR, FACTORS TO BE CONSIDERED — INCOME-BASED APPROACH FOR ASSESSMENT OF PARCELS. — 1. In establishing the value of a parcel of real property the county assessor shall consider current market conditions and previous decisions of the county board of equalization, the state tax commission or a court of competent jurisdiction that affected the value of such parcel. For purposes of this section, the term "current market conditions", shall include the impact upon the housing market of foreclosures and bank sales.

2. In establishing the value of a parcel of real property, the county assessor shall use an income based approach for assessment of parcels of real property with federal or state imposed restrictions in regard to rent limitations, operations requirements, or any other restrictions imposed upon the property in connection with:

(1) The property being eligible for any income tax credits under section 42 of the Internal Revenue Code of 1986, as amended;

(2) Property constructed with the use of the United States Department of Housing and Urban Development HOME investment partnerships program;

(3) Property constructed with the use of incentives provided by the United States Department of Agriculture Rural Development; or

(4) Property receiving any other state or federal subsidies provided with respect to use of the property for housing purposes.

For the purposes of this subsection, the term "income based approach" shall include the use of direct capitalization methodology and computed by dividing the net operating income of the parcel of property by an appropriate capitalization rate not to exceed the average of the current market data available in the county of said parcel of property. Federal and state tax credits or other subsidies shall not be used when calculating the capitalization rate. Upon expiration of a land use restriction agreement, such parcel of property shall no longer be subject to this subsection.

140.170. COUNTY COLLECTOR TO PUBLISH DELINQUENT LAND LIST — CONTENTS — SITE OF SALE — EXPENSES — PUBLISHER'S AFFIDAVIT TO BE RECORDED — EXCEPTION FOR CERTAIN PROPERTY, CONTENTS OF LIST. — 1. Except for lands described in subsection 7 of this section, the county collector shall cause a copy of the list of delinquent lands and lots to be printed in some newspaper of general circulation published in the county for three consecutive weeks, one insertion weekly, before the sale, the last insertion to be at least fifteen days prior to the fourth Monday in August.

2. In addition to the names of all record owners or the names of all owners appearing on the land tax book it is only necessary in the printed and published list to state in the aggregate the amount of taxes, penalty, interest and cost due thereon, each year separately stated.

3. To the list shall be attached and in like manner printed and published a notice of said lands and lots stating that said land and lots will be sold at public auction to discharge the taxes, penalty, interest, and costs due thereon at the time of sale in or adjacent to the courthouse of such county, on the fourth Monday in August next thereafter, commencing at ten o'clock of said day and continuing from day to day thereafter until all are offered.

4. The county collector, on or before the day of sale, shall insert at the foot of the list on his **or her** record a copy of the notice and certify on his **or her** record immediately following the notice the name of the newspaper of the county in which the notice was printed and published and the dates of insertions thereof in the newspaper.

5. The expense of such printing shall be paid out of the county treasury and shall not exceed the rate provided for in chapter 493, relating to legal publications, notices and advertisements, and the cost of printing at the rate paid by the county shall be taxed as part of the costs of the sale of any land or lot contained in the list.

6. The county collector shall cause the affidavit of the printer, editor or publisher of the newspaper in which the list of delinquent lands and notice of sale was published, as provided by

section 493.060, with the list and notice attached, to be recorded in the office of the recorder of deeds of the county, and the recorder shall not charge or receive any fees for recording the same.

7. The county collector may have a separate list of such lands, without legal descriptions or the names of the record owners, printed in a newspaper of general circulation published in such county for three consecutive weeks before the sale of such lands for a parcel or lot of land that:

(1) Has an assessed value of one thousand **five hundred** dollars or less and has been advertised previously; or

(2) Is a lot in a development of twenty or more lots and such lot has an assessed value of one thousand **five hundred** dollars or less. The notice shall state that legal descriptions and the names of the record owners of such lands shall be posted at any county courthouse within the county and the office of the county collector.

8. If, in the opinion of the county collector, an adequate legal description of the delinquent land and lots cannot be obtained through researching the documents available through the recorder of deeds, the collector may commission a professional land surveyor to prepare an adequate legal description of the delinquent land and lots in question. The costs of any commissioned land survey deemed necessary by the county collector shall be taxed as part of the costs of the sale of any land or lots contained in the list prepared under this section.

140.195. ENTRY ON PROPERTY NOT TRESPASS, WHEN. — Any collector, agent of any collector, tax sale purchaser, or agent of any tax sale purchaser performing duties under this chapter shall have the lawful right to enter upon the land of another without being guilty of trespass, if he or she is in the course of providing or attempting to provide notice of a tax sale or tax sale redemption rights and it is necessary to enter upon such land to provide, serve, or post such notice.

140.310. POSSESSION BY PURCHASER, WHEN — RENTS — RIGHTS OF OCCUPANT AND PURCHASER. — 1. The purchaser of any tract or lot of land at sale for delinquent taxes, homesteads excepted, shall at any time after one year from the date of sale be entitled to the immediate possession of the premises so purchased during the redemption period provided for in this law, unless sooner redeemed; provided, however, any owner or occupant of any tract or lot of land purchased may retain possession of said premises by making a written assignment of, or agreement to pay, rent certain or estimated to accrue during such redemption period or so much thereof as shall be sufficient to discharge the bid of the purchaser with interest thereon as provided in the certificate of purchase.

2. The purchaser, his **or her** heirs or assigns may enforce his **or her** rights under said written assignment or agreement in any manner now authorized or hereafter authorized by law for the collection of delinquent and unpaid rent; provided further, nothing herein contained shall operate to the prejudice of any owner not in default and whose interest in the tract or lot of land is not encumbered by the certificate of purchase, nor shall it prejudice the rights of any occupant of any tract or lot of land not liable to pay taxes thereon nor such occupant's interest in any planted, growing or unharvested crop thereon.

3. Any additions or improvements made to any tract or lot of land by any occupant thereof, as tenant or otherwise, and made prior to such tax sale, which such occupant would be permitted to detach and remove from the land under his **or her** contract of occupancy shall also, to the same extent, be removable against the purchaser, his **or her** heirs or assigns.

4. Any rent collected by the purchaser, his **or her** heirs or assigns shall operate as a payment upon the amount due the holder of such certificate of purchase, and such amount or amounts, together with the date paid and by whom shall be endorsed as a credit upon said certificate, and which said sums shall be taken into consideration in the redemption of such land, as provided for in this chapter.

5. Any purchaser, heirs or assigns in possession within the period of redemption against whom rights of redemption are exercised shall be protected in the value of any planted, growing and/or unharvested crop on the lands redeemed in the same manner as such purchaser, heirs or assigns would be protected in valuable and lasting improvements made upon said lands after the period of redemption and referred to in section 140.360.

[6. The one-year redemption period shall not apply to third-year tax sales, but the ninety-day redemption period as provided in section 140.405 shall apply to such sales. There shall be no redemption period for a post-third-year tax sale, or any offering thereafter.**]**

140.340. REDEMPTION, WHEN — MANNER. — 1. **Upon paying the reasonable and customary costs of sale to the county collector for the use of the purchaser, his or her heirs, successors, or assigns;** the owner**; lienholder;** or occupant of any land or lot sold for taxes, or any other persons having an interest therein, **[**may**] shall have the absolute right to** redeem the same at any time during the one year next ensuing**[**, in the following manner**] and shall continue to have a defeasible right to redeem the same until such time as the tax sale purchaser acquires the deed, at which time the right to redeem shall expire, provided upon the expiration of the lien evidenced by a certificate of purchase under section 140.410 no redemption shall be required.**

2. The reasonable and customary costs of sale include all costs incurred in selling and foreclosing tax liens under this chapter, and such reasonable and customary costs shall include the following: **[**by paying to the county collector, for the use of the purchaser, his heirs or assigns,**]** the full sum of the purchase money named in **[**his**] the** certificate of purchase and all the **[**cost**] costs** of the sale, including the cost to record the certificate of purchase as required in section 140.290, the fee necessary for the collector to record the release of such certificate of purchase, and the **reasonable and customary** cost of the title search and **[**mailings**] postage costs** of notification required in sections 140.150 to 140.405, together with interest at the rate specified in such certificate, not to exceed ten percent annually, except on a sum paid by a purchaser in excess of the delinquent taxes due plus costs of the sale **incurred by the collector**, no interest shall be owing on the excess amount, with all subsequent taxes which have been paid thereon by the purchaser, his **or her** heirs or assigns with interest at the rate of eight percent per annum on such taxes subsequently paid, and in addition thereto the person redeeming any land shall pay the costs incident to entry of recital of such redemption**; provided, however, that no costs incurred by tax sale purchasers in providing notice of tax sale redemption rights required by law shall be reimbursable as a reasonable and customary cost of sale unless such costs are incurred after March first following the date of purchase of the tax sale certificate by said tax sale purchaser at a first or second offering delinquent tax sale**.

[2.**] 3.** Upon deposit with the county collector of the amount necessary to redeem as herein provided, it shall be the duty of the county collector to mail to the purchaser, his **or her** heirs or assigns, at the last post office address if known, and if not known, then to the address of the purchaser as shown in the record of the certificate of purchase, notice of such deposit for redemption.

[3.**] 4.** Such notice, given as herein provided, shall stop payment to the purchaser, his **or her** heirs or assigns of any further interest or penalty.

[4. In case the party purchasing said land, his heirs or assigns fails to take a tax deed for the land so purchased within six months after the expiration of the one year next following the date of sale, no interest shall be charged or collected from the redemptioner after that time.**]**

5. The reasonable and customary costs of sale needed to redeem any land or lot sold for taxes under this section shall be determined by the collector.

140.350. REDEMPTION BY MINORS AND INCAPACITATED OR DISABLED PERSONS, WHEN. — **[**Infants**] Minors** and incapacitated and disabled persons as defined in chapter 475 may redeem any lands belonging to them sold for taxes, within **[**one year after the expiration of such

disability] **five years of the date of the last payment of taxes encumbering the real estate by the minor, incapacitated or disabled person, the party's predecessors in interest, or any representative of such person**, in the same manner as provided in section 140.340 for redemption by other persons.

140.405. PURCHASER OF PROPERTY AT DELINQUENT LAND TAX AUCTION, DEED ISSUED TO, WHEN — NOTICE OF RIGHT OF REDEMPTION — REDEMPTION OF PROPERTY FIRST, WHEN — LOSS OF INTEREST, WHEN — NOTICE, AUTHORIZED MANNER. — 1. Any person purchasing property at a delinquent land tax auction shall not acquire the deed to the real estate, as provided for in section 140.250 or 140.420, until the person meets the requirements of this section, except that such requirements shall not apply to post-third-year sales, which shall be conducted under subsection 4 of section 140.250. The purchaser shall obtain a title search report from a licensed attorney or licensed title company detailing the ownership and encumbrances on the property. **[**Such title search report shall be declared invalid if the effective date is more than one hundred twenty days from the date the purchaser applies for a collector's deed under section 140.250 or 140.420.**]**

2. At least ninety days prior to the date when a purchaser is authorized to acquire the deed, the purchaser shall notify the owner of record and any person who holds a publicly recorded unreleased deed of trust, mortgage, lease, lien, judgment, or any other publicly recorded claim upon that real estate of such person's right to redeem the property. Notice shall be sent by both first class mail and certified mail return receipt requested to such person's last known available address. If the certified mail return receipt is returned signed, the first class mail notice is not returned, the first class mail notice is refused where noted by the United States Postal Service, or any combination thereof, notice shall be presumed received by the recipient. At the conclusion of the applicable redemption period, the purchaser shall make an affidavit in accordance with subsection **[**4**] 5** of this section.

3. If the owner of record or the holder of any other publicly recorded claim on the property intends to transfer ownership or execute any additional liens or encumbrances on the property, such owner shall first redeem such property under section 140.340. The failure to comply with redeeming the property first before executing any of such actions or agreements on the property shall require the owner of record or any other publicly recorded claim on the property to reimburse the purchaser for the total bid as recorded on the certificate of purchase and all the costs of the sale required in sections 140.150 to 140.405.

4. In the case that both the certified notice return receipt card is returned unsigned and the first class mail is returned for any reason except refusal, where the notice is returned undeliverable, then the purchaser shall attempt additional notice and certify in the purchaser's affidavit to the collector that such additional notice was attempted and by what means.

5. The purchaser shall notify the county collector by affidavit of the date that every required notice was sent to the owner of record and, if applicable, any other publicly recorded claim on the property. To the affidavit, the purchaser shall attach a copy of a valid title search report as described in subsection 1 of this section as well as completed copies of the following for each recipient:

(1) Notices of right to redeem sent by first class mail;

(2) Notices of right to redeem sent by certified mail;

(3) Addressed envelopes for all notices, as they appeared immediately before mailing;

(4) Certified mail receipt as it appeared upon its return; and

(5) Any returned regular mailed envelopes. As provided in this section, at such time the purchaser notifies the collector by affidavit that all the ninety days' notice requirements of this section have been met, the purchaser is authorized to acquire the deed, provided that a collector's deed shall not be acquired before the expiration date of the redemption period as provided in section 140.340.

6. If any real estate is purchased at a third-offering tax auction and has a publicly recorded unreleased deed of trust, mortgage, lease, lien, judgment, or any other publicly recorded claim upon the real estate under this section, the purchaser of said property shall within forty-five days after the purchase at the sale notify such person of the person's right to redeem the property within ninety days from the postmark date on the notice. Notice shall be sent by both first class mail and certified mail return receipt requested to such person's last known available address. The purchaser shall notify the county collector by affidavit of the date the required notice was sent to the owner of record and, if applicable, the holder of any other publicly recorded claim on the property, that such person shall have ninety days to redeem said property or be forever barred from redeeming said property.

7. If the county collector chooses to have the title search done then the county collector may charge the purchaser the cost of the title search before giving the purchaser a deed pursuant to section 140.420.

8. **[**If the property is redeemed, the person redeeming the property shall pay the costs incurred by the purchaser in providing notice under this section. Recoverable costs on any property sold at a tax sale shall include the title search, postage, and costs for the recording of any certificate of purchase issued and for recording the release of such certificate of purchase and all the costs of the sale required in sections 140.150 to 140.405.

9.**]** Failure of the purchaser to comply with this section shall result in such purchaser's loss of all interest in the real estate **except as otherwise provided in sections 140.550 and 140.570**.

9. The phrase "authorized to acquire the deed" as used in this chapter shall mean the date chosen by the tax sale purchaser that is more than the minimum redemption period set forth in section 140.340 if the tax sale purchaser has complied with the following requirements entitling the purchaser to the issuance of a collector's deed:

(1) Compliance with the requirements of this section to the satisfaction of the collector;

(2) Payment of the recording fee for the collector's deed as required under section 140.410;

(3) Production of the original of the certificate of purchase as required under section 140.420, or production of an original affidavit of lost or destroyed certificate approved by the collector as to form and substance; and

(4) Payment of all subsequent taxes required to be paid under section 140.440.

10. Notwithstanding any provision of law to the contrary, any person except a minor or an incapacitated or disabled person may receive notice under this section in a foreign country or outside the United States:

(1) By any internationally agreed upon means of service that is reasonably calculated to give notice, such as the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents;

(2) If there is no internationally agreed upon means of service, or if an international agreement allows service but does not specify the means, by a method that is reasonably calculated to give notice;

(3) As set forth for the foreign country's acceptable method of service in actions in courts of general jurisdiction;

(4) As the foreign country directs in response to a letter of request;

(5) Unless prohibited by a foreign country's law, by delivering a copy of the notice to the person personally or using a form of mail that requires a signed receipt; or

(6) By any other means not prohibited by international agreement as approved by the collector.

140.410. EXECUTION AND RECORD OF DEED BY PURCHASER — FAILURE — ASSIGNMENT PROHIBITED, WHEN — RECORDING FEE REQUIRED, WHEN. — In all cases where lands have been or may hereafter be sold for delinquent taxes, penalty, interest and costs due

thereon, and a certificate of purchase has been or may hereafter be issued, it is hereby made the duty of such purchaser, his **or her** heirs or assigns, to cause all subsequent taxes to be paid on the property purchased prior to the issuance of any collector's deed, and the purchaser shall further cause a deed to be executed and placed on record in the proper county all within [two years] **eighteen months** from the date of said sale; provided, that on failure of said purchaser, his **or her** heirs or assigns so to do, then and in that case the amount due such purchaser shall cease to be a lien on said lands so purchased as herein provided. Upon the purchaser's forfeiture of all rights of the property acquired by the certificate of purchase issued, and including the nonpayment of all subsequent years' taxes as described in this section, it shall be the responsibility of the collector to record the cancellation of the certificate of purchase in the office of the recorder of deeds of the county. Certificates of purchase cannot be assigned to nonresidents or delinquent taxpayers. However, any person purchasing property at a delinquent land tax sale who meets the requirements of this section, prior to receiving a collector's deed, shall pay to the collector the fee necessary for the recording of such collector's deed to be issued. It shall be the responsibility of the collector to record the deed before delivering such deed to the purchaser of the property.

140.420. DEED TO PURCHASER IF UNREDEEMED. — If no person shall redeem the lands sold for taxes [within the applicable redemption period of one year from the date of the sale or within the ninety-day notice as specified in section 140.405 for a third-year tax sale] **prior to the expiration of the right to redeem**, at the expiration thereof, and on production of the certificate of purchase **and upon proof satisfactory to the collector that a purchaser or his or her heirs, successors, or assigns are authorized to acquire the deed**, the collector of the county in which the sale of such lands took place shall execute to the purchaser, his **or her** heirs or assigns, in the name of the state, a conveyance of the real estate so sold, which shall vest in the grantee an absolute estate in fee simple, subject, however, to all claims thereon for unpaid taxes except such unpaid taxes existing at time of the purchase of said lands and the lien for which taxes was inferior to the lien for taxes for which said tract or lot of land was sold.

231.444. COUNTY ROAD TAX — COUNTIES OF THE THIRD AND FOURTH CLASSIFICATION — SPECIAL ROAD ROCK FUND. — 1. In addition to other levies authorized by law, the governing body of any county of the third **or fourth** classification [without a township form of government having a population of less than six thousand inhabitants according to the most recent decennial census] may by ordinance levy and impose a tax pursuant to this section which shall not exceed the rate of one dollar on each acre of real property in the county which is classified as agricultural and horticultural property pursuant to section 137.016.

2. The proceeds of the tax authorized pursuant to this section shall be collected by the county collector and remitted to the county treasurer who shall deposit such proceeds in a special fund to be known as the "Special Road Rock Fund". All moneys in the special road rock fund shall be appropriated by the county governing body for the sole purpose of purchasing road rock to be placed on county roads within the boundaries of the county.

3. The ordinance levying and imposing a tax pursuant to subsection 1 of this section shall not be effective unless the county governing body submits to the qualified voters of the county a proposal to authorize the county governing body to levy and impose the tax at an election permitted pursuant to section 115.123. The ballot of submission proposing the tax shall be in substantially the following form:

Shall the county of .... (county's name) be authorized to levy and impose a tax on all real property in the county which is classified as agricultural or horticultural property at a rate not to exceed .... (rate of tax) cents per acre with all the proceeds of the tax to be placed in the "Special Road Rock Fund" and used solely for the purpose of purchasing road rock to be placed on county roads within the boundaries of the county?

☐ YES ☐ NO

4. If a majority of the qualified voters of the county voting on the proposal vote "YES", then the governing body of the county may by ordinance levy and impose the tax authorized by this section in an amount not to exceed the rate proposed in the ballot of submission. If a majority of the qualified voters of the county voting on the proposal vote "NO", then the governing body of the county shall not levy and impose such tax. Nothing in this section shall prohibit a rejected proposal from being resubmitted to the qualified voters of the county at an election permitted pursuant to section 115.123.

Approved July 6, 2015

HB 616 [SS HB 616]

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

Changes the laws regarding the assessment of property taxes

AN ACT to amend chapter 137, RSMo, by adding thereto two new sections relating to assessment of property taxes.

SECTION
A. Enacting clause.
137.018. Certain merchandise exempt from ad valorem taxes.
137.081. New political subdivisions, assessment, effective when.

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

SECTION A. ENACTING CLAUSE. — Chapter 137, RSMo, is amended by adding thereto two new sections, to be known as sections 137.018 and 137.081, to read as follows:

137.018. CERTAIN MERCHANDISE EXEMPT FROM AD VALOREM TAXES. — 1. As used in this section, the term "merchandise" shall include short term rentals of equipment and other merchandise offered for short term rentals by rental companies under 532412 or 532210 of the 2012 edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget, which will subsequently or ultimately sell such merchandise or equipment. As used in this section, the term "short term rental" shall mean rentals for a period of less than three hundred sixty-five consecutive days, for an undefined period, or under an open-ended contract.

2. For the purposes of article X, section 6 of the Constitution of Missouri, all merchandise held or owned by a merchant whether or not currently subject to a short term rental and which will subsequently or ultimately be sold shall be considered inventory and exempt from ad valorem taxes.

137.081. NEW POLITICAL SUBDIVISIONS, ASSESSMENT, EFFECTIVE WHEN. — For purposes of assessment under this chapter, any new political subdivision that is created by approval of the voters before July first of any assessment year shall be considered effective for assessment purposes upon certification of such vote. If the new political subdivision is created by approval of the voters on or after July first of the current assessment year, the new political subdivision shall be considered effective for assessment purposes in the following assessment year.

Approved July 6, 2015

HB 650 [HB 650]

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

Allows auxiliary lighting on motorcycles, with certain restrictions

AN ACT to repeal section 307.128, RSMo, and to enact in lieu thereof one new section relating to auxiliary lighting on motorcycles.

SECTION
A. Enacting clause.
307.128. Motorcycle headlamp modulation permitted, when — labeling requirements — auxiliary lighting.

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

SECTION A. ENACTING CLAUSE. — Section 307.128, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 307.128, to read as follows:

307.128. MOTORCYCLE HEADLAMP MODULATION PERMITTED, WHEN — LABELING REQUIREMENTS — AUXILIARY LIGHTING. — 1. A headlamp on a motorcycle may be wired to modulate either the upper beam or the lower beam from its maximum intensity to a lesser intensity provided that:

(1) The rate of modulation shall be two hundred forty plus or minus forty cycles per minute;

(2) The headlamp shall be operated at a maximum power for fifty to seventy percent of each cycle;

(3) The lowest intensity at any test point shall not be less than seventeen percent of the maximum intensity measured at the same point;

(4) The modulator switch shall be wired in the power lead of the beam filament being modulated and not in the ground side of the circuit;

(5) Means shall be provided so that both the lower beam and the upper beam remain operable in the event of a modulation failure;

(6) The system shall include a sensor mounted with the axis of its sensing element perpendicular to a horizontal plane. Headlamp modulation shall cease whenever the level of light emitted by a tungsten filament operating at three thousand degrees kelvin is either less than two hundred seventy lux of direct light for upward pointing sensors or less than sixty lux of reflected light for downward pointing sensors. The light is measured by a silicon cell type light meter that is located at the sensor and pointing in the same direction as the sensor. A photo gray card is placed at ground level to simulate the road surface in testing downward pointing sensors;

(7) Means shall be provided so that both the lower and upper beam function at design voltage when the headlamp control switch is in either the lower or upper beam position when the modulator is off.

2. Each motorcycle headlamp modulator not intended as original equipment, or its container, shall be labeled with the maximum wattage, and the minimum wattage appropriate for its use. Additionally, each such modulator shall comply with the provisions of subdivisions (1) to (7) of subsection 1 of this section when connected to a headlamp of the maximum-rated power and headlamp of the minimum-rated power, and shall provide means so that the modulated beam functions at design voltage when the modulator is off. Instructions, with a diagram, shall be provided for mounting the light sensor including location on the motorcycle, distance above the road surface, and orientation with respect to the light.

3. Notwithstanding any other provision of law, subject to the requirements of subsection 4 of this section, a motorcycle may be equipped with, and an operator of a motorcycle may use, the following auxiliary lighting:

(1) Amber and white illumination;
(2) Standard bulb running lights; or
(3) Light-emitting diode pods and strips.
4. Lighting under subsection 3 of this section shall be:
(1) Nonblinking;
(2) Nonflashing;
(3) Nonoscillating; and
(4) Directed toward the engine and the drive train of the motorcycle to prevent interference with the driver's operation of the vehicle.

Approved June 12, 2015

HB 686 [SCS HB 686]

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

Modifies provisions relating to junking certificates for motor vehicles

AN ACT to repeal sections 301.010, 301.196, 301.227, and 301.280, RSMo, and to enact in lieu thereof four new sections relating to the registration of motor vehicles, with an existing penalty provision.

SECTION
A. Enacting clause.
301.010. Definitions.
301.196. Transferors of interest in motor vehicles or trailers, notice to revenue, when, form — exceptions.
301.227. Salvage certificate of title mandatory or optional, when — issuance, fee — junking certificate issued or rescinded, when — inoperable vehicle for ten years, scrap metal operator may purchase without title.
301.280. Dealers and garage keepers, sales report required — unclaimed vehicle report required, contents — alteration of vehicle identification number, effect — false statement, penalty.

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

SECTION A. ENACTING CLAUSE. — Sections 301.010, 301.196, 301.227, and 301.280, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 301.010, 301.196, 301.227, and 301.280, to read as follows:

301.010. DEFINITIONS. — As used in this chapter and sections 304.010 to 304.040, 304.120 to 304.260, and sections 307.010 to 307.175, the following terms mean:
(1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of one thousand five hundred pounds or less, traveling on three, four or more nonhighway tires;
(2) "Automobile transporter", any vehicle combination designed and used specifically for the transport of assembled motor vehicles;
(3) "Axle load", the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle;
(4) "Boat transporter", any vehicle combination designed and used specifically to transport assembled boats and boat hulls;
(5) "Body shop", a business that repairs physical damage on motor vehicles that are not owned by the shop or its officers or employees by mending, straightening, replacing body parts, or painting;

(6) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more passengers but not including shuttle buses;

(7) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying freight and merchandise, or more than eight passengers but not including vanpools or shuttle buses;

(8) "Cotton trailer", a trailer designed and used exclusively for transporting cotton at speeds less than forty miles per hour from field to field or from field to market and return;

(9) "Dealer", any person, firm, corporation, association, agent or subagent engaged in the sale or exchange of new, used or reconstructed motor vehicles or trailers;

(10) "Director" or "director of revenue", the director of the department of revenue;

(11) "Driveaway operation":

(a) The movement of a motor vehicle or trailer by any person or motor carrier other than a dealer over any public highway, under its own power singly, or in a fixed combination of two or more vehicles, for the purpose of delivery for sale or for delivery either before or after sale;

(b) The movement of any vehicle or vehicles, not owned by the transporter, constituting the commodity being transported, by a person engaged in the business of furnishing drivers and operators for the purpose of transporting vehicles in transit from one place to another by the driveaway or towaway methods; or

(c) The movement of a motor vehicle by any person who is lawfully engaged in the business of transporting or delivering vehicles that are not the person's own and vehicles of a type otherwise required to be registered, by the driveaway or towaway methods, from a point of manufacture, assembly or distribution or from the owner of the vehicles to a dealer or sales agent of a manufacturer or to any consignee designated by the shipper or consignor;

(12) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor equipped with a dromedary may carry part of a load when operating independently or in a combination with a semitrailer;

(13) "Farm tractor", a tractor used exclusively for agricultural purposes;

(14) "Fleet", any group of ten or more motor vehicles owned by the same owner;

(15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

(16) "Fullmount", a vehicle mounted completely on the frame of either the first or last vehicle in a saddlemount combination;

(17) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus the weight of any load thereon;

(18) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the result of the impact of hail;

(19) "Highway", any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways or alleys in any municipality;

(20) "Improved highway", a highway which has been paved with gravel, macadam, concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard, smooth surface;

(21) "Intersecting highway", any highway which joins another, whether or not it crosses the same;

(22) "Junk vehicle", a vehicle which**:**

(a) Is incapable of operation or use upon the highways and has no resale value except as a source of parts or scrap **[**, and shall not be titled or registered**]; or**

(b) Has been designated as junk or a substantially equivalent designation by this state or any other state;

(23) "Kit vehicle", a motor vehicle assembled by a person other than a generally recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from an authorized manufacturer and accompanied by a manufacturer's statement of origin;

(24) "Land improvement contractors' commercial motor vehicle", any not-for-hire commercial motor vehicle the operation of which is confined to:

(a) An area that extends not more than a radius of one hundred miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects involving soil and water conservation, or to and from equipment dealers' maintenance facilities for maintenance purposes; or

(b) An area that extends not more than a radius of fifty miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects not involving soil and water conservation. Nothing in this subdivision shall be construed to prevent any motor vehicle from being registered as a commercial motor vehicle or local commercial motor vehicle;

(25) "Local commercial motor vehicle", a commercial motor vehicle whose operations are confined solely to a municipality and that area extending not more than fifty miles therefrom, or a commercial motor vehicle whose property-carrying operations are confined solely to the transportation of property owned by any person who is the owner or operator of such vehicle to or from a farm owned by such person or under the person's control by virtue of a landlord and tenant lease; provided that any such property transported to any such farm is for use in the operation of such farm;

(26) "Local log truck", a commercial motor vehicle which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this state, used to transport harvested forest products, operated solely at a forested site and in an area extending not more than a one hundred-mile radius from such site, carries a load with dimensions not in excess of twenty-five cubic yards per two axles with dual wheels, and when operated on the national system of interstate and defense highways described in Title 23, Section 103(e) of the United States Code, such vehicle shall not exceed the weight limits of section 304.180, does not have more than four axles, and does not pull a trailer which has more than two axles. Harvesting equipment which is used specifically for cutting, felling, trimming, delimbing, debarking, chipping, skidding, loading, unloading, and stacking may be transported on a local log truck. A local log truck may not exceed the limits required by law, however, if the truck does exceed such limits as determined by the inspecting officer, then notwithstanding any other provisions of law to the contrary, such truck shall be subject to the weight limits required by such sections as licensed for eighty thousand pounds;

(27) "Local log truck tractor", a commercial motor vehicle which is registered under this chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this state, used to transport harvested forest products, operated solely at a forested site and in an area extending not more than a one hundred-mile radius from such site, operates with a weight not exceeding twenty-two thousand four hundred pounds on one axle or with a weight not exceeding forty-four thousand eight hundred pounds on any tandem axle, and when operated on the national system of interstate and defense highways described in Title 23, Section 103(e) of the United States Code, such vehicle does not exceed the weight limits contained in section 304.180, and does not have more than three axles and does not pull a trailer which has more than two axles. Violations of axle weight limitations shall be subject to the load limit penalty as described for in sections 304.180 to 304.220;

(28) "Local transit bus", a bus whose operations are confined wholly within a municipal corporation, or wholly within a municipal corporation and a commercial zone, as defined in section 390.020, adjacent thereto, forming a part of a public transportation system within such municipal corporation and such municipal corporation and adjacent commercial zone;

(29) "Log truck", a vehicle which is not a local log truck or local log truck tractor and is used exclusively to transport harvested forest products to and from forested sites which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state for the transportation of harvested forest products;

(30) "Major component parts", the rear clip, cowl, frame, body, cab, front-end assembly, and front clip, as those terms are defined by the director of revenue pursuant to rules and regulations or by illustrations;

(31) "Manufacturer", any person, firm, corporation or association engaged in the business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

(32) "Motor change vehicle", a vehicle manufactured prior to August, 1957, which receives a new, rebuilt or used engine, and which used the number stamped on the original engine as the vehicle identification number;

(33) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks, except farm tractors;

(34) "Motor vehicle primarily for business use", any vehicle other than a recreational motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over twelve thousand pounds:

(a) Offered for hire or lease; or

(b) The owner of which also owns ten or more such motor vehicles;

(35) "Motorcycle", a motor vehicle operated on two wheels;

(36) "Motorized bicycle", any two-wheeled or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which produces less than three gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground;

(37) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel. A motortricycle shall not be included in the definition of all-terrain vehicle;

(38) "Municipality", any city, town or village, whether incorporated or not;

(39) "Nonresident", a resident of a state or country other than the state of Missouri;

(40) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in compliance with United States emissions or safety standards;

(41) "Operator", any person who operates or drives a motor vehicle;

(42) "Owner", any person, firm, corporation or association, who holds the legal title to a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this law;

(43) "Public garage", a place of business where motor vehicles are housed, stored, repaired, reconstructed or repainted for persons other than the owners or operators of such place of business;

(44) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the rebuilder, but does not include certificated common or contract carriers of persons or property;

(45) "Reconstructed motor vehicle", a vehicle that is altered from its original construction by the addition or substitution of two or more new or used major component parts, excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;

(46) "Recreational motor vehicle", any motor vehicle designed, constructed or substantially modified so that it may be used and is used for the purposes of temporary housing quarters, including therein sleeping and eating facilities which are either permanently attached to the motor vehicle or attached to a unit which is securely attached to the motor vehicle. Nothing herein shall prevent any motor vehicle from being registered as a commercial motor vehicle if the motor vehicle could otherwise be so registered;

(47) "Recreational off-highway vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is more than fifty inches but no more than sixty-seven inches in width, with an unladen dry weight of two thousand pounds or less, traveling on four or more nonhighway tires and which may have access to ATV trails;

(48) "Rollback or car carrier", any vehicle specifically designed to transport wrecked, disabled or otherwise inoperable vehicles, when the transportation is directly connected to a wrecker or towing service;

(49) "Saddlemount combination", a combination of vehicles in which a truck or truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth wheel kingpin connection. When two vehicles are towed in this manner the combination is called a "double saddlemount combination". When three vehicles are towed in this manner, the combination is called a "triple saddlemount combination";

(50) "Salvage dealer and dismantler", a business that dismantles used motor vehicles for the sale of the parts thereof, and buys and sells used motor vehicle parts and accessories;

(51) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

(a) Was damaged during a year that is no more than six years after the manufacturer's model year designation for such vehicle to the extent that the total cost of repairs to rebuild or reconstruct the vehicle to its condition immediately before it was damaged for legal operation on the roads or highways exceeds eighty percent of the fair market value of the vehicle immediately preceding the time it was damaged;

(b) By reason of condition or circumstance, has been declared salvage, either by its owner, or by a person, firm, corporation, or other legal entity exercising the right of security interest in it;

(c) Has been declared salvage by an insurance company as a result of settlement of a claim;

(d) Ownership of which is evidenced by a salvage title; or

(e) Is abandoned property which is titled pursuant to section 304.155 or section 304.157 and designated with the words "salvage/abandoned property". The total cost of repairs to rebuild or reconstruct the vehicle shall not include the cost of repairing, replacing, or reinstalling inflatable safety restraints, tires, sound systems, or damage as a result of hail, or any sales tax on parts or materials to rebuild or reconstruct the vehicle. For purposes of this definition, "fair market value" means the retail value of a motor vehicle as:

a. Set forth in a current edition of any nationally recognized compilation of retail values, including automated databases, or from publications commonly used by the automotive and insurance industries to establish the values of motor vehicles;

b. Determined pursuant to a market survey of comparable vehicles with regard to condition and equipment; and

c. Determined by an insurance company using any other procedure recognized by the insurance industry, including market surveys, that is applied by the company in a uniform manner;

(52) "School bus", any motor vehicle used solely to transport students to or from school or to transport students to or from any place for educational purposes;

(53) "Scrap processor", a business that, through the use of fixed or mobile equipment, flattens, crushes, or otherwise accepts motor vehicles and vehicle parts for processing or transportation to a shredder or scrap metal operator for recycling;

(54) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or corporation as an incidental service to transport patrons or customers of the regular business of such person, firm, or corporation to and from the place of business of the person, firm, or corporation providing the service at no fee or charge. Shuttle buses shall not be registered as buses or as commercial motor vehicles;

(55) "Special mobile equipment", every self-propelled vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including farm equipment, implements of husbandry, road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines, motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section;

(56) "Specially constructed motor vehicle", a motor vehicle which shall not have been originally constructed under a distinctive name, make, model or type by a manufacturer of motor vehicles. The term specially constructed motor vehicle includes kit vehicles;

(57) "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit;

(58) "Tandem axle", a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart;

(59) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle designed for drawing other vehicles, but not for the carriage of any load when operating independently. When attached to a semitrailer, it supports a part of the weight thereof;

(60) "Trailer", any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a self-propelled vehicle, except those running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle. The term "trailer" shall not include cotton trailers as defined in subdivision (8) of this section and shall not include manufactured homes as defined in section 700.010;

(61) "Truck", a motor vehicle designed, used, or maintained for the transportation of property;

(62) "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the two trailing units are connected with a B-train assembly which is a rigid frame extension attached to the rear frame of a first semitrailer which allows for a fifth-wheel connection point for the second semitrailer and has one less articulation point than the conventional A-dolly connected truck-tractor semitrailer-trailer combination;

(63) "Truck-trailer boat transporter combination", a boat transporter combination consisting of a straight truck towing a trailer using typically a ball and socket connection with the trailer axle located substantially at the trailer center of gravity rather than the rear of the trailer but so as to maintain a downward force on the trailer tongue;

(64) "Used parts dealer", a business that buys and sells used motor vehicle parts or accessories, but not including a business that sells only new, remanufactured or rebuilt parts. "Business" does not include isolated sales at a swap meet of less than three days;

(65) "Utility vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is more than fifty inches but no more than sixty-seven inches in width, with an unladen dry weight of two thousand pounds or less, traveling on four or six wheels, to be used primarily for landscaping, lawn care, or maintenance purposes;

(66) "Vanpool", any van or other motor vehicle used or maintained by any person, group, firm, corporation, association, city, county or state agency, or any member thereof, for the transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to and from their place of employment; however, a vanpool shall not be included in the definition of the term bus or commercial motor vehicle as defined by subdivisions (6) and (7) of this section, nor shall a vanpool driver be deemed a chauffeur as that term is defined by section 303.020; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational, personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for monetary profit other than for use in a ride-sharing arrangement;

(67) "Vehicle", any mechanical device on wheels, designed primarily for use, or used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by handicapped persons;

(68) "Wrecker" or "tow truck", any emergency commercial vehicle equipped, designed and used to assist or render aid and transport or tow disabled or wrecked vehicles from a highway, road, street or highway rights-of-way to a point of storage or repair, including towing a replacement vehicle to replace a disabled or wrecked vehicle;

(69) "Wrecker or towing service", the act of transporting, towing or recovering with a wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker, tow truck, rollback or car carrier for which the operator directly or indirectly receives compensation or other personal gain.

301.196. TRANSFERORS OF INTEREST IN MOTOR VEHICLES OR TRAILERS, NOTICE TO REVENUE, WHEN, FORM — EXCEPTIONS. — 1. Beginning January 1, 2006, except as otherwise provided in this section, the transferor of an interest in a motor vehicle or trailer listed on the face of a Missouri title, excluding salvage titles and junking certificates, shall notify the department of revenue of the transfer within thirty days of the date of transfer. The notice shall be in a form determined by the department by rule and shall contain:

(1) **The name of the transferor;**

(2) A description of the motor vehicle or trailer sufficient to identify it;

[(2)**]** **(3)** The vehicle identification number of the motor vehicle or trailer;

[(3)**]** **(4)** The name and address of the transferee;

[(4)**]** **(5)** The date of birth of the transferee, unless the transferee is not a natural person;

[(5)**]** **(6)** The date of the transfer or sale;

[(6)**]** **(7)** The purchase price of the motor vehicle or trailer, if applicable;

[(7)**]** **(8)** The number of the transferee's drivers license, unless the transferee does not have a drivers license;

[(8) The printed name and signature**]**

(9) The transferor's electronic signature if transmitted electronically or the signatures of the transferee **and transferor if not submitted electronically. For the purposes of this section, "transmitted electronically" shall have the same meaning as an electronic signature as defined in section 432.205**;

[(9)**]** **(10)** Any other information required by the department by rule.

2. **A notice of sale substantially complying with the requirements of this section is effective even though it contains minor errors which are not materially misleading.**

3. For purposes of giving notice under this section, if the transfer occurs by operation of law, the personal representative, receiver, trustee, sheriff, or other representative or successor in interest of the person whose interest is transferred shall be considered the transferor. Repossession by a creditor shall not be considered a transfer of ownership requiring such notice.

[3.**]** **4.** The requirements of this section shall not apply to transfers when there is no complete change of ownership interest or upon award of ownership of a motor vehicle or trailer made by court order, or transfers of ownership of a motor vehicle or trailer to or between vehicle dealers, or transfers of ownership of a motor vehicle or trailer to an insurance company due to a theft or casualty loss, or transfers of beneficial ownership of a motor vehicle owned by a trust.

[4.**]** **5.** Notification under this section is only required for transfers of ownership that would otherwise require registration and an application for certificate of title in this state under section 301.190, and is for informational purposes only and does not constitute an assignment or release of any interest in the vehicle.

[5.**]** **6.** Retail sales made by licensed dealers including sales of new vehicles shall be reported pursuant to the provisions of section 301.280.

301.227. SALVAGE CERTIFICATE OF TITLE MANDATORY OR OPTIONAL, WHEN — ISSUANCE, FEE — JUNKING CERTIFICATE ISSUED OR RESCINDED, WHEN — INOPERABLE VEHICLE FOR TEN YEARS, SCRAP METAL OPERATOR MAY PURCHASE WITHOUT TITLE. — 1. Whenever a vehicle is sold for salvage, dismantling or rebuilding, the purchaser shall forward to the director of revenue within ten days the certificate of ownership or salvage certificate of title and the proper application and fee of eight dollars and fifty cents, and the director shall issue a negotiable salvage certificate of title to the purchaser of the salvaged vehicle. On vehicles purchased during a year that is no more than six years after the manufacturer's model year

designation for such vehicle, it shall be mandatory that the purchaser apply for a salvage title. On vehicles purchased during a year that is more than six years after the manufacturer's model year designation for such vehicle, then application for a salvage title shall be optional on the part of the purchaser. Whenever a vehicle is sold for destruction and a salvage certificate of title, junking certificate, or certificate of ownership exists, the seller, if licensed under sections 301.217 to 301.221, shall forward the certificate to the director of revenue within ten days, with the notation of the date sold for destruction and the name of the purchaser clearly shown on the face of the certificate.

2. Whenever a vehicle is classified as "junk", as defined in section 301.010, the purchaser may forward to the director of revenue **a properly completed application for a junking certificate as well as** the salvage certificate of title or certificate of ownership and the director shall issue a negotiable junking certificate to the purchaser of the vehicle. The director may also issue a junking certificate to a possessor of a vehicle manufactured twenty-six years or more prior to the current model year who has a bill of sale for said vehicle but does not possess a certificate of ownership, provided no claim of theft has been made on the vehicle and the highway patrol has by letter stated the vehicle is not listed as stolen after checking the registration number through its nationwide computer system. Such **junking** certificate may be granted within thirty days of the submission of a request. **A junking certificate shall authorize the holder to possess, transport, or, by assignment, transfer ownership in such parts, scrap, or junk.**

3. **[**Upon receipt of a properly completed application for a junking certificate, the director of revenue shall issue to the applicant a junking certificate which shall authorize the holder to possess, transport, or, by assignment, transfer ownership in such parts, scrap or junk, and a certificate of title shall not again be issued for such vehicle; except that, the initial purchaser**] For any vehicle issued a junking certificate or such similar document or classification pursuant to the laws of another state, regardless of whether such designation has been subsequently changed by law in any other state, the department shall only issue a junking certificate, and a salvage certificate of title or original certificate of ownership shall not thereafter be issued for such vehicle. Notwithstanding the provisions of this subsection, if the vehicle has not previously been classified as a "junk" vehicle, the applicant making the original junking certification application** shall, within ninety days, be allowed to rescind his application for a junking certificate by surrendering the junking certificate and apply for a salvage certificate of title in his name. The seller of a vehicle for which a junking certificate has been applied for or issued shall disclose such fact in writing to any prospective buyers before sale of such vehicle; otherwise the sale shall be voidable at the option of the buyer.

4. No scrap metal operator shall acquire or purchase a motor vehicle or parts thereof without, at the time of such acquisition, receiving the original certificate of **[**title**] ownership** or salvage certificate of title or junking certificate from the seller of the vehicle or parts, unless the seller is a licensee under sections 301.219 to 301.221.

5. All titles and certificates required to be received by scrap metal operators from nonlicensees shall be forwarded by the operator to the director of revenue within ten days of the receipt of the vehicle or parts.

6. The scrap metal operator shall keep a record, for three years, of the seller's name and address, the salvage business license number of the licensee, date of purchase, and any vehicle or parts identification numbers open for inspection as provided in section 301.225.

7. Notwithstanding any other provision of this section, a motor vehicle dealer as defined in section 301.550 and licensed under the provisions of sections 301.550 to 301.572 may negotiate one reassignment of a salvage certificate of title on the back thereof.

8. Notwithstanding the provisions of subsection 1 of this section, an insurance company which settles a claim for a stolen vehicle may apply for and shall be issued a negotiable salvage certificate of title without the payment of any fee upon proper application within thirty days after settlement of the claim for such stolen vehicle. However, if the insurance company upon recovery of a stolen vehicle determines that the stolen vehicle has not sustained damage to the

extent that the vehicle would have otherwise been declared a salvage vehicle pursuant to subdivision (51) of section 301.010, then the insurance company may have the vehicle inspected by the Missouri state highway patrol, or other law enforcement agency authorized by the director of revenue, in accordance with the inspection provisions of subsection 9 of section 301.190. Upon receipt of title application, applicable fee, the completed inspection, and the return of any previously issued negotiable salvage certificate, the director shall issue an original title with no salvage or prior salvage designation. Upon the issuance of an original title the director shall remove any indication of the negotiable salvage title previously issued to the insurance company from the department's electronic records.

9. Notwithstanding subsection 4 of this section or any other provision of the law to the contrary, if a motor vehicle is inoperable and is at least ten model years old, or the parts are from a motor vehicle that is inoperable and is at least ten model years old, a scrap metal operator may purchase or acquire such motor vehicle or parts without receiving the original certificate of [title] **ownership**, salvage certificate of title, or junking certificate from the seller of the vehicle or parts, provided the scrap metal operator verifies with the department of revenue, via the department's online record access, that the motor vehicle is not subject to any recorded security interest or lien and the scrap metal operator complies with the requirements of this subsection. In lieu of forwarding certificates of [titles] **title or ownership** for such motor vehicles as required by subsection 5 of this section, the scrap metal operator shall forward a copy of the seller's state identification along with a bill of sale to the department of revenue. The bill of sale form shall be designed by the director and such form shall include, but not be limited to, a certification that the motor vehicle is at least ten model years old, is inoperable, is not subject to any recorded security interest or lien, and a certification by the seller that the seller has the legal authority to sell or otherwise transfer the seller's interest in the motor vehicle or parts. Upon receipt of the information required by this subsection, the department of revenue shall cancel any certificate of title **or ownership** and registration for the motor vehicle. If the motor vehicle is inoperable and at least twenty model years old, then the scrap metal operator shall not be required to verify with the department of revenue whether the motor vehicle is subject to any recorded security interests or liens. As used in this subsection, the term "inoperable" means a motor vehicle that is in a rusted, wrecked, discarded, worn out, extensively damaged, dismantled, and mechanically inoperative condition and the vehicle's highest and best use is for scrap purposes. The director of the department of revenue is directed to promulgate rules and regulations to implement and administer the provisions of this section, including but not limited to, the development of a uniform bill of sale. 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, 2012, shall be invalid and void.

301.280. DEALERS AND GARAGE KEEPERS, SALES REPORT REQUIRED — UNCLAIMED VEHICLE REPORT REQUIRED, CONTENTS — ALTERATION OF VEHICLE IDENTIFICATION NUMBER, EFFECT — FALSE STATEMENT, PENALTY. — 1. Every motor vehicle dealer and boat dealer shall make a monthly report to the department of revenue, on blanks to be prescribed by the department of revenue, giving the following information: date of the sale of each motor vehicle, boat, trailer and all-terrain vehicle sold; the name and address of the buyer; the name of the manufacturer; year of manufacture; model of vehicle; vehicle identification number; style of vehicle; odometer setting; and it shall also state whether the motor vehicle, boat, trailer or all-terrain vehicle is new or secondhand. Each monthly sales report filed by a motor vehicle dealer who collects sales tax under subsection 8 of section 144.070 shall also include the amount of state and local sales tax collected for each motor vehicle sold if sales tax was due. The

odometer reading is not required when reporting the sale of any motor vehicle that is ten years old or older, any motor vehicle having a gross vehicle weight rating of more than sixteen thousand pounds, new vehicles that are transferred on a manufacturer's statement of origin between one franchised motor vehicle dealer and another, or boats, all-terrain vehicles or trailers. The sale of all [thirty-day] temporary permits[, without exception,] shall be recorded in the appropriate space on the dealer's monthly sales report [by recording the complete permit number issued on the motor vehicle or trailer sale listed]**, unless the sale of the temporary permit is already recorded by electronic means as determined by the department**. The monthly sales report shall be completed in full and signed by an officer, partner, or owner of the dealership, and actually received by the department of revenue on or before the fifteenth day of the month succeeding the month for which the sales are being reported. If no sales occur in any given month, a report shall be submitted for that month indicating no sales. Any vehicle dealer who fails to file a monthly report or who fails to file a timely report shall be subject to disciplinary action as prescribed in section 301.562 or a penalty assessed by the director not to exceed three hundred dollars per violation. Every motor vehicle and boat dealer shall retain copies of the monthly sales report as part of the records to be maintained at the dealership location and shall hold them available for inspection by appropriate law enforcement officials and officials of the department of revenue. Every vehicle dealer selling twenty or more vehicles a month shall file the monthly sales report with the department in an electronic format. Any dealer filing a monthly sales report in an electronic format shall be exempt from filing the notice of transfer required by section 301.196. For any dealer not filing electronically, the notice of transfer required by section 301.196 shall be submitted with the monthly sales report as prescribed by the director.

2. Every dealer and every person operating a public garage shall keep a correct record of the vehicle identification number, odometer setting, manufacturer's name of all motor vehicles or trailers accepted by him for the purpose of sale, rental, storage, repair or repainting, together with the name and address of the person delivering such motor vehicle or trailer to the dealer or public garage keeper, and the person delivering such motor vehicle or trailer shall record such information in a file kept by the dealer or garage keeper. The record shall be kept for five years and be open for inspection by law enforcement officials, members or authorized or designated employees of the Missouri highway patrol, and persons, agencies and officials designated by the director of revenue.

3. Every dealer and every person operating a public garage in which a motor vehicle remains unclaimed for a period of fifteen days shall, within five days after the expiration of that period, report the motor vehicle as unclaimed to the director of revenue. Such report shall be on a form prescribed by the director of revenue. A motor vehicle left by its owner whose name and address are known to the dealer or his employee or person operating a public garage or his employee is not considered unclaimed. Any dealer or person operating a public garage who fails to report a motor vehicle as unclaimed as herein required forfeits all claims and liens for its garaging, parking or storing.

4. The director of revenue shall maintain appropriately indexed cumulative records of unclaimed vehicles reported to the director. Such records shall be kept open to public inspection during reasonable business hours.

5. The alteration or obliteration of the vehicle identification number on any such motor vehicle shall be prima facie evidence of larceny, and the dealer or person operating such public garage shall upon the discovery of such obliteration or alteration immediately notify the highway patrol, sheriff, marshal, constable or chief of police of the municipality where the dealer or garage keeper has his place of business, and shall hold such motor vehicle or trailer for a period of forty-eight hours for the purpose of an investigation by the officer so notified.

6. Any person who knowingly makes a false statement or omission of a material fact in a monthly sales report to the department of revenue, as described in subsection 1 of this section, shall be deemed guilty of a class A misdemeanor.

Approved June 24, 2015

HB 709 [SCS HCS HB 709]

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

Changes the laws regarding entities regulated by the Department of Insurance, Financial Institutions and Professional Registration

AN ACT to repeal sections 195.070, 334.037, 334.104, and 334.747, RSMo, and to enact in lieu thereof eight new sections relating to entities regulated by the department of insurance, financial institutions and professional registration.

SECTION

A. Enacting clause.
195.070. Prescriptive authority.
324.023. Issuance of opinions on qualifications, functions, or duties of licensed professions by regulatory boards or commissions.
334.037. Assistant physicians, collaborative practice arrangements, requirements — rulemaking authority — identification badges required, when — prescriptive authority.
334.104. Collaborative practice arrangements, form, contents, delegation of authority — rules, approval, restrictions — disciplinary actions — notice of collaborative practice or physician assistant agreements to board, when — certain nurses may provide anesthesia services, when — contract limitations.
334.747. Prescribing controlled substances authorized, when — supervising physicians — certification.
374.015. Issuance of bulletins by director — definitions — bulleting not to have force and effect of law and are not binding.
374.018. Issuance of no-action letters by director — definitions — effect of letters — duty of department — letters not public records.
376.791. Portion of section 376.777 not applicable to individual health insurance coverage.

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

SECTION A. ENACTING CLAUSE. — Sections 195.070, 334.037, 334.104, and 334.747, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 195.070, 324.023, 334.037, 334.104, 334.747, 374.015, 374.018, and 376.791, to read as follows:

195.070. PRESCRIPTIVE AUTHORITY. — 1. A physician, podiatrist, dentist, a registered optometrist certified to administer pharmaceutical agents as provided in section 336.220, or an assistant physician in accordance with section 334.037 or a physician assistant in accordance with section 334.747 in good faith and in the course of his or her professional practice only, may prescribe, administer, and dispense controlled substances or he or she may cause the same to be administered or dispensed by an individual as authorized by statute.

2. An advanced practice registered nurse, as defined in section 335.016, but not a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016, who holds a certificate of controlled substance prescriptive authority from the board of nursing under section 335.019 and who is delegated the authority to prescribe controlled substances under a collaborative practice arrangement under section 334.104 may prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017**, and may have restricted authority in Schedule II. Prescriptions for Schedule II medications prescribed by an advanced practice registered nurse who has a certificate of controlled substance prescriptive authority are restricted to only those medications containing hydrocodone**. However, no such certified advanced practice registered nurse shall prescribe controlled substance for his or her own self or family. Schedule III narcotic controlled substance **and**

Schedule II - hydrocodone prescriptions shall be limited to a one hundred twenty-hour supply without refill.

3. A veterinarian, in good faith and in the course of the veterinarian's professional practice only, and not for use by a human being, may prescribe, administer, and dispense controlled substances and the veterinarian may cause them to be administered by an assistant or orderly under his or her direction and supervision.

4. A practitioner shall not accept any portion of a controlled substance unused by a patient, for any reason, if such practitioner did not originally dispense the drug.

5. An individual practitioner shall not prescribe or dispense a controlled substance for such practitioner's personal use except in a medical emergency.

324.023. ISSUANCE OF OPINIONS ON QUALIFICATIONS, FUNCTIONS, OR DUTIES OF LICENSED PROFESSIONS BY REGULATORY BOARDS OR COMMISSIONS. — **1. Notwithstanding any law to the contrary, any board or commission established under chapters 330, 331, 332, 334, 335, 336, 337, 338, 340, and 345 may, at its discretion, issue oral or written opinions addressing topics relating to the qualifications, functions, or duties of any profession licensed by the specific board or commission issuing such guidance. Any such opinion is for educational purposes only, is in no way binding on the licensees of the respective board or commission, and cannot be used as the basis for any discipline against any licensee under chapters 330, 331, 332, 334, 335, 336, 337, 338, 340, and 345. No board or commission may address topics relating to the qualifications, functions, or duties of any profession licensed by a different board or commission.**

2. The recipient of an opinion given under this section shall be informed that the opinion is for educational purposes only, is in no way binding on the licensees of the board, and cannot be used as the basis for any discipline against any licensee under chapters 330, 331, 332, 334, 335, 336, 337, 338, 340, and 345.

334.037. ASSISTANT PHYSICIANS, COLLABORATIVE PRACTICE ARRANGEMENTS, REQUIREMENTS — RULEMAKING AUTHORITY — IDENTIFICATION BADGES REQUIRED, WHEN — PRESCRIPTIVE AUTHORITY. — 1. A physician may enter into collaborative practice arrangements with assistant physicians. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to an assistant physician the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the assistant physician and is consistent with that assistant physician's skill, training, and competence and the skill and training of the collaborating physician.

2. The written collaborative practice arrangement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the assistant physician;

(2) A list of all other offices or locations besides those listed in subdivision (1) of this subsection where the collaborating physician authorized the assistant physician to prescribe;

(3) A requirement that there shall be posted at every office where the assistant physician is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an assistant physician and have the right to see the collaborating physician;

(4) All specialty or board certifications of the collaborating physician and all certifications of the assistant physician;

(5) The manner of collaboration between the collaborating physician and the assistant physician, including how the collaborating physician and the assistant physician shall:

(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(b) Maintain geographic proximity; except, the collaborative practice arrangement may allow for geographic proximity to be waived for a maximum of twenty-eight days per calendar year for rural health clinics as defined by P.L. 95-210, as long as the collaborative practice arrangement includes alternative plans as required in paragraph (c) of this subdivision. Such exception to geographic proximity shall apply only to independent rural health clinics, provider-based rural health clinics if the provider is a critical access hospital as provided in 42 U.S.C. Section 1395i-4, and provider-based rural health clinics if the main location of the hospital sponsor is greater than fifty miles from the clinic. The collaborating physician shall maintain documentation related to such requirement and present it to the state board of registration for the healing arts when requested; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;

(6) A description of the assistant physician's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the assistant physician to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;

(7) A list of all other written practice agreements of the collaborating physician and the assistant physician;

(8) The duration of the written practice agreement between the collaborating physician and the assistant physician;

(9) A description of the time and manner of the collaborating physician's review of the assistant physician's delivery of health care services. The description shall include provisions that the assistant physician shall submit a minimum of ten percent of the charts documenting the assistant physician's delivery of health care services to the collaborating physician for review by the collaborating physician, or any other physician designated in the collaborative practice arrangement, every fourteen days; and

(10) The collaborating physician, or any other physician designated in the collaborative practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in which the assistant physician prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number of charts required to be reviewed under subdivision (9) of this subsection.

3. The state board of registration for the healing arts under section 334.125 shall promulgate rules regulating the use of collaborative practice arrangements for assistant physicians. Such rules shall specify:

(1) Geographic areas to be covered;

(2) The methods of treatment that may be covered by collaborative practice arrangements;

(3) In conjunction with deans of medical schools and primary care residency program directors in the state, the development and implementation of educational methods and programs undertaken during the collaborative practice service which shall facilitate the advancement of the assistant physician's medical knowledge and capabilities, and which may lead to credit toward a future residency program for programs that deem such documented educational achievements acceptable; and

(4) The requirements for review of services provided under collaborative practice arrangements, including delegating authority to prescribe controlled substances.

Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. Any rules relating to dispensing or distribution of controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy. The state board of

registration for the healing arts shall promulgate rules applicable to assistant physicians that shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

4. The state board of registration for the healing arts shall not deny, revoke, suspend, or otherwise take disciplinary action against a collaborating physician for health care services delegated to an assistant physician provided the provisions of this section and the rules promulgated thereunder are satisfied.

5. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice arrangement, including collaborative practice arrangements delegating the authority to prescribe controlled substances, and also report to the board the name of each assistant physician with whom the physician has entered into such arrangement. The board may make such information available to the public. The board shall track the reported information and may routinely conduct random reviews of such arrangements to ensure that arrangements are carried out for compliance under this chapter.

6. A collaborating physician shall not enter into a collaborative practice arrangement with more than three full-time equivalent assistant physicians. Such limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

7. The collaborating physician shall determine and document the completion of at least a one-month period of time during which the assistant physician shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present. Such limitation shall not apply to collaborative arrangements of providers of population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

8. No agreement made under this section shall supersede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020 if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

9. No contract or other agreement shall require a physician to act as a collaborating physician for an assistant physician against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular assistant physician. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any assistant physician, but such requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by a hospital's medical staff.

10. No contract or other agreement shall require any assistant physician to serve as a collaborating assistant physician for any collaborating physician against the assistant physician's will. An assistant physician shall have the right to refuse to collaborate, without penalty, with a particular physician.

11. All collaborating physicians and assistant physicians in collaborative practice arrangements shall wear identification badges while acting within the scope of their collaborative practice arrangement. The identification badges shall prominently display the licensure status of such collaborating physicians and assistant physicians.

12. (1) An assistant physician with a certificate of controlled substance prescriptive authority as provided in this section may prescribe any controlled substance listed in Schedule III, IV, or V of section 195.017**, and may have restricted authority in Schedule II,** when

delegated the authority to prescribe controlled substances in a collaborative practice arrangement. **Prescriptions for Schedule II medications prescribed by an assistant physician who has a certificate of controlled substance prescriptive authority are restricted to only those medications containing hydrocodone.** Such authority shall be filed with the state board of registration for the healing arts. The collaborating physician shall maintain the right to limit a specific scheduled drug or scheduled drug category that the assistant physician is permitted to prescribe. Any limitations shall be listed in the collaborative practice arrangement. Assistant physicians shall not prescribe controlled substances for themselves or members of their families. Schedule III controlled substances **and Schedule II - hydrocodone prescriptions** shall be limited to a five-day supply without refill. Assistant physicians who are authorized to prescribe controlled substances under this section shall register with the federal Drug Enforcement Administration and the state bureau of narcotics and dangerous drugs, and shall include the Drug Enforcement Administration registration number on prescriptions for controlled substances.

(2) The collaborating physician shall be responsible to determine and document the completion of at least one hundred twenty hours in a four-month period by the assistant physician during which the assistant physician shall practice with the collaborating physician on-site prior to prescribing controlled substances when the collaborating physician is not on-site. Such limitation shall not apply to assistant physicians of population-based public health services as defined in 20 CSR 2150-5.100 as of April 30, 2009.

(3) An assistant physician shall receive a certificate of controlled substance prescriptive authority from the state board of registration for the healing arts upon verification of licensure under section 334.036.

334.104. COLLABORATIVE PRACTICE ARRANGEMENTS, FORM, CONTENTS, DELEGATION OF AUTHORITY — RULES, APPROVAL, RESTRICTIONS — DISCIPLINARY ACTIONS — NOTICE OF COLLABORATIVE PRACTICE OR PHYSICIAN ASSISTANT AGREEMENTS TO BOARD, WHEN — CERTAIN NURSES MAY PROVIDE ANESTHESIA SERVICES, WHEN — CONTRACT LIMITATIONS. — 1. A physician may enter into collaborative practice arrangements with registered professional nurses. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the registered professional nurse and is consistent with that nurse's skill, training and competence.

2. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer, dispense or prescribe drugs and provide treatment if the registered professional nurse is an advanced practice registered nurse as defined in subdivision (2) of section 335.016. Collaborative practice arrangements may delegate to an advanced practice registered nurse, as defined in section 335.016, the authority to administer, dispense, or prescribe controlled substances listed in Schedules III, IV, and V of section 195.017**, and Schedule II - hydrocodone**; except that, the collaborative practice arrangement shall not delegate the authority to administer any controlled substances listed in Schedules III, IV, and V of section 195.017**, or Schedule II - hydrocodone** for the purpose of inducing sedation or general anesthesia for therapeutic, diagnostic, or surgical procedures. Schedule III narcotic controlled substance **and Schedule II - hydrocodone** prescriptions shall be limited to a one hundred twenty-hour supply without refill. Such collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols or standing orders for the delivery of health care services.

3. The written collaborative practice arrangement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the advanced practice registered nurse;

(2) A list of all other offices or locations besides those listed in subdivision (1) of this subsection where the collaborating physician authorized the advanced practice registered nurse to prescribe;

(3) A requirement that there shall be posted at every office where the advanced practice registered nurse is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an advanced practice registered nurse and have the right to see the collaborating physician;

(4) All specialty or board certifications of the collaborating physician and all certifications of the advanced practice registered nurse;

(5) The manner of collaboration between the collaborating physician and the advanced practice registered nurse, including how the collaborating physician and the advanced practice registered nurse will:

(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(b) Maintain geographic proximity, except the collaborative practice arrangement may allow for geographic proximity to be waived for a maximum of twenty-eight days per calendar year for rural health clinics as defined by P.L. 95-210, as long as the collaborative practice arrangement includes alternative plans as required in paragraph (c) of this subdivision. This exception to geographic proximity shall apply only to independent rural health clinics, provider-based rural health clinics where the provider is a critical access hospital as provided in 42 U.S.C. 1395i-4, and provider-based rural health clinics where the main location of the hospital sponsor is greater than fifty miles from the clinic. The collaborating physician is required to maintain documentation related to this requirement and to present it to the state board of registration for the healing arts when requested; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;

(6) A description of the advanced practice registered nurse's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the nurse to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;

(7) A list of all other written practice agreements of the collaborating physician and the advanced practice registered nurse;

(8) The duration of the written practice agreement between the collaborating physician and the advanced practice registered nurse;

(9) A description of the time and manner of the collaborating physician's review of the advanced practice registered nurse's delivery of health care services. The description shall include provisions that the advanced practice registered nurse shall submit a minimum of ten percent of the charts documenting the advanced practice registered nurse's delivery of health care services to the collaborating physician for review by the collaborating physician, or any other physician designated in the collaborative practice arrangement, every fourteen days; and

(10) The collaborating physician, or any other physician designated in the collaborative practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in which the advanced practice registered nurse prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number of charts required to be reviewed under subdivision (9) of this subsection.

4. The state board of registration for the healing arts pursuant to section 334.125 and the board of nursing pursuant to section 335.036 may jointly promulgate rules regulating the use of collaborative practice arrangements. Such rules shall be limited to specifying geographic areas to be covered, the methods of treatment that may be covered by collaborative practice arrangements and the requirements for review of services provided pursuant to collaborative practice arrangements including delegating authority to prescribe controlled substances. Any rules relating to dispensing or distribution of medications or devices by prescription or

prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. Any rules relating to dispensing or distribution of controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither the state board of registration for the healing arts nor the board of nursing may separately promulgate rules relating to collaborative practice arrangements. Such jointly promulgated rules shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined pursuant to chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

5. The state board of registration for the healing arts shall not deny, revoke, suspend or otherwise take disciplinary action against a physician for health care services delegated to a registered professional nurse provided the provisions of this section and the rules promulgated thereunder are satisfied. Upon the written request of a physician subject to a disciplinary action imposed as a result of an agreement between a physician and a registered professional nurse or registered physician assistant, whether written or not, prior to August 28, 1993, all records of such disciplinary licensure action and all records pertaining to the filing, investigation or review of an alleged violation of this chapter incurred as a result of such an agreement shall be removed from the records of the state board of registration for the healing arts and the division of professional registration and shall not be disclosed to any public or private entity seeking such information from the board or the division. The state board of registration for the healing arts shall take action to correct reports of alleged violations and disciplinary actions as described in this section which have been submitted to the National Practitioner Data Bank. In subsequent applications or representations relating to his medical practice, a physician completing forms or documents shall not be required to report any actions of the state board of registration for the healing arts for which the records are subject to removal under this section.

6. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice agreement, including collaborative practice agreements delegating the authority to prescribe controlled substances, or physician assistant agreement and also report to the board the name of each licensed professional with whom the physician has entered into such agreement. The board may make this information available to the public. The board shall track the reported information and may routinely conduct random reviews of such agreements to ensure that agreements are carried out for compliance under this chapter.

7. Notwithstanding any law to the contrary, a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 shall be permitted to provide anesthesia services without a collaborative practice arrangement provided that he or she is under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed. Nothing in this subsection shall be construed to prohibit or prevent a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 from entering into a collaborative practice arrangement under this section, except that the collaborative practice arrangement may not delegate the authority to prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017**, or Schedule II - hydrocodone**.

8. A collaborating physician shall not enter into a collaborative practice arrangement with more than three full-time equivalent advanced practice registered nurses. This limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

9. It is the responsibility of the collaborating physician to determine and document the completion of at least a one-month period of time during which the advanced practice registered nurse shall practice with the collaborating physician continuously present before practicing in a

setting where the collaborating physician is not continuously present. This limitation shall not apply to collaborative arrangements of providers of population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

10. No agreement made under this section shall supersede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020 if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

11. No contract or other agreement shall require a physician to act as a collaborating physician for an advanced practice registered nurse against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular advanced practice registered nurse. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any advanced practice registered nurse, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by hospital's medical staff.

12. No contract or other agreement shall require any advanced practice registered nurse to serve as a collaborating advanced practice registered nurse for any collaborating physician against the advanced practice registered nurse's will. An advanced practice registered nurse shall have the right to refuse to collaborate, without penalty, with a particular physician.

334.747. PRESCRIBING CONTROLLED SUBSTANCES AUTHORIZED, WHEN — SUPERVISING PHYSICIANS — CERTIFICATION. — 1. A physician assistant with a certificate of controlled substance prescriptive authority as provided in this section may prescribe any controlled substance listed in schedule III, IV, or V of section 195.017**, and may have restricted authority in Schedule II,** when delegated the authority to prescribe controlled substances in a supervision agreement. Such authority shall be listed on the supervision verification form on file with the state board of healing arts. The supervising physician shall maintain the right to limit a specific scheduled drug or scheduled drug category that the physician assistant is permitted to prescribe. Any limitations shall be listed on the supervision form. **Prescriptions for Schedule II medications prescribed by a physician assistant with authority to prescribe delegated in a supervision agreement are restricted to only those medications containing hydrocodone.** Physician assistants shall not prescribe controlled substances for themselves or members of their families. Schedule III controlled substances **and Schedule II - hydrocodone prescriptions** shall be limited to a five-day supply without refill. Physician assistants who are authorized to prescribe controlled substances under this section shall register with the federal Drug Enforcement Administration and the state bureau of narcotics and dangerous drugs, and shall include the Drug Enforcement Administration registration number on prescriptions for controlled substances.

2. The supervising physician shall be responsible to determine and document the completion of at least one hundred twenty hours in a four-month period by the physician assistant during which the physician assistant shall practice with the supervising physician on-site prior to prescribing controlled substances when the supervising physician is not on-site. Such limitation shall not apply to physician assistants of population-based public health services as defined in 20 CSR 2150-5.100 as of April 30, 2009.

3. A physician assistant shall receive a certificate of controlled substance prescriptive authority from the board of healing arts upon verification of the completion of the following educational requirements:

(1) Successful completion of an advanced pharmacology course that includes clinical training in the prescription of drugs, medicines, and therapeutic devices. A course or courses with advanced pharmacological content in a physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its predecessor agency shall satisfy such requirement;

(2) Completion of a minimum of three hundred clock hours of clinical training by the supervising physician in the prescription of drugs, medicines, and therapeutic devices;

(3) Completion of a minimum of one year of supervised clinical practice or supervised clinical rotations. One year of clinical rotations in a program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its predecessor agency, which includes pharmacotherapeutics as a component of its clinical training, shall satisfy such requirement. Proof of such training shall serve to document experience in the prescribing of drugs, medicines, and therapeutic devices;

(4) A physician assistant previously licensed in a jurisdiction where physician assistants are authorized to prescribe controlled substances may obtain a state bureau of narcotics and dangerous drugs registration if a supervising physician can attest that the physician assistant has met the requirements of subdivisions (1) to (3) of this subsection and provides documentation of existing federal Drug Enforcement Agency registration.

374.015. ISSUANCE OF BULLETINS BY DIRECTOR — DEFINITIONS — BULLETING NOT TO HAVE FORCE AND EFFECT OF LAW AND ARE NOT BINDING. — 1. For purposes of this section, "insurer" shall mean any person, reciprocal exchange, interinsurer, Lloyds insurer, fraternal benefit society, and any other legal entity engaged in the business of insurance including producers, adjusters and third-party administrators, health services corporations, health maintenance organizations, health carriers, prepaid limited health care service plans, dental, optometric, and other similar health service plans. "Insurer" shall also include all companies organized, incorporated, or doing business under the provisions of chapters 325, 354, and 374 to 385.

2. For purposes of this section, "bulletin" shall mean an informal written communication to inform or educate the insurance industry and the general public about a regulatory topic or issue. A bulletin is informational in nature and is not an evaluation of specific facts and circumstances.

3. Notwithstanding any law to the contrary, the director may at his or her discretion issue bulletins addressing the business of insurance in this state.

4. Bulletins do not have the force or effect of law and shall not be considered statements of general applicability that would require promulgation by rule.

5. Such bulletins shall not be binding on the department or an insurer. The director may revise or withdraw any previously issued bulletin; however such revision or withdrawal shall be prospective in nature. The effective date for such bulletin which was withdrawn or revised shall be ninety days after the date the revision or withdrawal notice is published and, where applicable, shall apply to new policies issued and policies that renew on or after that date.

374.018. ISSUANCE OF NO-ACTION LETTERS BY DIRECTOR — DEFINITIONS — EFFECT OF LETTERS — DUTY OF DEPARTMENT — LETTERS NOT PUBLIC RECORDS. — 1. For purposes of this section, "no-action letter" shall mean a letter that states the intention of the department to not take enforcement actions under section 374.046 with respect to the requesting insurer, based on the specific facts then presented and applicable law, as of the date a no-action letter is issued.

2. For purposes of this section, "insurer" shall mean all insurance companies organized, incorporated, or doing business under the provisions of chapters 354, 376, 379, or 380.

3. Notwithstanding any law to the contrary, the director may at his or her discretion issue no-action letters addressing the business of insurance in this state.

4. No-action letters shall not be considered statements of general applicability that would require promulgation by rule.

5. Insurers who seek guidance may submit a written request for a no-action letter to the department.

6. An insurer is under an affirmative obligation to make full, true, and accurate disclosure of all information related to the activities for which the no-action letter is requested. Each request shall be accompanied by all relevant supplementary information including, but not limited to, background information regarding the request, policies, procedures, and applicable marketing materials. Each request shall also include complete copies of documents, and shall identify all provisions of law applicable to the request.

7. The insurer requesting the no-action letter shall provide the department with any additional information or documents the department requests for its review of the matter.

8. The insurer may withdraw the request for a no-action letter prior to the issuance of the no-action letter.

9. The department shall act on the no-action letter request within ninety days after it receives all information necessary to complete its review.

10. At the completion of its review of a request for a no-action letter the department shall do one of the following:

(1) Issue a no-action letter;

(2) Decline to issue a no-action letter; or

(3) Take such other action as the department considers appropriate.

11. A no-action letter shall be effective as of the date it is issued.

12. As long as there is no change in any material fact or law or the discovery of a material misrepresentation or omission made by the insurer, the department is estopped from bringing any enforcement action under section 374.046 against the requesting insurer concerning the specific conduct that is the subject of the no-action letter issued by the department. However, this estoppel shall not apply to those enforcement actions related to the financial condition of the insurer. The determination of materiality shall be in the sole discretion of the director.

13. A no-action letter request shall not be a public record as defined in chapter 610 until the date of issuance by the department of a response to the no-action letter request. The request for a no-action letter and the department's response shall, after the date of issuance by the department, be considered a public record as defined in chapter 610. Upon request of the insurer, information submitted with a request for a no-action letter as required under this section that contains proprietary or trade secret information as defined in sections 417.450 to 417.467 shall not be considered a public record.

376.791. PORTION OF SECTION 376.777 NOT APPLICABLE TO INDIVIDUAL HEALTH INSURANCE COVERAGE. — 1. The provisions of subdivisions (4) and (5) of subsection 2 of section 376.777 shall not apply to any individual health insurance coverage. The term "individual health insurance coverage" shall have the meaning assigned to it in section 376.450.

2. The director shall promulgate rules and regulations to implement and administer the provisions of this section prior to January 1, 2016. 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, 2015, shall be invalid and void.

Approved July 2, 2015

HB 769 [HCS HB 769]

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

Allows for direct primary health care services to be provided through a medical retainer agreement between the physician and patient

AN ACT to amend chapter 376, RSMo, by adding thereto one new section relating to direct health care services.

SECTION
A. Enacting clause.
376.1800. Definitions — medical retainer agreements not insurance — agreement requirements — use of health savings accounts for fees.

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

SECTION A. ENACTING CLAUSE. — Chapter 376, RSMo, is amended by adding thereto one new section, to be known as section 376.1800, to read as follows:

376.1800. DEFINITIONS — MEDICAL RETAINER AGREEMENTS NOT INSURANCE — AGREEMENT REQUIREMENTS — USE OF HEALTH SAVINGS ACCOUNTS FOR FEES. — 1. As used in this section, the following terms shall mean:

(1) "Medical retainer agreement", a contract between a physician and an individual patient or such individual patient's legal representative in which the physician agrees to provide certain health care services described in the agreement to the individual patient for an agreed-upon fee and period of time;

(2) "Physician", a physician licensed under chapter 334. Physician includes an individual physician or a group of physicians.

2. A medical retainer agreement is not insurance and is not subject to this chapter. Entering into a medical retainer agreement is not the business of insurance and is not subject to this chapter.

3. A physician or agent of a physician is not required to obtain a certificate of authority or license under this section to market, sell, or offer to sell a medical retainer agreement.

4. To be considered a medical retainer agreement for the purposes of this section, the agreement shall meet all of the following requirements:

(1) Be in writing;

(2) Be signed by the physician or agent of the physician and the individual patient or such individual patient's legal representative;

(3) Allow either party to terminate the agreement on written notice to the other party;

(4) Describe the specific health care services that are included in the agreement;

(5) Specify the fee for the agreement;

(6) Specify the period of time under the agreement; and

(7) Prominently state in writing that the agreement is not health insurance.

5. (1) For any patient who enters into a medical retainer agreement under this section and who has established a health savings account (HSA) in compliance with 26 U.S.C. Section 223, or who has a flexible spending arrangement (FSA) or health reimbursement arrangement (HRA), fees under the patient's medical retainer agreement may be paid from such health savings account or reimbursed through such flexible spending arrangement or health reimbursement arrangement, subject to any federal or

state laws regarding qualified expenditures from a health savings account, or reimbursement through a flexible spending arrangement or a health reimbursement arrangement.

(2) The employer of any patient described in subdivision (1) of this subsection may:

(a) Make contributions to such patient's health savings account, flexible spending arrangement, or health reimbursement arrangement to cover all or any portion of the agreed-upon fees under the patient's medical retainer agreement, subject to any federal or state restrictions on contributions made by an employer to a health savings account, or reimbursement through a flexible spending arrangement, or health reimbursement arrangement; or

(b) Pay the agreed-upon fees directly to the physician under the medical retainer agreement.

6. Nothing in this section shall be construed as prohibiting, limiting, or otherwise restricting a physician in a collaborative practice arrangement from entering into a medical retainer agreement under this section.

Approved July 2, 2015

HB 778 [HB 778]

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

Designates the 22nd week of each year as "22q Awareness Week"

AN ACT to amend chapter 9, RSMo, by adding thereto one new section relating to 22q awareness week.

SECTION

A. Enacting clause.
9.230. Twenty-second week of year, 22q Awareness Week.

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

SECTION A. ENACTING CLAUSE. — Chapter 9, RSMo, is amended by adding thereto one new section, to be known as section 9.230, to read as follows:

9.230. TWENTY-SECOND WEEK OF YEAR, 22Q AWARENESS WEEK. — The twenty-second week of each year is hereby designated as "22q Awareness Week" in the state of Missouri. The citizens of this state are encouraged to observe the week with appropriate activities and events to increase awareness of individuals with a chromosome 22q11.2 deletion.

Approved July 2, 2015

HB 859 [HB 859]

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

Designates April 15 of each year as "Jackie Robinson Day" in Missouri

AN ACT to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of Jackie Robinson day.

SECTION
A. Enacting clause.
9.042. April 15, Jackie Robinson Day.

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

SECTION A. ENACTING CLAUSE. — Chapter 9, RSMo, is amended by adding thereto one new section, to be known as section 9.042, to read as follows:

9.042. APRIL 15, JACKIE ROBINSON DAY. — April fifteenth of each year shall be designated as "Jackie Robinson Day" in Missouri. The citizens of this state are encouraged to observe the day in honor of Jackie Robinson, the first African-American to play major league baseball.

Approved July 6, 2015

HB 861 [HB 861]

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

Designates the first full week in March as "Multiple Sclerosis Awareness Week"

AN ACT to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of multiple sclerosis awareness week in Missouri.

SECTION
A. Enacting clause.
9.045. First full week of March, Multiple Sclerosis Awareness Week.

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

SECTION A. ENACTING CLAUSE. — Chapter 9, RSMo, is amended by adding thereto one new section, to be known as section 9.045, to read as follows:

9.045. FIRST FULL WEEK OF MARCH, MULTIPLE SCLEROSIS AWARENESS WEEK. — The first full week of March is hereby designated as "Multiple Sclerosis Awareness Week" in the state of Missouri. The citizens of this state are encouraged to participate in appropriate activities and events to increase awareness of multiple sclerosis.

Approved July 2, 2015

HB 869 [HB 869]

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

Changes the laws regarding taxation on motor vehicles

AN ACT to repeal section 144.450, RSMo, and to enact in lieu thereof one new section relating to taxation on motor vehicles.

SECTION
A. Enacting clause.
144.450. Exemptions from use tax.

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

SECTION A. ENACTING CLAUSE. — Section 144.450, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 144.450, to read as follows:

144.450. EXEMPTIONS FROM USE TAX. — In order to avoid double taxation under the provisions of sections 144.010 to 144.510, any person who purchases a motor vehicle, trailer, manufactured home, boat, or outboard motor in any other state and seeks to register or obtain a certificate of title for it in this state shall be credited with the amount of any sales tax or use tax shown to have been previously paid by him on the purchase price of such motor vehicle, trailer, boat, or outboard motor in such other state. The tax imposed by subdivision (9) of subsection 1 of section 144.020 shall not apply:

(1) To motor vehicles, trailers, boats, or outboard motors brought into this state by a person moving any such vehicle, trailer, boat, or outboard motor into Missouri from another state who shall have registered and in good faith regularly operated any such motor vehicle, trailer, boat, or outboard motor in such other state at least ninety days prior to the time it is registered in this state;

(2) To motor vehicles, trailers, boats, or outboard motors acquired by registered dealers for resale;

(3) To motor vehicles, trailers, boats, or outboard motors purchased, owned or used by any religious, charitable or eleemosynary institution for use in the conduct of regular religious, charitable or eleemosynary functions and activities;

(4) To motor vehicles owned and used by religious organizations in transferring pupils to and from schools supported by such organization;

(5) Where the motor vehicle, trailer, boat, or outboard motor has been acquired by the applicant for a certificate of title therefor by gift or under a will or by inheritance, and the tax hereby imposed has been paid by the donor or decedent;

(6) To any motor vehicle, trailer, boat, or outboard motor owned or used by the state of Missouri or any other political subdivision thereof, or by an educational institution supported by public funds; **[**or**]**

(7) To farm tractors**;**

(8) To motor vehicles, trailers, boats, or outboard motors owned and used by not-for-profit civic, social, service, or fraternal organizations in their civic or charitable functions and activities;

(9) To motor vehicles, trailers, boats, or outboard motors owned and used by any private, not-for-profit elementary school, secondary school, or institution of higher education in the conduct of their educational functions and activities;

(10) To motor vehicles, trailers, boats, or outboard motors owned and used by any elementary school, secondary school, or institution of higher education in the conduct of their educational functions and activities that are supported by public funds; or

(11) To any transfer of motor vehicles, trailers, boats, or outboard motors that is the same type of transfer as set forth in section 144.617.

Approved June 30, 2015

HB 874 [HB 874]

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

Designates October 16th as "Walt Disney - A Day to Dream' Day" in Missouri

AN ACT to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of public holidays.

SECTION
A. Enacting clause.
9.220. October 16, Walt Disney — 'A Day to Dream' Day.

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

SECTION A. ENACTING CLAUSE. — Chapter 9, RSMo, is amended by adding thereto one new section, to be known as section 9.220, to read as follows:

9.220. OCTOBER 16, WALT DISNEY — 'A DAY TO DREAM' DAY. — October sixteenth of each year shall be known and designated as "Walt Disney - 'A Day to Dream' Day". The citizens of this state are encouraged to participate in appropriate activities and events to commemorate the life and accomplishments of Walt Disney.

Approved July 6, 2015

HB 947 [SCS HB 947]

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

Authorizes the conveyance of various state properties

AN ACT to authorize the conveyance of certain state properties.

SECTION
1. Conveyance of Nevada Habilitation Center, Vernon County.
2. Conveyance of property at 2108 East 35th Street, Kansas City.
3. Conveyance of property at 2212 Wabash Avenue, Kansas City.
4. Conveyance of Springfield Veterans Walking Trail, Greene County.
5. Conveyance of B W Sheperd State School in Kansas City.
6. Conveyance of Camp Zoe, Shannon County.
7. Conveyance of Marshall Habitation Center, Saline County.
8. Conveyance of property along State Route Z, Pulaski County, to the state highways and transportation commission.
9. Conveyance of property in Christian County, Route 60.
10. Conveyance of property in Christian County, Route 60.
11. Conveyance of property in St. Charles County, Highway 94 West Clay Road, to state highways and transportation commission.
12. Conveyance of Mark Twain Expressway, St. Louis County, to state highways and transportation commission.

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

SECTION 1. CONVEYANCE OF NEVADA HABILITATION CENTER, VERNON COUNTY. — **1. The governor is hereby authorized and empowered to sell, transfer, grant, and convey all interest of the state of Missouri in fee simple absolute in property known as the Nevada**

Habilitation Center, Vernon County, Missouri. The property to be conveyed is more particularly described as follows:

> **Tract 2:**
> **A tract of land being located in the Northwest 1/4 of Section 33, Township 36 North, Range 31 West of the 5th P.M., Vernon County, Missouri, being described as follows:**
>
> **Commencing at the Northwest corner of said Northwest 1/4; thence S02° 21'48"W along the West line of said Northwest 1/4, a distance of 1543.07 feet; thence S88°11'56"E a distance of 857.45 feet measured (858.35' deeded); thence N62°58'10"E a distance of 65.33 feet measured (65.44' deeded); thence S88° 19'19"E a distance of 56.19 feet measured (55.90' deeded); thence S01°48'16"W a distance of 102.52 feet to the POINT OF BEGINNING; thence S86°55'59"E a distance of 50.03 feet; thence N63°21'53"E a distance of 77.16 feet; thence S88° 29'29"E a distance of 188.55 feet to the Westerly Right of Way line of State Highway "W"; thence S02°46'09"W along said Right of Way line, a distance of 112.03 feet to the Northeast Corner of Lot 1 of Block 1 of Ash Place, a subdivision located in Nevada, Vernon County, Missouri; thence N88°08'38"W along the North line of said Lot 1, a distance of 186.66 feet measured (185.80' platted); thence S63°21'43"W along said North line, a distance of 77.07 feet measured (77.17' platted); thence N87°22'38"W along said North line, a distance of 50.06 feet; thence N01°48'16"E a distance of 89.91 feet measured (90.00' platted); thence continuing N01°48'16"E a distance of 21.31 feet returning to the Point of Beginning. Having an Area of 0.78 acres.**
>
> **Subject to road right of ways and easements, public and private, as may be now located.**

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 2. CONVEYANCE OF PROPERTY AT 2108 EAST 35TH STREET, KANSAS CITY. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, and convey all interest of the state of Missouri in fee simple absolute in property known as 2108 East 35th Street, Kansas City, Missouri. The property to be conveyed is more particularly described as follows:

> **Lot 114, South Windsor, a subdivision in Kansas City, Jackson County, Missouri, subject to restrictions, reservations, covenants and easements of record, if any.**

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 3. CONVEYANCE OF PROPERTY AT 2212 WABASH AVENUE, KANSAS CITY. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, and convey

all interest of the state of Missouri in fee simple absolute in property known as 2212 Wabash Avenue, Kansas City, Missouri. The property to be conveyed is more particularly described as follows:

Lot 6, Block 6, Prospect Summit, a subdivision in Kansas City, (Jackson County), Missouri.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 4. CONVEYANCE OF SPRINGFIELD VETERANS WALKING TRAIL, GREENE COUNTY .— 1. The governor is hereby authorized and empowered to sell, transfer, grant, and convey all interest of the state of Missouri in fee simple absolute in property known as the Springfield Veterans Walking Trail, Greene County, Missouri. The property to be conveyed is more particularly described as follows:

Part of the northeast quarter of the northwest quarter of section 21, township 28 north, range 21 west in Greene County, Missouri, described as follows: commencing at the southeast corner of the northeast quarter of the northwest quarter of said section 21; thence N02°02'09"E along the east line of said northeast quarter of the northwest quarter, 593.25 feet to an existing iron pin at the northeast corner of a tract of land deeded to the State of Missouri (for Veterans Cemetery) as described in book 2425, page 1529 at the Greene County recorder's office, for the point of beginning; thence along the 1143 elevation contour line and the northerly boundary of said State of Missouri tract, the following six courses: N61°12'09"W, 209.13 feet to an iron pin; N62°22'34"W, 253.18 feet to an iron pin; N64°23'36"W, 195.02 feet to an iron pin; N65°04'20"W, 244.44 feet to an iron pin; N66°44'15"W, 266.90 feet to an iron pin; and N66°07'48"W, 169.46 feet to the easterly right-of-way line of the Frisco Railroad; thence S25°38'24"W along said railroad right-of-way line, 39.87 feet; thence leaving said right-of-way line, S62°14'11"E, 173.33 feet; thence S30°14'00"E, 81.29 feet; thence S66°44'15"E, 198.41 feet; thence S65° 04'20"E, 242.39 feet; thence S64°23'36"E, 192.67 feet; thence S62°22'34"E, 250.40 feet; thence S61°12'09"E, 258.54 feet to the east line of said northeast quarter of the northwest quarter; thence N02°02'09"E along said east line, 112.00 feet to the point of beginning. (Bearings are based on grid north, Missouri coordinate system of 1983, Central Zone).

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 5. CONVEYANCE OF B W SHEPERD STATE SCHOOL IN KANSAS CITY. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, and convey all interest of the state of Missouri in fee simple absolute in property known as the B W Sheperd State School, Kansas City, Jackson County, Missouri. The property to be conveyed is more particularly described as follows:

Lots 3, 4, 5, 6, 7, 8, 9, 10 and 11, Resurvey of Block 8, PORTER PARK, a subdivision of Kansas City, Jackson County, Missouri, according to the recorded plat thereof.

Subject to easements, restrictions and reservations of record.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 6. CONVEYANCE OF CAMP ZOE, SHANNON COUNTY. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, and convey all interest of the state of Missouri in fee simple absolute in property known as Camp Zoe, Shannon County, Missouri. The property to be conveyed is more particularly described as follows:

Premises located at Camp Zoe, Shannon County, Missouri, shall be further described as follows:

Land for two access roads for silviculture, conservation and research purposes, further described as:

One strip of land being thirty feet (30') wide through part of the Southwest Quarter of Section 5 and through part of the Northwest Quarter of Section 8, all in Township 30 North, Range 4 West, in Shannon County, Missouri and being more particularly described as follows:

Said thirty foot wide access easement lying 15.00 feet on each side of the following described centerline;

Commencing at the Southwest corner of said Section 5, thence along the South line of said Southwest Quarter of said Section 5, South 89 degrees 25 minutes 38 seconds East a distance of 570.71 feet; thence leaving said South line, North 00 degrees 34 minutes 22 seconds East a distance of 150.00 feet; thence South 89 degrees 25 minutes 38 seconds East a distance of 237.40 feet to the Point of Beginning of the centerline of said access easement; thence along said centerline, South 00. degrees 34 minutes 22 seconds West a 'distance of 53.48 feet; thence South 31 degrees 38 minutes 41 seconds East a distance of 98.29 feet; thence along a curve to right, having a radius of 50.00 feet, an arc distance of 36.00 feet, a chord of South 11 degrees 01 minutes 05 seconds East 35.23 feet; thence South 09 degrees 36 minutes 30 seconds West a distance of 24.55 feet; thence along a curve to the left, having a radius of 100.00 feet, an arc distance of 106.15 feet, a chord of South 20 degrees 48 minutes 10 seconds East 101.24 feet; thence South 51 degrees 12 minutes 49 seconds East a distance of 47.12 feet; thence along a curve to the right, having a radius of 112.00 feet, an arc distance of 105.37 feet, a chord of South 24 degrees 15 minutes 38 seconds East 101.53 feet; thence South 02 degrees 41 minutes 33 seconds West a distance of 51.50 feet to the point of terminus of said centerline of access easement at the centerline of relocated CO RD 19B.

and

One strip of land being thirty feet (30') wide through part of the Northwest Quarter of Section 8, in Township 30 North, Range 4 West, in Shannon County, Missouri and being more particularly described as follows:

Said thirty foot wide access easement lying 15.00 feet on each side of the following described centerline;

Commencing at the Northwest corner of said Section 8, thence along the North line of said Northwest Quarter of said Section 8, South 89 degrees 25 minutes 38 seconds East a distance of 25.00 feet to the Point of Beginning of the centerline of said access easement; thence South 01 degree 31 minutes 55 seconds West a distance of 149.47 feet to the point of terminus of said centerline of access easement at the centerline of relocated CO RD 19B.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 7. CONVEYANCE OF MARSHALL HABITATION CENTER, SALINE COUNTY. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in property known as the Marshall Habilitation Center, Saline County, Missouri, described as follows:

TRACT "A"

Part of the Northeast Quarter and a part of the North Half of the Southeast Quarter of Section 11; and a part of the West Half of the Northwest Quarter, and a part of the North Half of the Southwest Quarter of Section 12; all in Township 50 North, Range 21 West, in the County of Saline, Missouri, and being more particularly described as follows:

From the northwest corner of the Southwest Quarter of said Section 12; thence N88°47'00"E, along the Quarter Section Line, 1303.20 feet to the northeast corner of the northwest Quarter of the Southwest Quarter of said Section 12, and the point of beginning for this description; thence N88°47'00"E, along the Quarter Section Line, 210.19 feet to the northeast corner of a tract of land described in Book 98, at page 563, Saline County Recorder's Office; thence S1°12'10"W, along the East Line of said tract, 1088.74 feet to the North Line of the Missouri Pacific Railroad Co. right-of-way; thence westerly, along the said north right-of-way line, on the following courses and distances: S72°08'00"W, 368.64 feet; thence westerly, on a curve to the right, having a radius of 1382.40 feet, a distance of 434.29 feet; thence N89°52'00"W, 646.40 feet; thence westerly, on a curve to the right, having a radius of 1382.40 feet, a distance of 506.68 feet; thence N68°52'00"W, 425.26 feet; thence westerly, on a curve to the left, having a radius of 1482.40 feet, a distance of 1115.26 feet to the west line of the said tract of land as described in Book 98, at Page 563; thence leaving the said north line of the Missouri Pacific Railroad Co. right-of-way; N2°22'30"E, along the west line of the said tract of land as described in Book 98, at Page 563, Saline County Recorder's Office, 86.01 feet to the southeast corner of a tract of land as described in Book 248, at page 114, Saline County Recorder's Office; thence

N87°22'50"W, along the south line of last said tract of land, 362.97 feet to the southwest corner thereof; thence N2°22'30"E, along the west line of last said tract of land, 325.94 feet to the south line of a tract of land as described in Book 23, at Page 35, Saline County Recorder's Office; thence S87°22'50"E, along the south line of last said tract of land, 6.02 feet to the southeast corner thereof; thence N2°22'30"E, along the east line of last said tract of land, 208.25, feet to the northeast corner thereof; thence N87°22'50"W, along the north line of last said tract of land, 388.39 feet to the east right-of-way line of North Lincoln Avenue; thence northerly along the said east right-of-way line, on the following courses and distances; N2°22'30"E, 463.00 feet; thence N2°15'10"E, 547.54 feet; thence northerly, on a curve to the right, having a radius of 256.48 feet, a distance of 59.14 feet to the west line of a tract of land as described in Book 28, at Page 353, Saline County Recorder's Office; thence leaving the said east right-of-way line; S1°22'10"W, along the west line of last said tract of land, 144.11 feet to the southwest corner thereof; thence S87°22'50"E, along the south line of last said tract of land, 879.08 feet to the southeast corner there of; thence N1°22'10"E, along the east line of last said tract of land, 206.99 feet to the northeast corner thereof; thence N87°22'50"W, along the north line of last said tract of land, 854.38 feet to the east right-of-way line of North Lincoln Avenue; thence northeasterly, along the said east right-of-way line, on the following courses and distances; northeasterly, on a curve to the right, having a radius of 256.48 feet, a distance of 106.10 feet; thence N54°11'20"E, 1256.36 feet; thence northeasterly, on a curve to the left, having a radius of 439.26 feet, a distance of 159.32 feet to the south line of Missouri State Route 240; thence leaving the east right-of-way line of said North Lincoln Avenue; easterly, along the southerly right-of-way line of said Missouri State Route 240, on the following courses and distances, S56°07'00"E, 10.36 feet; thence N47°10'10"E, 194.36 feet; thence easterly, on a curve to the right, having a radius of 2789.79 feet, a distance of 840.53 feet; thence S65°00'50"E, 636.24 feet; thence S53°39'30" E, 101.57 feet; thence S76°22'10"E, 101. 57 feet; thence S65°00'50"E, 1001.90 feet; thence S50°58'40"E, 71.34 feet to the Quarter-Quarter Section Line; thence leaving the south right-of-way line of said Missouri State Route 240, S1°02'10"W, along the Quarter-Quarter Section Line, 756.56 feet to the point of beginning. Containing in all, 212.88 acres.

TRACT "B"

Part of the North Half of the Southeast Quarter of Section 11, Township 50 North, Range 21 West, in the County of Saline, Missouri, and being more particularly described as follows:

From the northeast corner of the North Half of the Southeast Quarter of said Section 11; thence S2°16'50"W, along the Section Line, 1313.71 feet to the southeast corner of the North Half of the Southeast Quarter of said Section 11; thence N87°34'30"W, along the Quarter-Quarter Section Line, 172.06 feet to a point on the south line of the Missouri Pacific Railroad Company right-of-way, and the point of beginning for this description; thence continuing N87°34'30"W, along the Quarter-Quarter Section Line, 1702.55 feet to the southwest corner of a tract of land as described in Book 98, at Page 563, Saline County Recorder's Office; thence N2°22'30"E, along the west line of said tract of land, 126.66 feet to the south line of the said Missouri Pacific Railroad Company right-of-way; thence easterly, along the said south right-of-way line, on the following courses

and distances: easterly, on a curve to the right, having a radius of 1382.40 feet, a distance of 1085.63 feet; thence S68°52'00"E, 425.26 feet; thence easterly, on a curve to the left, having a radius of 1482.40 feet, a distance of 251.85 feet to the point of beginning.
Containing in all, 6.97 acres.

TRACT "C"

Part of the North Half of the Southwest Quarter of Section 12, Township 50 North, Range 21 West, in the County of Saline, Missouri, and being more particularly described as follows:

From the northwest corner of the Southwest Quarter of said Section 12; thence N88°47'00"E, along the Quarter Section Line, 1513.39 feet to the northeast corner of a tract of land as described in Book 98, at Page 563, Saline County Recorder's Office; thence S1°12'10"W, along the east line of said tract of land, 1194.55 feet to the south line of the Missouri Pacific Railroad Company right-of-way, and the point of beginning for this description; thence continuing S1°12'10"W, along the east line of said tract of land, 123.93 feet to the southeast corner thereof; thence S89°00'30"W, along the Quarter- Quarter Section Line, 416.26 feet to the said south line of the Missouri Pacific Railroad Company right-of-way; thence northeasterly, along the said south right-of-way line, on a curve to the left, having a radius of 1482.40 feet, a distance of 104.85 feet; thence N72°08'00"E, along the said south right-of-way line, 334.07 feet to the point of beginning.
Containing in all, 0.58 acres.

TRACT "D"

Part of the Northeast Quarter of Section 11, Township 50 North, Range 21 West, in the County of Saline, Missouri, and being more particularly described as follows:

From the southeast corner of the Northeast Quarter of said Section 11; thence N87°22'50"W, along the Quarter Section Line, 2647.79 feet to the center of said Section 11; thence N1°22'10"E, along the Quarter Section Line, 658.14 feet to the west right-of-way line of North Lincoln Avenue, and the point of beginning for this description; thence continuing N1°22'10"E, along the Quarter Section Line, 879.09 feet to the south right-of- way line of Missouri State Route 240; thence easterly along the south right-of-way line of said Missouri State Route 240, on the following courses and distances, N72°17'20"E, 335.25 feet; thence easterly, on a curve to the right, having a radius of 2774.79 feet, a distance of 216.37 feet; thence N74°50'10"E, 97.53 feet; thence easterly, on a curve to the right, having a radius of 2784.79 feet, a distance of 291.62 feet; thence S88°20'00"E, 97.26 feet; thence easterly, on a curve to the right, having a radius of 2779.79 feet, a distance of 121.29 feet; thence S29°52'50"E, 115.71 feet; thence S56°07'00"E, 10.40 feet to the west right-of-way line of said North Lincoln Avenue; thence leaving the south right-of-way line of said Missouri State Route 240; southwesterly, along the west right-of-way line of said North Lincoln Avenue, on the following courses and distances: southwesterly, on a curve to the right, having a radius of 379.26 feet, a distance of 138.06 feet; thence S54°11'20"W, 1256.36 feet; thence southwesterly, on a curve to the left, having a radius of 316.48 feet, a distance of 174.18 feet to the point of beginning.

Containing in all 14.29 acres.

TRACT "E"

Part of the Northeast Quarter of Section 11, Township 50 North, Range 21 West, in the County of Saline, Missouri, and being more particularly described as follows:

From the southeast corner of the Northeast Quarter of said Section 11; thence N88°47'00"E, along the Quarter Section Line, 1303.20 feet to the northeast corner of the Northwest Quarter of the Southwest Quarter of Section 12; thence N88°47'00"E, along the Quarter Section Line, 210.19 feet to the northeast corner of a tract of land described in Book 98, at Page 563, Saline County Recorder's Office; thence S 1°12'10"W , along the East line of said tract, 1088.74 feet to the North Line of the Missouri Pacific Railroad Co. right-of-way; thence westerly, along the said north right-of-way line, on the following courses and distances: S72°08'00"W, 368.64 feet; thence westerly, on a curve to the right having a radius of 1382.40 feet, a distance of 434.29 feet; thence N89°52'00"W, 646.40 feet; thence westerly, on a curve to the right, having a radius of 1382.40 feet, a distance of 506.68 feet; thence N68°52'00"W, 425.26 feet; thence westerly, on a curve to the left, having a radius of 1482.40 feet, a distance of 1115.26 feet to the west line of the said tract of land as described in Book 98, at Page 563, Saline County Recorder's Office; thence leaving the said north line of the Missouri Pacific Railroad Co. right-of-way; N2°22'30"E, along the west line of said tract of land as described in Book 98, at Page 563, Saline County Recorder's Office, 86.01 feet to the southeast corner of a tract of land as described in Book 248, at Page 114, Saline County Recorder's Office; thence N87°22'50"W, along the south line of last said tract of land, 362.97 feet to the southwest corner thereof; thence N2°22'30"E, along the west line of last said tract of land, 325.94 feet to the south line of a tract of land as described in Book 23, at Page 35, Saline County Recorder's Office; thence S87°22'50"E, along the south line of last said tract of land, 6.02 feet to the southeast corner thereof; thence N2°22'30"E, along the east line of last said tract of land, 208.25 feet to the northeast corner thereof; thence N87°22'50"W, along the north line of last said tract of land, 388.39 feet to the east right-of-way line of North Lincoln Avenue; thence northerly along the said east right-of-way line, on the following courses and distances; N2°22'30"E, 463.00 feet; thence N2°15'10"E, 547.54 feet; thence northerly on a curve to the right having a radius of 256.48 feet, a distance of 59.14 feet to the west line of a tract of land as described in Book 28, at Page 353, Saline County Recorder's Office; thence leaving the said east right-of- way line; S1°22'10"W, along the west line of last said tract of land, 144.11 feet to the southwest corner thereof; thence S87°22'50"E, along the south line of last said tract of land, 229.56 feet to the point of beginning for this description; thence continuing S87°22'50"E, along said South Line, 649.52 feet to the southeast corner thereof; thence N01°22'10"E, along the East Line of said tract, 206.99 feet to the northeast corner thereof; thence N87°22'50"W, along the north line of said tract, 649.52 feet; thence S01°22'10"W, 206.99 feet to the point of beginning.
Containing in all, 3.09 acres

CEMETERY TRACT "A-1"

Part of the Northeast Quarter of the Southwest Quarter and a part of the Northwest Quarter of the Southwest Quarter of Section 12, Township 50 North,

Range 21 West, in the County of Saline, Missouri, and being more particularly described as follows:

From the northwest corner of the Southwest Quarter of said Section 12; thence N88°47'00"E, along the Quarter Section Line, 1303.20 feet to the northeast corner of the northwest Quarter of the Southwest Quarter of said Section 12; thence N88°47'00"E, along the Quarter Section Line, 210.19 feet to the northeast corner of a tract of land described in Book 98, at page 563, Saline County Recorder's Office; thence S1°12'10"W, along the East Line of said tract, 894.31 feet to the POINT OF BEGINNING for this description; thence continuing S1°12'10"W, along the East Line of said tract described in Book 98, page 563, 194.43 feet to the North Line of the Missouri Pacific Railroad Co. right-of-way; thence S72°08'00"W, along the said north right-of-way line, 328.68 feet; thence N6°28'20"E, 325.18 feet; thence S84°19'03"E, 281.64 feet to the POINT OF BEGINNING.
Containing 1.74 acres.

CEMETERY TRACT "A-2"

Part of the East Half of the Northeast Quarter of Section 11, Township 50 North, Range 21 West, in the County of Saline, Missouri, and being more particularly described as follows:

From the southeast corner of the Northeast Quarter of said Section 11; thence N87°22'50"W, along the Quarter Section Line, 1068.09 feet; thence N2°37'10"E, on a direct line, 1442.64 feet to the POINT OF BEGINNING for this description; thence N80°39'52"W, 94.82 feet; thence N9°52'16"E, 255.72 feet; thence S80°20'20"E, 92.02 feet; thence S9°14'38"W, 255.19 feet to the POINT OF BEGINNING.
Containing 0.55 of an acre.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.

SECTION 8. CONVEYANCE OF PROPERTY ALONG STATE ROUTE Z, PULASKI COUNTY, TO THE STATE HIGHWAYS AND TRANSPORTATION COMMISSION. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located in Pulaski County, along State Highway Route Z (formerly Route 17 and Route 66), to the state highways and transportation commission. The property to be conveyed is more particularly described as follows:

Beginning at the southwest corner of the said NE ¼ of Sec. 28, thence N1°23'W 1318.8 feet to the northwest corner of the SW ¼ of NE ¼ of said Sec. 28, thence N1°24'W 644 feet with the west boundary of the NW ¼ of NE ¼ of said Sec. 28, thence N 82°57'E 2464.1 feet to an iron pipe marking the southwest corner of the school tract, thence N 89°34'E 212.6 feet along the south line of the school tract to the east line of the NE ¼ of Sec. 28, thence S 1°18'E along said east line 191.8 feet to station 1087+37.1 (north lane Route 66), thence continue S 1°18'E 172.8

feet, thence S 83°13'W 800.7 feet to a point opposite and 100 feet from P.T. station 1079+10 (south lane), thence S 73°34'W 1535.8 feet to a point opposite and 150 feet from station 1063+45.6 (south lane) thence S 14°39'W 810.8 feet to a point opposite and 200 feet from station 9+52.7 (theoretical center line of Route 17), thence from a tangent bearing S 23°46'E deflect to the right on a curve whose radius is 2864.9 feet a distance of approximately 623 feet to the south boundary of the NE ¼ of Sec. 28, thence westerly with the said south boundary approximately 344 feet to the place of beginning. Containing 33.84 acres more or less, new right of way and 5.16 acres more or less, in present Routes 17 and 66.

2. The commissioner of administration shall set the terms and conditions for the conveyance, including the consideration, except that such consideration shall not exceed one dollar. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 9. CONVEYANCE OF PROPERTY IN CHRISTIAN COUNTY, ROUTE 60. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located in Christian County, Route 60, to the state highways and transportation commission. The property to be conveyed is more particularly described as follows:

That part of the N1/2 of NW1/4 of Sec. 2, Twp. 27N, R24W, south of the right of way of the St. Louis-San Francisco Railroad, being in a tract of land 120 feet wide, except as noted, 60 feet of which, is on both sides of, adjacent to, parallel with and measured from the surveyed center line of the survey of the Missouri State Highway Department for said Route 60, which surveyed center line is described as follows:

Tract 1

Beginning at a point approximately 497 feet west and 50 feet south of the southeast corner of the NW¼ of NW¼ of said Sec. 2 at survey station 320+80, thence N55°33'E 848.6 feet to P.C. at station 329+28.6, thence deflect to the left on a curve whose radius is 5729.7 feet a distance of 1421.4 feet to station 343+50, which point is approximately 78 feet north of and 85 feet west of the northeast corner of the said NW¼ of Sec. 2. Containing 5.65 acres, more or less, new right of way, and 0.07 acre, more or less, now in county road.

Tract 2

Also a tract 30 feet wide and 80 feet long adjoining tract 1 on its left or northwesterly side running north from a point opposite station 328+00. Containing 0.06 acre, more or less, for drainage ditch outlet.

Tract 3

Also a tract 50 feet wide and 75 feet long adjoining tract 1 on its right or southeasterly side and extending from a point opposite station 327+85 to a point opposite station 328+60. Containing 0.09 acre, more or less, for drainage ditch outlet.

Tract 4

Also a tract lying northwesterly of tract 1 and southeasterly of the right of way of the said railroad described as beginning opposite station 333+00 and running

northeasterly to the north boundary of said Sec. 2. Containing 0.89 acre, more or less, new right of way, and 0.04 acre, more or less, in county road.

Tract 5

Also a tract 25 feet wide and 85 feet long adjoining tract 1 on its right or southeasterly side and running southeasterly from a point opposite station 337+89. Containing 0.05 acre, more or less, for drainage ditch outlet.

Tract 6

Also a tract adjoining tract 1 on its right or southeasterly side beginning on the southeasterly boundary of said tract 1 opposite station 341+00, thence northeasterly approximately 236 feet towards a point that is 170 feet from and opposite station 343+75 to a point on the east boundary of said NW¼ of Sec. 2 approximately 45 feet south of the northeast corner thereof, thence north with said east boundary 45 feet, thence west approximately 75 feet to tract 1, thence southwesterly with tract 1 approximately 200 feet to the point of beginning. Containing 0.20 acre, more or less, new right of way, and 0.02 acre, more or less, now in county road.

2. The commissioner of administration shall set the terms and conditions for the conveyance, including the consideration, except that such consideration shall not exceed one dollar. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 10. CONVEYANCE OF PROPERTY IN CHRISTIAN COUNTY, ROUTE 60. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located in Christian County, Route 60, to the state highways and transportation commission. The property to be conveyed is more particularly described as follows:

That part of the SE1/4 of SW1/4 and the West Half of SE1/4, (southeasterly of the St. Louis-San Francisco Railroad), and the NE1/4 of SE1/4, all in Sec.35, Twp. 28N, R24W, being in a tract of land 120 feet wide, except as noted, 60 feet of which, except as noted, is on both sides of, adjacent to, parallel with and measured from the surveyed centerline of the survey of the Missouri State Highway Department for said Route 60, which surveyed center line is described as follows:

Tract 1

Beginning at a point approximately 92 feet south and 185 feet west of the southeast corner of the said SE¼ of SW¼ of Sec. 35 at survey station 341+15, thence from a tangent bearing N43°41'E deflect to the left on a curve whose radius is 5729.7 feet a distance of 756.9 feet to a P.T. at station 348+71.9, thence N36° 07'E 2728.1 feet to station 376+00, which point is approximately 520 feet east and 40 feet north of the northwest corner of said NE¼ of SE¼ of Sec. 35. Containing 9.03 acres, more or less, new right of way, and 0.07 acre, more or less, in county road.

Tract 2

Also all that part of the SE¼ of SW¼ and the SW¼ of SE¼ of said Sec. 35 that lies northwesterly of tract 1, southeasterly of the railroad right of way, and southwesterly of a line which begins on the northwesterly side of tract 1 opposite

station 346+00 and runs N51°10'W approximately 85 feet to the railroad right of way. Containing 0.71 acre, more or less, new right of way.

Tract 3

Also a tract described as beginning on the right or southeasterly side of tract 1 opposite station 345+50, thence south 170 feet to the north boundary of the county road, thence southwesterly 30 feet to a point on the south boundary of the said SW¼ of SE¼ of Sec. 35, 170 feet from and opposite station 344+00, thence west approximately 150 feet to tract 1, thence northeasterly with tract 1 to the point of beginning. Containing 0.29 acre, more or less, new right of way, and 0.03 acre more or less, in county road.

Tract 4

Also a tract 5 feet wide and approximately 365 feet long lying adjacent to tract 1 on its northwesterly side beginning opposite station 371+50 and extending northeasterly to the north property boundary. Containing 0.04 acre, more or less, new right of way.

Tract 5

Also a tract 10 feet wide and approximately 505 feet long lying adjacent to tract 1 on its southeasterly side beginning opposite station 371+00 and extending northeasterly to the north property boundary. Containing 0.12 acre, more or less, new right of way.

Tract 6

Also a tract 30 feet wide and 100 feet long adjoining tract 1 on its northwesterly side and extending from a point opposite station 368+00 to a point opposite station 369+00. Containing 0.07 acre, more or less, for construction easement.

Tract 7

Also a tract 5 feet wide and 60 feet long adjoining tract 4 on its northwesterly side and extending from a point opposite station 374+50 to a point opposite station 375+10. Containing 0.01 acre, more or less, for construction easement.

2. The commissioner of administration shall set the terms and conditions for the conveyance, including the consideration, except that such consideration shall not exceed one dollar. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 11. CONVEYANCE OF PROPERTY IN ST. CHARLES COUNTY, HIGHWAY 94 WEST CLAY ROAD, TO STATE HIGHWAYS AND TRANSPORTATION COMMISSION. — **1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located in St. Charles County, Highway 94 West Clay Road to the state highways and transportation commission. The property to be conveyed is more particularly described as follows:**

A strip of land out of Block 6 Survey Number 3280, Common of St. Charles being more particularly described as follows:

Beginning at the point of intersection of the centerline of the present Salt River Public Road with the land line dividing J T Robbins on the west and Max

Langstadt on the east; thence northeasterly along said land line a distance of 37 feet to a point which is 35 distant northeasterly from the center line of the proposed State Highway; thence S 77° 15' E parallel with and 35 feet distant from said centerline of proposed state highway a distance of 20 feet; thence 12° 45' W at right angles a distance of 5 feet a point which is 30 feet distant from center line of proposed state highway at its station number 1392+00; thence 77° 15' E parallel with and 30 feet dist. from said center line of proposed state highway a distance of 500 feet; thence N12° 45' E at right angles a distance of 5 feet; thence S 77° 15' E parallel with and 35 feet from the center line of proposed state highway a distance of 100 feet; thence S 12° 45' W at right angles a distance of 5 feet thence S 77° 15' E parallel with and 30 feet distant from center line of proposed state Highway a distance of 131.1 feet to a point opposite its station number 1399+31.1; thence S 80° 52' E parallel with and 30 feet distant from said center line of proposed state highway a distance of 378.9 feet; thence following a curve to the left having a radius of 492 feet parallel with and 30 feet distant from said center line of proposed State Highway a distance of 425 feet to a point opposite its station number 1407+61.8; thence N 49° 26' E parallel with and 30 feet distant from said center line of proposed state highway a distance of 632 feet to a point opposite its station Number 1414+32 which is the land line dividing Max Langstadt on the south and Lindenwood College grounds on the north; thence easterly along said line approximately 35 feet to the center line for the proposed state highway, thence southwesterly along said center line a distance of 632 feet; thence following a curve to the right along said center line a distance of 461 feet; thence in a northwesterly direction along said center line of proposed state highway a distance of 1360 feet to place of beginning.

2. The commissioner of administration shall set the terms and conditions for the conveyance, including the consideration, except that such consideration shall not exceed one dollar. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 12. CONVEYANCE OF MARK TWAIN EXPRESSWAY, ST. LOUIS COUNTY, TO STATE HIGHWAYS AND TRANSPORTATION COMMISSION. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located in St. Louis County, Route 40 (now known as Mark Twain Expressway), to the state highways and transportation commission. The property to be conveyed is more particularly described as follows:

The following tracts or parcels of land in Lot 4, and part of Lot 5 of the Lewellyn Brown Estate Partition in U.S. Survey 656, Township 46 North, Range 6 East, for the Mark Twain Expressway (Route 40), the centerline of which is described as follows:

Beginning at a point on Line "A" at Station 439+40.19 on the centerline of said Mark Twain Expressway (Route 40) at its intersection with the western line of Lot 4 of said Lewellyn Brown Estate Partition, which point bears south 6 degrees 30 minutes west a distance of 1415 feet from the northwest corner of said Lot 4; thence eastwardly along said centerline north 79 degrees 32 minutes 20 seconds east a distance of 374.57 feet to Equation Station 443+14.76 backward equals Station 442+49.39 forward; thence continuing along said centerline north 79

degrees 32 minutes 20 seconds east a distance of 71.38 feet to a point on said centerline on a spiral curve to the right having a spiral angle of 3 degrees, 30 minutes, and a length of 200 feet to a point on said centerline at Station 445+20.77; thence continuing eastwardly along said centerline on a circular curve to the right having a radius of 1637.28 feet a distance of 425.78 feet to a point on said centerline at Station 449+46.55 said point being the intersection of the centerline of Mark Twain Expressway (Route 40) and of State Highway S.T.T.; thence continuing eastwardly on said centerline of said Mark Twain Expressway (Route 40), and on said circular curve thereof a distance of 140.45 feet to a point on said centerline at Station 450+87, said point being also the intersection of the above described centerline and the centerline of Brown Road.

The centerline of State Highway S.T.T., hereinafter referred to as the centerline of State Highway S.T.T., is described as, beginning at a point at Station 449+46.55 on the centerline of Mark Twain Expressway (Route 40) as described above, which point is the intersection of the centerline of said Mark Twain Expressway (Route 40), and the centerline of State Highway S.T.T. at Station 163+52.54; thence northwardly on a circular curve to the left having a radius of 1432.69 feet, and tangent to a line bearing north 18 degrees 14 minutes, 32 seconds west along the centerline of State Highway S.T.T., a distance of 506.83 feet to a point at Station 158+45.71; thence continuing northwardly along the centerline of State Highway S.T.T. on a spiral curve to the left having a length of 150 feet, and a spiral angle of 3 degrees 00 minutes a distance of 150 feet to a point at Station 156+95.71.

Also from the point of beginning on the centerline of State Highway S.T.T., at Station 163+52.54 as described in paragraph first above; thence southwardly on a circular curve to the right having a radius of 1432.69 feet and tangent to a line bearing south 18 degrees 14 minutes 32 seconds east along the centerline of State Highway S.T.T., a distance of 520.67 feet to a point on said centerline at Station 168+73.21; thence continuing southwardly along the centerline of State Highway S.T.T., on a spiral curve to the right having a length of 150 feet and a spiral angle of 3 degrees 00 minutes a distance of 150 feet to a point at Station 170+23.21 on said centerline; thence continuing southwardly along said centerline of State Highway S.T.T., south 5 degrees 35 minutes .04 seconds west a distance of 868.98 feet to Station 178+92.19, which point is the intersection of said centerline with the northern line of Natural Bridge Road.

Tract 1

All of the grantors land included between a line parallel to and 150 feet northwardly from the above described centerline of the Mark Twain Expressway (Route 40) and line parallel to and 150 feet southwardly from said centerline. Also additional parcels of land described as follows:

Tract 2

Beginning a point on the northern line of parcel heretofore described in Tract #1, said point being 150 feet northwardly from and perpendicular to the centerline of said Mark Twain Expressway (Route 40) at Station 443+14.76; thence northwestwardly in a straight line to a point on the eastern line of Airport Road (80 feet wide), said point being 320 feet northwardly from the intersection of said centerline of Mark Twain Expressway (Line "A") with the eastern line of said Airport Road; thence westwardly at right angles to the centerline of Airport Road a distance of 40 feet to a point on its centerline, said centerline being also

the western line of Lot 4 of the Lewellyn Brown Estate Partition; thence southwardly along said western line of Lot 4 a distance of 175.38 feet to a point on said western line of Lot 4 where it intersects the northern line of above described Tract #1; thence eastwardly along said northern line of said Tract #1 to the point of beginning.

Tract 3

Beginning at a point on the northern line of the parcel of land described above in Tract #1, said point being 150 feet northwardly from, and perpendicular to the previously described centerline of the Mark Twain Expressway (Route 40) at Station 444+50; thence continuing northwardly and perpendicular to said centerline at Station 444+50 a distance of 150 feet to a point; thence northeastwardly in a straight line to a point on the centerline of State Highway S.T.T. at Station 157+50 as heretofore described; thence northwestwardly along the centerline of said State Highway S.T.T. a distance of 54.29 feet to Station 156+95.71 on said centerline; thence eastwardly perpendicular to said centerline at Station 156+95.71 a distance of 40 feet to a point on the northeasterly right of way line of Airport Road (Southeast); thence south 41 degrees 30 minutes 56 seconds east along said northeasterly right of way line of Airport Road (Southeast) a distance of 304.29 feet to a point; thence south 86 degrees 30 minutes 56 seconds east to a point in grantor's easterly property line, said point being on the centerline of Brown Road (40 feet wide), and being all of grantor's land lying between the above described line, the centerline of Brown Road and the northern line of the parcel of land above described in Tract #1.

Tract 4

Beginning at a point on the southern line of the parcel of land described above in Tract #1, said point being 150 feet southwardly from and perpendicular to the previously described centerline of said Mark Twain Expressway (Route 40) at Station 445+00; thence southwardly in a straight line a distance of 277.73 feet to a point, said point being 425.06 feet southwardly from and perpendicular to the centerline of said Mark Twain Expressway at Station 445+48; thence southeastwardly in a straight line a distance of 383.41 to a point, said point being 50 feet westwardly from and perpendicular to the previously described centerline of Route S.T.T. at Station 168+70.41; thence eastwardly to the centerline of Route S.T.T. at Station 168+70.41; thence continuing eastwardly in a straight line perpendicular to the centerline of Route S.T.T. to a point on the centerline of Brown Road being also grantor's easterly property line and being all of the grantors land lying between the above described line, the centerline of Brown Road and the southern line of the parcel of land described above in Tract #1.

Tract 5

Also a parcel of land bounded as follows: On the north by the southern line of parcel last above described in Tract #4 on the east by grantor's eastern property line; being the centerline of Brown Road (40 feet wide), on the west by a line parallel to and 50 feet westwardly from the centerline of State Highway S.T.T. as heretofore described, on the south by the northern line of Natural Bridge Road.

Tract 6

A triangular parcel of land in the southwestern corner of Lot 4 of the Lewellyn Brown Estate Partition described as beginning at the intersection of the western

line of said Lot 4 with the northern line of Natural Bridge Road; thence eastwardly along the northern line of Natural Bridge Road a distance of 254 feet to a point; thence northeastwardly to a point on the western line of said Lot 4, said point being 50 feet northwardly along said western line of Lot 4 from the point of beginning; thence 50 feet southwardly along said western line of said Lot 4 to the point of beginning.

All of the foregoing tracts contain approximately 16.15 acres, exclusive of that portion heretofore dedicated as public roads.

2. The commissioner of administration shall set the terms and conditions for the conveyance, including the consideration, except that such consideration shall not exceed one dollar. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

Approved July 10, 2015

HB 1052 [HB 1052]

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

Modifies provisions relating to land surveyors

AN ACT to repeal section 327.272, RSMo, and to enact in lieu thereof one new section relating to land surveyors.

SECTION
A. Enacting clause.
327.272. Practice as professional land surveyor defined.

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

SECTION A. ENACTING CLAUSE. — Section 327.272, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 327.272, to read as follows:

327.272. PRACTICE AS PROFESSIONAL LAND SURVEYOR DEFINED. — 1. A professional land surveyor shall include any person who practices in Missouri as a professional land surveyor who uses the title of "surveyor" alone or in combination with any other word or words including, but not limited to "registered", "professional" or "land" indicating or implying that the person is or holds himself or herself out to be a professional land surveyor who by word or words, letters, figures, degrees, titles or other descriptions indicates or implies that the person is a professional land surveyor or is willing or able to practice professional land surveying or who renders or offers to render, or holds himself or herself out as willing or able to render, or perform any service or work, the adequate performance of which involves the special knowledge and application of the principles of land surveying, mathematics, the related physical and applied sciences, and the relevant requirements of law, all of which are acquired by education, training, experience and examination, that affect real property rights on, under or above the land and which service or work involves:

(1) The determination, location, relocation, establishment, reestablishment, layout, or retracing of land boundaries and positions of the United States Public Land Survey System;

(2) The monumentation of land boundaries, land boundary corners and corners of the United States Public Land Survey System;

(3) The subdivision of land into smaller tracts and preparation of property descriptions;

(4) The survey and location of rights-of-way and easements;

(5) Creating, preparing, or modifying electronic or computerized data relative to the performance of the activities in subdivisions (1) to **[**(3)**]** **(4)** of this subsection;

(6) Consultation, investigation, design surveys, evaluation, planning, design and execution of surveys;

(7) The preparation of any drawings showing the shape, location, dimensions or area of tracts of land;

(8) Monumentation of geodetic control and the determination of their horizontal and vertical positions;

(9) Establishment of state plane coordinates;

(10) Topographic surveys and the determination of the horizontal and vertical location of any physical features on, under or above the land;

(11) The preparation of plats, maps or other drawings showing elevations and the locations of improvements and the measurement and preparation of drawings showing existing improvements after construction;

(12) Layout of proposed improvements;

(13) The determination of azimuths by astronomic observations.

2. None of the specific duties listed in subdivisions **[**(5)**]** **(4)** to (13) of subsection 1 of this section are exclusive to professional land surveyors unless they affect real property rights. For the purposes of this section, the term "real property rights" means a recordable interest in real estate as it affects the location of land boundary lines. **The validity of any document prepared between August 27, 2014 and the effective date of this act by a provider of utility or communications services purporting to affect real property rights shall remain valid and enforceable notwithstanding that any legal description contained therein was not prepared by a professional land surveyor.**

3. Professional land surveyors shall be in responsible charge of all drawings, maps, surveys, and other work product that can affect the health, safety, and welfare of the public within their scope of practice.

4. Nothing in this section shall be construed to preclude the practice of architecture or professional engineering or professional landscape architecture as provided in sections 327.091, 327.181, and 327.600.

Approved June 3, 2015

HB 1070 [SCS HB 1070]

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

Establishes the Office of Military Advocate to advocate for the military in Missouri

AN ACT to amend chapter 41, RSMo, by adding thereto one new section relating to the office of military advocate.

SECTION

A. Enacting clause.
41.1012. Office of military advocate established, purpose — advocate appointment — department to provide administrative support.

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

SECTION A. ENACTING CLAUSE. — Chapter 41, RSMo, is amended by adding thereto one new section, to be known as section 41.1012, to read as follows:

41.1012. OFFICE OF MILITARY ADVOCATE ESTABLISHED, PURPOSE — ADVOCATE APPOINTMENT — DEPARTMENT TO PROVIDE ADMINISTRATIVE SUPPORT. — 1. There is hereby established in the Missouri department of economic development the "Office of Military Advocate", for the purpose of advocating for the military services and military bases in Missouri, creating a long-term plan on military sustainability, and helping to fulfill the statutory mission of the Missouri military preparedness and enhancement commission. The military advocate shall report directly to the director of the department of economic development and will provide support and coordination to the Missouri military preparedness and enhancement commission.

2. The office shall be administered by the military advocate who shall be appointed by the governor with the advice and consent of the senate. The military advocate shall hold office for a term of six years and shall continue to hold the office until a successor has been duly appointed. The department of economic development shall provide administrative support and staff as deemed necessary to assist the military advocate and to fulfill the statutory mission of the Missouri military preparedness and enhancement commission.

Approved June 25, 2015

HB 1116 [HB 1116]

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

Designates May 7th as "ROHHAD Awareness Day" in Missouri

AN ACT to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of ROHHAD awareness day.

SECTION
A. Enacting clause.
9.151. May 7, ROHHAD Awareness Day.

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

SECTION A. ENACTING CLAUSE. — Chapter 9, RSMo, is amended by adding thereto one new section, to be known as section 9.151, to read as follows:

9.151. MAY 7, ROHHAD AWARENESS DAY. — May seventh of every year shall be designated as "ROHHAD Awareness Day" in Missouri. Rapid- onset obesity with hypothalamic dysfunction, hypoventilation and autonomic dysregulation (ROHHAD) presenting in childhood is a rare syndrome characterized by rapid-onset obesity in the first ten years of life, impairment of the autonomic nervous system, and later onset of reduced lung function. The cause of ROHHAD is unknown and currently there is no cure. Early diagnosis and proper management may help to avoid catastrophic consequences. It is recommended to the people of the state that this day be appropriately observed by participating in awareness and educational activities on the symptoms and impact of

ROHHAD and to support programs which advance treatment, assist in the discovery of a cure, enhance the quality of life of children with ROHHAD, and ease the financial burden of families of children suffering from ROHHAD.

Approved July 2, 2015

HB 1119 [HB 1119]

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

Designates the second Monday in April as "Missouri Lineworker Appreciation Day"

AN ACT to amend chapter 9, RSMo, by adding thereto one new section relating to lineworker appreciation day.

SECTION
A. Enacting clause.
9.185. Second Monday of April, Missouri Lineworker Appreciation Day.

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

SECTION A. ENACTING CLAUSE. — Chapter 9, RSMo, is amended by adding thereto one new section, to be known as section 9.185, to read as follows:

9.185. SECOND MONDAY OF APRIL, MISSOURI LINEWORKER APPRECIATION DAY. — The second Monday in April of each year shall be set apart and designated as "Missouri Lineworker Appreciation Day". It is recommended to the people of the state that the day be appropriately observed through activities that will bring about an increased awareness of the profession and contributions of lineworkers.

Approved July 6, 2015

HB 1149 [SCS HB 1149]

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

Modifies provisions related to the Division of Youth Services

AN ACT to repeal sections 219.011, 219.021, and 219.091, RSMo, and to enact in lieu thereof four new sections relating to the division of youth services.

SECTION
A. Enacting clause.
219.011. Definitions.
219.021. Child may be committed to division, when — notice to court of release to aftercare supervision, contents, formal objections may be made, when — division to operate and maintain facilities and programs — day release authorized — payment of judgments.
219.091. Community work program — design and approval of work projects — custody, contract of offenders — eligibility — staff — rules, procedure — vocational training.
219.095. DYS trust fund created, purpose — DYS child benefits fund created, use of moneys.

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

SECTION A. ENACTING CLAUSE. — Sections 219.011, 219.021, and 219.091, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 219.011, 219.021, 219.091, and 219.095, to read as follows:

219.011. DEFINITIONS. — 1. As used in [sections 219.011 to 219.086] **this chapter**, unless the context clearly indicates otherwise, the following terms mean:

(1) "Aftercare supervision", treatment and control of children in the community under the jurisdiction of the division;

(2) "Board", the state advisory board of youth services;

(3) "Child", a person under eighteen years of age;

(4) "Commit", to transfer legal and physical custody;

(5) "Community based treatment", a treatment program which is locally or regionally based;

(6) "Department", the department of social services;

(7) "Director", the director of the division of youth services;

(8) "Division", the division of youth services **(DYS);**

(9) "Youth", a person under twenty-one years of age committed to the custody of the division of youth services.

2. When consistent with the intent of [sections 219.011 to 219.086] **this chapter**, the singular includes the plural, the plural the singular and the masculine the feminine.

219.021. CHILD MAY BE COMMITTED TO DIVISION, WHEN — NOTICE TO COURT OF RELEASE TO AFTERCARE SUPERVISION, CONTENTS, FORMAL OBJECTIONS MAY BE MADE, WHEN — DIVISION TO OPERATE AND MAINTAIN FACILITIES AND PROGRAMS — DAY RELEASE AUTHORIZED — PAYMENT OF JUDGMENTS. — 1. Except as provided in subsections 2 and 3 of this section, any child may be committed to the custody of the division when the juvenile court determines a suitable community-based treatment service does not exist, or has proven ineffective; and when the child is adjudicated pursuant to the provisions of subdivision (3) of subsection 1 of section 211.031 or when the child is adjudicated pursuant to subdivision (2) of subsection 1 of section 211.031 and is currently under court supervision for adjudication under subdivision (2) or (3) of subsection 1 of section 211.031. The division shall not keep any [child] **youth** beyond his eighteenth birth date, except upon petition and a showing of just cause in which case the division may maintain custody until the [child's] **youth's** twenty-first birth date. Notwithstanding any other provision of law to the contrary, the committing court shall review the treatment plan to be provided by the division. The division shall notify the court of original jurisdiction from which the child was committed at least three weeks prior to the child's release to aftercare supervision. The notification shall include a summary of the treatment plan and progress of the child that has resulted in the planned release. The court may formally object to the director of the division in writing, stating its reasons in opposition to the release. The director shall review the court's objection in consideration of its final approval for release. The court's written objection shall be made within a one-week period after it receives notification of the division's planned release; otherwise the division may assume court agreement with the release. The division director's written response to the court shall occur within five working days of **service of** the court's objection and preferably prior to the release of the child. The division shall not place a child directly into a precare setting immediately upon commitment from the court until it advises the court of such placement.

2. No child who has been diagnosed as having a mental disease or a communicable or contagious disease shall be committed to the division; except the division may, by regulation, when [facilities] **services** for the proper care and treatment of persons having such diseases are available at any of the facilities under its control, authorize the commitment of children having such diseases to it for treatment [and training] in such institution. Notice of any such regulation shall be promptly mailed to the judges and juvenile officers of all courts having jurisdiction of cases involving children.

3. When a child has been committed to the division, the division shall forthwith examine the individual and investigate all pertinent circumstances of his background for the purpose of facilitating the placement **and treatment** of the child in the most appropriate program or residential facility to assure the public safety and the rehabilitation of the child; except that, no child committed under the provisions of subdivision (2) of subsection 1 of section 211.031 may be placed in the **[**regional**] residential** facilities **[**at the W. E. Sears Youth Center at Poplar Bluff or the Hogan Street Regional Youth Center at St. Louis**] designated by the division as a maximum security facility**, unless the juvenile is subsequently adjudicated under subdivision (3) of subsection 1 of section 211.031.

4. The division may transfer any child under its jurisdiction to any other institution for children if, after careful study of the child's needs, it is the judgment of the division that the transfer should be effected. If the division determines that the child requires treatment by another state agency, it may transfer the physical custody of the child to that agency, and that agency shall accept the child if the services are available by that agency.

5. The division shall make periodic reexaminations of all children committed to its custody for the purpose of determining whether existing dispositions should be modified or continued. Reexamination shall include a study of all current circumstances of such child's personal and family situation and an evaluation of the progress made by such child since the previous study. Reexamination shall be conducted as frequently as the division deems necessary, but in any event, with respect to each such child, at intervals not to exceed six months. Reports of the results of such examinations shall be sent to the child's committing court and to his parents or guardian.

6. Failure of the division to examine a child committed to it or to reexamine him within six months of a previous examination shall not of itself entitle the child to be discharged from the custody of the division but shall entitle the child, his parent, guardian, or agency to which the child may be placed by the division to petition for review as provided in section 219.051.

7. The division is hereby authorized to establish, build, repair, maintain, and operate, from funds appropriated or approved by the legislature for these purposes, facilities and programs necessary to implement the provisions of **[**sections 219.011 to 219.086**] this chapter**. Such facilities or programs may include, but not be limited to, the establishment and operation of training schools, maximum security facilities, **[**park camps, regional**] moderate care** facilities, group homes, **day treatment programs,** family foster homes, aftercare, counseling services, educational services, and such other services as may be required to meet the needs of children committed to it. The division may terminate any facility or program no longer needed to meet the needs of children.

8. The division may institute day release programs for children committed to it. The division may arrange with local schools, public or private agencies, or persons approved by the division for the release of children committed to the division on a daily basis to the custody of such schools, agencies, or persons for participation in programs.

9. **[**The division may establish and offer on-the-job vocational training to develop work habits and equip children committed to it with marketable skills. Such training shall not exceed eight hours per day. The division may provide for the payment of reasonable wages or allowances for work or tasks performed by a child committed to the division. For any work performed by a child committed to the division in any state park or park work camp, the state park board is hereby authorized, out of appropriations made to it, to pay wages not in excess of fifteen dollars per month to each child. All funds paid to the child in accordance with this section shall be deposited with the director and not less than one-half of this amount shall be paid monthly to the child. The balance of such funds shall be held in trust by the director for payment to the child at the time of his release from a facility.

10.**]** The division shall make all reasonable efforts to ensure that any outstanding judgment entered in accordance with section 211.185 or any outstanding assessments ordered in accordance with section 211.181 be paid while a child is in the care, custody or control of the division.

219.091. COMMUNITY WORK PROGRAM — DESIGN AND APPROVAL OF WORK PROJECTS — CUSTODY, CONTRACT OF OFFENDERS — ELIGIBILITY — STAFF — RULES, PROCEDURE — VOCATIONAL TRAINING. — 1. As used in this section, the term "department" means:

(1) The office of administration;
(2) The department of agriculture;
(3) The department of conservation;
(4) The department of economic development;
(5) The department of elementary and secondary education;
(6) The department of health and senior services;
(7) The department of higher education;
(8) The department of transportation;
(9) The department of insurance, financial institutions and professional registration;
(10) The department of labor and industrial relations;
(11) The department of mental health;
(12) The department of natural resources;
(13) The department of public safety;
(14) The department of revenue; and
(15) The department of social services.

2. The division of youth services **[**shall**]** **may** develop and establish a community work program whereby **[**offenders from age fourteen to eighteen**]** **youth** committed to the custody of the division may be employed in projects developed and established by any department.

3. The director or chief administrative officer of any department may request that the director of the division of youth services choose suitable **[**offenders**]** **youth** for employment in work projects developed by the division. Such projects shall be designed and approved by the director or chief administrative officer of any department and approved by the director of the division of youth services.

4. The division of youth services shall retain custody, supervision and control of any **[**offender**]** **youth** employed in a work project developed pursuant to this section. Any work **[**crew**]** **group** employed in a work project developed pursuant to this section shall consist of not more than **[**eleven offenders**]** **thirteen youth**.

5. No offender shall be employed in a work project developed pursuant to this section if the offender has been convicted of a violent crime or whose conduct while under the control of the division of youth services suggests a propensity toward violence. As used in this subsection, the term "violent crime" means any crime which, in the determination of the director of the division of youth services, involves violence or the threat of violence.

6. The department proposing the work project shall supply all plans, tools and equipment necessary for the completion of work projects developed pursuant to this section.

7. The department proposing the work project shall supply **[**crew leaders**]** **staff** to direct work **[**crews**]** **groups** and supervise the completion of work projects. Such **[**crew leaders**]** **staff** shall be employees of the department proposing the work project and shall receive from such department and the division of youth services **[**at least twenty hours of**]** **appropriate** training per year, which shall be designed to instruct the **[**crew leaders**]** **staff** in the skills necessary to perform their duties.

8. The department proposing the work project and the division of youth services may promulgate rules to effectuate the purposes of this section pursuant to chapter 536 and section 217.040.

9. For any work performed by a youth committed to the division in any state park, the state park board is hereby authorized, out of appropriations made to it, to pay wages.

10. The division may establish and offer on-the-job vocational training to develop work habits and equip youth committed to it with marketable skills. The division may provide for the payment of reasonable wages for work or tasks performed by a youth committed to the division. All payments made to or on behalf of the youth under this

subsection shall be property of the youth; however, the division may place such restrictions on the youth's access to the funds as the division determines appropriate in the best interests of the youth and to assure security in the division's facilities. All funds paid to or on behalf of the youth in accordance with this subsection shall be deposited in the DYS trust fund established in section 219.095.

219.095. DYS TRUST FUND CREATED, PURPOSE — DYS CHILD BENEFITS FUND CREATED, USE OF MONEYS. — 1. There is hereby created a special class of trust funds to be known as the "DYS Trust Fund" for depositing wages earned by a youth or for other funds provided for the use or benefit of the youth. These funds will be established for each facility where youth are located in the custody of the DYS throughout the state. The division shall deposit money in a DYS trust fund with a financial institution. Any earnings attributable to the money in the account of a youth shall be credited to that youth's DYS trust fund. The division will establish regulations regarding the creation and administration of accounts. Moneys in these special trust funds shall not be deemed to be state funds. Moneys deposited in these funds shall be used only for the purposes specified by federal or state law, or regulation of the division. Notwithstanding the provisions of section 33.080 to the contrary, moneys in these funds shall not be transferred to general revenue at the end of each biennium. Any funds not expended by or on behalf of the youth before the youth's release from DYS residential care shall be paid to the youth upon release from DYS residential care.

2. The division shall establish by regulation a program for youth to access funds, as deemed appropriate by the division, in the DYS trust fund for reasonable purposes while the youth is in DYS residential care. The program shall include training for youth on wise money management, maintaining personal financial accounts, and saving money for use after discharge from DYS residential care.

3. There is hereby created a special trust fund to be known as the "DYS Child Benefits Fund" within the state treasury for depositing of payments from the social security administration to youth in DYS custody. Moneys in this special trust fund shall not be deemed to be state funds. Moneys deposited in this fund shall be used only for the purposes specified by federal or state law, or regulation of the division. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. 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. Notwithstanding the provisions of section 33.080 to the contrary, moneys in the fund shall not be transferred to general revenue at the end of each biennium. Any funds not expended by or on behalf of the youth before release from DYS residential care shall be distributed as required by federal law.

4. The division may accept an appointment to serve as representative payee or fiduciary, or in a similar capacity for payments to a youth from the social security administration or under any public or private benefit arrangement. Money so received shall be governed by this section unless otherwise provided by law.

5. Any money received by the division under this section on behalf of a youth shall be deposited in either a DYS trust fund or the DYS child benefits fund and accounted for in the name of the youth or as representative payee of the youth. The division shall by rule adopted under chapter 536 establish procedures for the use and accounting of the money and the protection of the money against theft, loss, or misappropriation. The rules promulgated by the division shall comply with all federal requirements to be a representative payee of the youth.

6. The division may accept funds which a parent, guardian or other person wishes to provide for the use or benefit of the youth. The funds shall be deposited in a DYS trust

fund in the name of the youth at the DYS location where the youth resides. The use of such funds shall be governed by this section.

7. Each youth shall be furnished annually with a statement listing every transaction involving funds which have been deposited with the division on the youth's behalf, to include all receipts and disbursements.

8. The division shall use all proper diligence to promptly disburse any balance of money accumulated in the youth's account in the manner required by law when the youth is released from DYS residential care or upon death of the youth. When the youth is deceased the balance shall be disbursed according to the procedures established by law for descent and distribution or, in the case of moneys received from the social security administration as representative payee, disbursed as required by federal law. If, after the division has diligently used such methods and means as considered reasonable to refund such funds, there shall remain any money, the owner of which is unknown to the division, or if known, cannot be located by the division, in each and every such instance such money shall be reported pursuant to sections 447.500 to 447.595.

9. Nothing in this section shall be deemed to apply to funds regularly due the state of Missouri for the support and maintenance of youth in the care and custody of the division or collected by the state of Missouri as reimbursement for state funds expended on behalf of the youth.

Approved July 8, 2015

SB 5 [CCS HCS SS SCS SB 5]

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

Modifies distribution of traffic fines and court costs collected by municipal courts

AN ACT to repeal section 302.341, RSMo, and to enact in lieu thereof twelve new sections relating to local government.

SECTION

A. Enacting clause.
67.287. Minimum standards for municipalities in St. Louis County — definitions — failure to meet minimum standards, remedy, ballot language.
302.341. Moving traffic violation, failure to prepay fine or appear in court, license suspended, procedure.
479.155. Municipal division, reporting requirements to Missouri Supreme Court.
479.350. Definitions.
479.353. Conditions.
479.356. Failure to pay court costs, fine, or fees, setoff of income tax refund, when.
479.359. Political subdivisions to annually calculate percentage of revenue from minor traffic violations — limitation on percentage — addendum to report, contents.
479.360. Certification of substantial compliance, filed with state auditor — procedures adopted and certified.
479.362. Filing of addendum, notice to revenue — failure to file, procedure.
479.368. Failure to timely file, loss of local sales tax revenue and certain county sales tax revenue — election required, when.
479.372. Rulemaking authority.
479.375. Severability clause.

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

SECTION A. ENACTING CLAUSE. — Section 302.341, RSMo, is repealed and twelve new sections enacted in lieu thereof, to be known as sections 67.287, 302.341, 479.155, 479.350, 479.353, 479.356, 479.359, 479.360, 479.362, 479.368, 479.372, and 479.375, to read as follows:

67.287. MINIMUM STANDARDS FOR MUNICIPALITIES IN ST. LOUIS COUNTY — DEFINITIONS — FAILURE TO MEET MINIMUM STANDARDS, REMEDY, BALLOT LANGUAGE. — 1. As used in this section, the following terms mean:

(1) "Minimum standards", adequate and material provision of each of the items listed in subsection 2 of this section;

(2) "Municipality", any city, town, or village located in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants;

(3) "Peace officer", any peace officer as defined in section 590.010 who is licensed under chapter 590.

2. Every municipality shall meet the following minimum standards within three years of the effective date of this section by providing the following municipal services, financial services, and reports, except that the provision of subdivision (6) of this subsection shall be completed within six years:

(1) A balanced annual budget listing anticipated revenues and expenditures, as required in section 67.010;

(2) An annual audit by a certified public accountant of the finances of the municipality that includes a report on the internal controls utilized by the municipality and prepared by a qualified financial consultant that are implemented to prevent misuse of public funds. The municipality also shall include its current procedures that show compliance with or reasonable exceptions to the recommended internal controls;

(3) A cash management and accounting system that accounts for all revenues and expenditures;

(4) Adequate levels of insurance to minimize risk to include:

(a) General liability coverage;

(b) If applicable, liability coverage with endorsements to cover emergency medical personnel and paramedics;

(c) If applicable, police professional liability coverage;

(d) Workers compensation benefits for injured employees under the provisions of chapter 287; and

(e) Bonds for local officials as required by section 77.390, 79.260, 80.250, or local charter;

(5) Access to a complete set of ordinances adopted by the governing body available to the public within ten business days of a written request. An online version of the regulations or code shall satisfy this requirement for those ordinances that are codified;

(6) A police department accredited or certified by the Commission on Accreditation for Law Enforcement Agencies or the Missouri Police Chiefs Association or a contract for police service with a police department accredited or certified by such entities;

(7) Written policies regarding the safe operation of emergency vehicles, including a policy on police pursuit;

(8) Written policies regarding the use of force by peace officers;

(9) Written general orders for a municipal police department unless contracting with another municipality or county for police services;

(10) Written policies for collecting and reporting all crime and police stop data for the municipality as required by law. Such policies shall be forwarded to the attorney general's office;

(11) Construction code review by existing staff, directly or by contract with a public or private agency; and

(12) Information published annually on the website of the municipality indicating how the municipality met the standards in this subsection. If there is no municipal website, the information shall be submitted to the county for publication on its website, if it has a website.

3. If any resident of a municipality has belief or knowledge that such municipality has failed to ensure that the standards listed in subsection 2 of this section are regularly provided and are likely to continue to be provided, he or she may make an affidavit before any person authorized to administer oaths setting forth the facts alleging the failure to meet the required standards and file the affidavit with the attorney general. It shall be the duty of the attorney general, if, in his or her opinion, the facts stated in the affidavit justify, to declare whether the municipality is operating below minimum standards, and if it is, the municipality shall have sixty days to rectify the deficiencies in services noted by the attorney general. If after sixty days the municipality is still deemed by the attorney general to have failed to rectify sufficient minimum standards to be in compliance with those specified by subsection 2 of this section, the attorney general may file suit in the circuit court of the county. If the court finds that the municipality is not in compliance with the minimum standards specified in subsection 2 of this section, the circuit court of the county shall order the following remedies:

(1) Appointment of an administrative authority for the municipality including, but not limited to, another political subdivision, the state, or a qualified private party to administer all revenues under the name of the municipality or its agents and all funds collected on behalf of the municipality. If the court orders an administrative authority to administer the revenues under this subdivision, it may send an order to the director of revenue or other party charged with distributing tax revenue, as identified by the attorney general, to distribute such revenues and funds to the administrative authority who shall use such revenues and existing funds to provide the services required under a plan approved by the court. The court shall enter an order directing all financial and other

institutions holding funds of the municipality, as identified by the attorney general, to honor the directives of the administrative authority;

(2) If the court finds that the minimum standards specified in subsection 2 of this section still are not established at the end of ninety days from the time the court finds that the municipality is not in compliance with the minimum standards specified in subsection 2 of this section, the court may either enter an order disincorporating the municipality or order placed on the ballot the question of whether to disincorporate the municipality as provided in subdivisions (1), (2), (4), and (5) of subsection 3 of section 479.368. The court also shall place the question of disincorporation on the ballot as provided by subdivisions (1), (2), (4), and (5) of subsection 3 of section 479.368 if at least twenty percent of the registered voters residing in the subject municipality or forty percent of the number of voters who voted in the last municipal election, whichever is lesser, submit a petition to the court while the matter is pending, seeking disincorporation. The question shall be submitted to the voters in substantially the following form:

"The city/town/village of .... has failed to meet minimum standards of governance as required by law. Shall the city/town/village of .... be dissolved?"

☐ YES ☐ NO

If electors vote to disincorporate, the court shall determine the date upon which the disincorporation shall occur, taking into consideration a logical transition.

4. The court shall have ongoing jurisdiction to enforce its orders and carry out the remedies in subsection 3 of this section.

302.341. MOVING TRAFFIC VIOLATION, FAILURE TO PREPAY FINE OR APPEAR IN COURT, LICENSE SUSPENDED, PROCEDURE. — 1. If a Missouri resident charged with a moving traffic violation of this state or any county or municipality of this state fails to dispose of the charges of which the resident is accused through authorized prepayment of fine and court costs and fails to appear on the return date or at any subsequent date to which the case has been continued, or without good cause fails to pay any fine or court costs assessed against the resident for any such violation within the period of time specified or in such installments as approved by the court or as otherwise provided by law, any court having jurisdiction over the charges shall within ten days of the failure to comply inform the defendant by ordinary mail at the last address shown on the court records that the court will order the director of revenue to suspend the defendant's driving privileges if the charges are not disposed of and fully paid within thirty days from the date of mailing. Thereafter, if the defendant fails to timely act to dispose of the charges and fully pay any applicable fines and court costs, the court shall notify the director of revenue of such failure and of the pending charges against the defendant. Upon receipt of this notification, the director shall suspend the license of the driver, effective immediately, and provide notice of the suspension to the driver at the last address for the driver shown on the records of the department of revenue. Such suspension shall remain in effect until the court with the subject pending charge requests setting aside the noncompliance suspension pending final disposition, or satisfactory evidence of disposition of pending charges and payment of fine and court costs, if applicable, is furnished to the director by the individual. The filing of financial responsibility with the bureau of safety responsibility, department of revenue, shall not be required as a condition of reinstatement of a driver's license suspended solely under the provisions of this section.

2. **[**If any city, town, village, or county receives more than thirty percent of its annual general operating revenue from fines and court costs for traffic violations, including amended charges from any traffic violation, occurring within the city, town, village, or county, all revenues from such violations in excess of thirty percent of the annual general operating revenue of the city, town, village, or county shall be sent to the director of the department of revenue and shall be distributed annually to the schools of the county in the same manner that proceeds of all penalties, forfeitures and fines collected for any breach of the penal laws of the state are

distributed. The director of the department of revenue shall set forth by rule a procedure whereby excess revenues as set forth above shall be sent to the department of revenue. If any city, town, village, or county disputes a determination that it has received excess revenues required to be sent to the department of revenue, such city, town, village, or county may submit to an annual audit by the state auditor under the authority of Article IV, Section 13 of the Missouri Constitution. An accounting of the percent of annual general operating revenue from fines and court costs for traffic violations, including amended charges from any charged traffic violation, occurring within the city, town, village, or county and charged in the municipal court of that city, town, village, or county shall be included in the comprehensive annual financial report submitted to the state auditor by the city, town, village, or county under section 105.145. Any city, town, village, or county which fails to make an accurate or timely report, or to send excess revenues from such violations to the director of the department of revenue by the date on which the report is due to the state auditor shall suffer an immediate loss of jurisdiction of the municipal court of said city, town, village, or county on all traffic-related charges until all requirements of this section are satisfied. 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 under 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, 2009, shall be invalid and void.] **The provisions of subsection 1 of this section shall not apply to minor traffic violations as defined in section 479.350.**

479.155. MUNICIPAL DIVISION, REPORTING REQUIREMENTS TO MISSOURI SUPREME COURT. — 1. By September 1, 2015, the presiding judge of the circuit court in which the municipal division is located shall report to the clerk of the supreme court the name and address of the municipal division and any other information regarding the municipal division requested by the clerk of the supreme court on a standardized form developed by the clerk of the supreme court.

2. If a municipality elects to abolish or establish a municipal division, the presiding judge of the circuit court in which the municipal division is located shall notify the clerk of the supreme court and shall complete the report required under subsection 1 of this section within ninety days of the establishment of the division.

3. The supreme court shall develop rules regarding conflict of interest for any prosecutor, defense attorney, or judge that has a pending case before the municipal division of any circuit court.

479.350. DEFINITIONS. — For purposes of sections 479.350 to 479.372, the following terms mean:

(1) "Annual general operating revenue", revenue that can be used to pay any bill or obligation of a county, city, town, or village, including general sales tax; general use tax; general property tax; fees from licenses and permits; unrestricted user fees; fines, court costs, bond forfeitures, and penalties. Annual general operating revenue does not include designated sales or use taxes; restricted user fees; grant funds; funds expended by a political subdivision for technological assistance in collecting, storing, and disseminating criminal history record information and facilitating criminal identification activities for the purpose of sharing criminal justice-related information among political subdivisions; or other revenue designated for a specific purpose;

(2) "Court costs", costs, fees, or surcharges which are retained by a county, city, town, or village upon a finding of guilty or plea of guilty, and shall exclude any costs, fees, or surcharges disbursed to the state or other entities by a county, city, town, or village;

(3) "Minor traffic violation", a municipal or county ordinance violation prosecuted that does not involve an accident or injury, that does not involve the operation of a commercial motor vehicle, and for which the department of revenue is authorized to assess no more than four points to a person's driving record upon conviction. Minor traffic violation shall exclude a violation for exceeding the speed limit by more than nineteen miles per hour or a violation occurring within a construction zone or school zone.

479.353. CONDITIONS. — The following conditions shall apply to minor traffic violations:

(1) The court shall not assess a fine, if combined with the amount of court costs, totaling in excess of three hundred dollars;

(2) The court shall not sentence a person to confinement, except the court may sentence a person to confinement for violations involving alcohol or controlled substances, violations endangering the health or welfare of others, and eluding or giving false information to a law enforcement officer;

(3) A person shall not be placed in confinement for failure to pay a fine unless such nonpayment violates terms of probation;

(4) Court costs that apply shall be assessed against the defendant unless the court finds that the defendant is indigent based on standards set forth in determining such by the presiding judge of the circuit. Such standards shall reflect model rules and requirements to be developed by the supreme court; and

(5) No court costs shall be assessed if the case is dismissed.

479.356. FAILURE TO PAY COURT COSTS, FINE, OR FEES, SETOFF OF INCOME TAX REFUND, WHEN. — If a person fails to pay court costs, fines, fees, or other sums ordered by a municipal court, to be paid to the state or political subdivision, a municipal court may report any such delinquencies in excess of twenty-five dollars to the director of the department of revenue and request that the department seek a setoff of an income tax refund as provided by sections 143.782 to 143.788. The department shall promulgate rules necessary to effectuate the purpose of the offset program.

479.359. POLITICAL SUBDIVISIONS TO ANNUALLY CALCULATE PERCENTAGE OF REVENUE FROM MINOR TRAFFIC VIOLATIONS — LIMITATION ON PERCENTAGE — ADDENDUM TO REPORT, CONTENTS. — 1. Every county, city, town, and village shall annually calculate the percentage of its annual general operating revenue received from fines, bond forfeitures, and court costs for minor traffic violations, including amended charges for any minor traffic violations, whether the violation was prosecuted in municipal court, associate circuit court, or circuit court, occurring within the county, city, town, or village. If the percentage is more than thirty percent, the excess amount shall be sent to the director of the department of revenue. The director of the department of revenue shall set forth by rule a procedure whereby excess revenues as set forth in this section shall be sent to the department of revenue. The department of revenue shall distribute these moneys annually to the schools of the county in the same manner that proceeds of all fines collected for any breach of the penal laws of this state are distributed.

2. Beginning January 1, 2016, the percentage specified in subsection 1 of this section shall be reduced from thirty percent to twenty percent, unless any county, city, town, or village has a fiscal year beginning on any date other than January first, in which case the reduction shall begin on the first day of the immediately following fiscal year except that any county with a charter form of government and with more than nine hundred fifty thousand inhabitants and any city, town, or village with boundaries found within such county shall be reduced from thirty percent to twelve and one-half percent.

3. An addendum to the annual financial report submitted to the state auditor by the county, city, town, or village under section 105.145 shall contain an accounting of:

(1) Annual general operating revenue as defined in section 479.350;

(2) The total revenues from fines, bond forfeitures, and court costs for minor traffic violations occurring within the county, city, town, or village, including amended charges from any minor traffic violations;

(3) The percent of annual general operating revenue from fines, bond forfeitures, and court costs for minor traffic violations occurring within the county, city, town, or village, including amended charges from any charged minor traffic violation, charged in the municipal court of that county, city, town, or village; and

(4) Said addendum shall be certified and signed by a representative with knowledge of the subject matter as to the accuracy of the addendum contents, under oath and under the penalty of perjury, and witnessed by a notary public.

4. On or before December 31, 2015, the state auditor shall set forth by rule a procedure for including the addendum information required by this section. The rule shall also allow reasonable opportunity for demonstration of compliance without unduly burdensome calculations.

479.360. CERTIFICATION OF SUBSTANTIAL COMPLIANCE, FILED WITH STATE AUDITOR —PROCEDURES ADOPTED AND CERTIFIED. — 1. Every county, city, town, and village shall file with the state auditor, together with its report due under section 105.145, its certification of its substantial compliance signed by its municipal judge with the municipal court procedures set forth in this subsection during the preceding fiscal year. The procedures to be adopted and certified include the following:

(1) Defendants in custody pursuant to an initial arrest warrant issued by a municipal court have an opportunity to be heard by a judge in person, by telephone, or video conferencing as soon as practicable and not later than forty-eight hours on minor traffic violations and not later than seventy-two hours on other violations and, if not given that opportunity, are released;

(2) Defendants in municipal custody shall not be held more than twenty-four hours without a warrant after arrest;

(3) Defendants are not detained in order to coerce payment of fines and costs;

(4) The municipal court has established procedures to allow indigent defendants to present evidence of their financial condition and takes such evidence into account if determining fines and costs and establishing related payment requirements;

(5) The municipal court only assesses fines and costs as authorized by law;

(6) No additional charge shall be issued for the failure to appear for a minor traffic violation;

(7) The municipal court conducts proceedings in a courtroom that is open to the public and large enough to reasonably accommodate the public, parties, and attorneys;

(8) The municipal court makes use of alternative payment plans and community service alternatives; and

(9) The municipal court has adopted an electronic payment system or payment by mail for the payment of minor traffic violations.

2. On or before December 31, 2015, the state auditor shall set forth by rule a procedure for including the addendum information required by this section. The rule shall also allow reasonable opportunity for demonstration of compliance.

479.362. FILING OF ADDENDUM, NOTICE TO REVENUE — FAILURE TO FILE, PROCEDURE. — 1. The auditor shall notify to the director of the department of revenue whether or not county, city, town, or village has timely filed the addendums required by sections 479.359 and 479.360 and transmit copies of all addendums filed in accordance with sections 479.359 and 479.360. The director of the department of revenue shall review the information filed in the addendums as required by sections 479.359 and 479.360 and shall determine if any county, city, town, or village:

(1) Failed to file an addendum; or

(2) Failed to remit to the department of revenue the excess amount as set forth, certified, and signed in the addendum required by section 479.359.

The director of the department of revenue shall send a notice by certified mail to every county, city, town, or village failing to make the required filing or excess payment. The notice shall advise the county, city, town, or village of the failure and state that the county, city, town, or village is to correct the failure within sixty days of the date of the notice.

2. If a county, city, town, or village files the required addendum after notice from the director of the department of revenue, the director shall determine whether the county, city, town, or village failed to pay any excess amount required. If so, the director shall send an additional notice of failure to pay the excess amount and the county, city, town, or village shall pay the excess amount within sixty days of the date of the original notice.

3. A county, city, town, or village sent a notice by the director of the department of revenue for failure to pay or failure to file the required addendum under this section may seek judicial review of any determination made by the director of the department of revenue in the circuit court in which the municipal division is located by filing a petition under section 536.150 within thirty days of receipt of such determination. The county, city, town, or village shall give written notice of such filing to the director of revenue by certified mail. Within fifteen days of filing the petition, the county, city, town, or village shall deposit an amount equal to any amount in dispute into the registry of the circuit court by the county, city, town, or village. Failure to do so shall result in a dismissal of the case.

4. In addition to other available remedies, if the circuit court determines that the director of the department of revenue's determination as to the amount of excess funds or failure to file is in error, the circuit court shall return the amount not required to be remitted to the department of revenue to the county, city, town, or village immediately. The remainder of the funds held in the registry shall be paid to the director of the department of revenue for distribution under subsection 1 of section 479.359.

5. If any county, city, town, or village has failed to file an accurate or timely addendum or send excess revenue to the director of the department of revenue and the sixty-day period described in subsection 1 of this section has passed or there has been a final adjudication of a petition filed pursuant to subsection 3 of this section, whichever is later, the director of the department of revenue shall send a final notice to the clerk of the municipal court. If the county, city, town, or village fails to become compliant within five days after the date of the final notice, the director of the department of revenue shall send a notice of the noncompliance to the presiding judge of the circuit court in which any county, city, town, or village is located and the presiding judge of the circuit court shall immediately order the clerk of the municipal court to certify all pending matters in the municipal court until such county, city, town, or village files an accurate addendum and sends excess revenue to the director of the department of revenue pursuant to 479.359 and 479.360. All fines, bond forfeitures, and court costs ordered or collected while a county, city, town, or village has its municipal court matters reassigned under this subsection shall be paid to the director of the department of revenue to be distributed to the schools of the county in the same manner that proceeds of all penalties, forfeitures, and fines collection for any breach of the penal laws of the state are distributed and the county, city, town, or village shall not be entitled to such revenue. If the noncompliant county, city, town, or village thereafter files an accurate addendum and remits all the excess revenue owed pursuant to section 479.359 to the director of the department of revenue, the director of the department shall notify the clerk of the municipal court and the presiding judge of the circuit court that the county, city, town, or village may again hear matters and receive revenue from fines, bond forfeitures, and court costs subject to continuing compliance with section 479.359.

6. The state auditor shall have the authority to audit any addendum and any supporting documents submitted to the department of revenue by any county, city, town, or village.

479.368. FAILURE TO TIMELY FILE, LOSS OF LOCAL SALES TAX REVENUE AND CERTAIN COUNTY SALES TAX REVENUE — ELECTION REQUIRED, WHEN. — 1. Except for county sales taxes deposited in the "County Sales Tax Trust Fund" as defined in section 66.620, any county, city, town, or village failing to timely file the required addendums or remit the required excess revenues, if applicable, after the time period provided by the notice by the director of the department of revenue or any final determination on excess revenue by the court in a judicial proceeding, whichever is later, shall not receive from that date any amount of moneys to which the county, city, town, or village would otherwise be entitled to receive from revenues from local sales tax as defined in section 32.085.

(1) If any county, city, town, or village has failed to timely file the required addendums, the director of the department of revenue shall hold any moneys the noncompliant city, town, village, or county would otherwise be entitled to from local sales tax as defined in section 32.085 until a determination is made by the director of revenue that the noncompliant city, town, village, or county has come into compliance with the provisions of sections 479.359 and 479.360.

(2) If any county, city, town, or village has failed to remit the required excess revenue to the director of the department of revenue such general local sales tax revenues shall be distributed as provided in subsection 1 of section 479.359 by the director of the department of revenue in the amount of excess revenues that the county, city, town, or village failed to remit.

Upon a noncompliant city, town, village, or county coming into compliance with the provisions of sections 479.359 and 479.360, the director of the department of revenue shall disburse any remaining balance of funds held under this subsection after satisfaction of amounts due under section 479.359. Moneys held by the director of the department of revenue under this subsection shall not be deemed to be state funds and shall not be commingled with any funds of the state.

2. Any city, town, village, or county that participates in the distribution of local sales tax in sections 66.600 to 66.630 and fails to timely file the required addendums or remit the required excess revenues, if applicable, after the time period provided by the notice by the director of the department of revenue or any final determination on excess revenue by the court in a judicial proceeding, whichever is later, shall not receive any amount of moneys to which said city, town, village, or county would otherwise be entitled under 66.600 to 66.630. The director of the department of revenue shall notify the county to which the duties of the director have been delegated under section 66.601 of any noncompliant city, town, village, or county and the county shall remit to the director of the department of revenue any moneys to which said city, town, village, or county would otherwise be entitled. No disbursements to the noncompliant city, town, village, or county shall be permitted until a determination is made by the director of revenue that the noncompliant city, town, village, or county has come into compliance with the provisions of sections 479.359 and 479.360.

(1) If such county, city, town, or village has failed to timely file the required addendums, the director of the department of revenue shall hold any moneys the noncompliant city, town, village, or county would otherwise be entitled to under sections 66.600 to 66.630 until a determination is made by the director of revenue that the noncompliant city, town, village, or county has come into compliance with the provisions of sections 479.359 and 479.360.

(2) If any county, city, town, or village has failed to remit the required excess revenue to the director of the department of revenue, the director shall distribute such moneys the

county, city, town, or village would otherwise be entitled to under sections 66.600 to 66.630 in the amount of excess revenues that the city, town, village, or county failed to remit as provided in subsection 1 of section 479.359.

Upon a noncompliant city, town, village, or county coming into compliance with the provisions of sections 479.359 and 479.360, the director of the department of revenue shall disburse any remaining balance of funds held under this subsection after satisfaction of amounts due under section 479.359 and shall notify the county to which the duties of the director have been delegated under section 66.601 that such compliant city, town, village, or county is entitled to distributions under sections 66.600 to 66.630. If a noncompliant city, town, village, or county becomes disincorporated, any moneys held by the director of the department of revenue shall be distributed to the schools of the county in the same manner that proceeds of all penalties, forfeitures, and fines collected for any breach of the penal laws of the state are distributed. Moneys held by the director of the department of revenue under this subsection shall not be deemed to be state funds and shall not be commingled with any funds of the state.

3. In addition to the provisions of subsection 1 of this section, any county that fails to remit the required excess revenue as required by section 479.359 shall have an election upon the question of disincorporation under article VI, section 5 of the Constitution of Missouri, and any such city, town, or village that fails to remit the required excess revenue as required by section 479.359 shall have an election upon the question of disincorporation according to the following procedure:

(1) The election upon the question of disincorporation of such city, town, or village shall be held on the next general election day, as defined by section 115.121;

(2) The director of the department of revenue shall notify the election authorities responsible for conducting the election according to the terms of section 115.125 and the county governing body in which the city, town, or village is located not later than 5:00 p.m. on the tenth Tuesday prior to the election of the amount of the excess revenues due;

(3) The question shall be submitted to the voters of such city, town, or village in substantially the following form:

"The city/town/village of .... has kept more revenue from fines, bond forfeitures, and court costs for minor traffic violations than is permitted by state law and failed to remit those revenues to the county school fund. Shall the city/town/village of .... be dissolved?"

☐ YES ☐ NO

(4) Upon notification by the director of the department of revenue, the county governing body in which the city, town, or village is located shall give notice of the election for eight consecutive weeks prior to the election by publication in a newspaper of general circulation published in the city, town, or village, or if there is no such newspaper in the city, town, or village, then in the newspaper in the county published nearest the city, town, or village; and

(5) Upon the affirmative vote of sixty percent of those persons voting on the question, the county governing body shall disincorporate the city, town, or village.

479.372. RULEMAKING AUTHORITY. — Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections 479.350 to 479.372 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, 2015, shall be invalid and void.

479.375. SEVERABILITY CLAUSE. — If any provision of this act or their application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Approved July 9, 2015

SB 12 [HCS SS SCS SB 12]

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

Modifies provisions relating to agriculture

AN ACT to repeal sections 262.900, 275.352, 277.040, 281.065, 304.180, 442.571, and 537.325, RSMo, and to enact in lieu thereof eight new sections relating to agriculture.

SECTION

A. Enacting clause.
262.900. Definitions — application, requirements — board established, members, duties — public hearing — ordinance — property exempt from taxation — sales tax revenues, deposit of — fund created — rulemaking authority.
275.352. Beef producers assessment, effect if federal assessment adopted — limitation on collection of fees — checkoff fee petition, vote — rulemaking authority.
277.040. Application for license — issuance — disposition of fees.
281.065. Bond or insurance required — deductible clause accepted, when — new surety, when — liability, effect of chapter on.
304.180. Regulations as to weight — axle load, tandem axle defined — idle reduction technology, increase in maximum gross weight permitted, amount — hauling livestock, milk, or grain, total gross weight permitted — requirements during disasters.
414.300. Labeling of motor fuel pumps, renewable fuels — rulemaking authority.
442.571. Aliens or foreign business, limitations on owning agricultural land — violation — acquisitions submitted to department, when — rulemaking authority.
537.325. Definitions — liability for equine activities, limitations, exceptions — signs required, contents.

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

SECTION A. ENACTING CLAUSE. — Sections 262.900, 275.352, 277.040, 281.065, 304.180, 442.571, and 537.325, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 262.900, 275.352, 277.040, 281.065, 304.180, 414.300, 442.571, and 537.325, to read as follows:

262.900. DEFINITIONS — APPLICATION, REQUIREMENTS — BOARD ESTABLISHED, MEMBERS, DUTIES — PUBLIC HEARING — ORDINANCE — PROPERTY EXEMPT FROM TAXATION — SALES TAX REVENUES, DEPOSIT OF — FUND CREATED — RULEMAKING AUTHORITY. — 1. As used in this section, the following terms mean:

(1) "Agricultural products", an agricultural, horticultural, viticultural, or vegetable product, growing of grapes that will be processed into wine, bees, honey, fish or other aquacultural product, planting seed, livestock, a livestock product, a forestry product, poultry or a poultry product, either in its natural or processed state, that has been produced, processed, or otherwise had value added to it in this state;

(2) "Blighted area", that portion of the city within which the legislative authority of such city determines that by reason of age, obsolescence, inadequate, or outmoded design or physical deterioration have become economic and social liabilities, and that such conditions are conducive to ill health, transmission of disease, crime or inability to pay reasonable taxes;

(3) "Department", the department of agriculture;

(4) "Domesticated animal", cattle, calves, sheep, swine, ratite birds including but not limited to ostrich and emu, llamas, alpaca, buffalo, elk documented as obtained from a legal source and not from the wild, goats, or horses, other equines, or rabbits raised in confinement for human consumption;

(5) "Grower UAZ", a type of UAZ:

(a) That can either grow produce, raise livestock, or produce other value-added agricultural products;

(b) That does not exceed fifty laying hens, six hundred fifty broiler chickens, or thirty domesticated animals;

(6) "Livestock", cattle, calves, sheep, swine, ratite birds including but not limited to ostrich and emu, aquatic products as defined in section 277.024, llamas, alpaca, buffalo, elk documented as obtained from a legal source and not from the wild, goats, or horses, other equines, or rabbits raised in confinement for human consumption;

(7) "Locally grown", a product that was grown or raised in the same county or city not within a county in which the UAZ is located or in an adjoining county or city not within a county. For a product raised or sold in a city not within a county, locally grown also includes an adjoining county with a charter form of government with more than nine hundred fifty thousand inhabitants and those adjoining said county;

(8) **[**"Processing UAZ", a type of UAZ:

(a) That processes livestock or poultry for human consumption;

(b) That meets federal and state processing laws and standards;

(c) Is a qualifying small business approved by the department;

(9)**]** "Meat", any edible portion of livestock or poultry carcass or part thereof;

[(10)**]** **(9)** "Meat product", anything containing meat intended for or capable of use for human consumption, which is derived, in whole or in part, from livestock or poultry;

[(11)**]** **(10) "Mobile unit", the same as motor vehicle as defined in section 301.010;**

(11) "Poultry", any domesticated bird intended for human consumption;

(12) **"Processing UAZ", a type of UAZ:**

(a) That processes livestock, poultry, or produce for human consumption;

(b) That meets federal and state processing laws and standards;

(c) Is a qualifying small business approved by the department;

(13) "Qualifying small business", those enterprises which are established within an Urban Agricultural Zone subsequent to its creation, and which meet the definition established for the Small Business Administration and set forth in Section **[**121.301**]** **121.201** of Part 121 of Title 13 of the Code of Federal Regulations;

[(13)**]** **(14)** "Value-added agricultural products", any product or products that are the result of:

(a) Using an agricultural product grown in this state to produce a meat or dairy product in this state;

(b) A change in the physical state or form of the original agricultural product;

(c) An agricultural product grown in this state which has had its value enhanced by special production methods such as organically grown products; or

(d) A physical segregation of a commodity or agricultural product grown in this state that enhances its value such as identity preserved marketing systems;

[(14)**]** **(15)** "Urban agricultural zone" or "UAZ", a zone within a metropolitan statistical area as defined by the United States Office of Budget and Management that has one or more of the following entities that is a qualifying small business and approved by the department, as follows:

(a) Any organization or person who grows produce or other agricultural products;

(b) Any organization or person that raises livestock or poultry;

(c) Any organization or person who processes livestock or poultry;

(d) Any organization that sells at a minimum seventy-five percent locally grown food;

[(15)**]** **(16)** "Vending UAZ", a type of UAZ:

(a) That sells produce, meat, or value-added locally grown agricultural goods;

(b) That is able to accept food stamps under the provisions of the Supplemental Nutrition Assistance Program as a form of payment; and

(c) Is a qualifying small business that is approved by the department for an UAZ vendor license.

2. (1) A person or organization shall submit to any incorporated municipality an application to develop an UAZ on a blighted area of land. Such application shall demonstrate or identify on the application:

(a) If the person or organization is a grower UAZ, processing UAZ, vending UAZ, or a combination of all three types of UAZs provided in this paragraph, in which case the person or organization shall meet the requirements of each type of UAZ in order to qualify;

(b) The number of jobs to be created;

(c) The types of products to be produced; and

(d) If applying for a vending UAZ, the ability to accept food stamps under the provisions of the Supplemental Nutrition Assistance Program if selling products to consumers.

(2) A municipality shall review and modify the application as necessary before either approving or denying the request to establish an UAZ.

(3) Approval of the UAZ by such municipality shall be reviewed five and ten years after the development of the UAZ. After twenty-five years, the UAZ shall dissolve.

If the municipality finds during its review that the UAZ is not meeting the requirements set out in this section, the municipality may dissolve the UAZ.

3. The governing body of any municipality planning to seek designation of an urban agricultural zone shall establish an urban agricultural zone board. The number of members on the board shall be seven. One member of the board shall be appointed by the school district or districts located within the area proposed for designation of an urban agricultural zone. Two members of the board shall be appointed by other affected taxing districts. The remaining four members shall be chosen by the chief elected officer of the municipality. The four members chosen by the chief elected officer of the municipality shall all be residents of the county or city not within a county in which the UAZ is to be located, and at least one of such four members shall have experience in or represent organizations associated with sustainable agriculture, urban farming, community gardening, or any of the activities or products authorized by this section for UAZs.

4. The school district member and the two affected taxing district members shall each have initial terms of five years. Of the four members appointed by the chief elected official, two shall have initial terms of four years, and two shall have initial terms of three years. Thereafter, members shall serve terms of five years. Each member shall hold office until a successor has been appointed. All vacancies shall be filled in the same manner as the original appointment. For inefficiency or neglect of duty or misconduct in office, a member of the board may be removed by the applicable appointing authority.

5. A majority of the members shall constitute a quorum of such board for the purpose of conducting business and exercising the powers of the board and for all other purposes. Action may be taken by the board upon a vote of a majority of the members present.

6. The members of the board annually shall elect a chair from among the members.

7. The role of the board shall be to conduct the activities necessary to advise the governing body on the designation of an urban agricultural zone and any other advisory duties as determined by the governing body. The role of the board after the designation of an urban agricultural zone shall be review and assessment of zone activities.

8. Prior to the adoption of an ordinance proposing the designation of an urban agricultural zone, the urban agricultural board shall fix a time and place for a public hearing and notify each

taxing district located wholly or partially within the boundaries of the proposed urban agricultural zone. The board shall send, by certified mail, a notice of such hearing to all taxing districts and political subdivisions in the area to be affected and shall publish notice of such hearing in a newspaper of general circulation in the area to be affected by the designation at least twenty days prior to the hearing but not more than thirty days prior to the hearing. Such notice shall state the time, location, date, and purpose of the hearing. At the public hearing any interested person or affected taxing district may file with the board written objections to, or comments on, and may be heard orally in respect to, any issues embodied in the notice. The board shall hear and consider all protests, objections, comments, and other evidence presented at the hearing. The hearing may be continued to another date without further notice other than a motion to be entered upon the minutes fixing the time and place of the subsequent hearing.

9. Following the conclusion of the public hearing required under subsection 8 of this section, the governing authority of the municipality may adopt an ordinance designating an urban agricultural zone.

10. The real property of the UAZ shall not be subject to assessment or payment of ad valorem taxes on real property imposed by the cities affected by this section, or by the state or any political subdivision thereof, for a period of up to twenty-five years as specified by ordinance under subsection 9 of this section, except to such extent and in such amount as may be imposed upon such real property during such period, as was determined by the assessor of the county in which such real property is located, or, if not located within a county, then by the assessor of such city, in an amount not greater than the amount of taxes due and payable thereon during the calendar year preceding the calendar year during which the urban agricultural zone was designated. The amounts of such tax assessments shall not be increased during such period so long as the real property is used in furtherance of the activities provided under the provisions of subdivision **[**(13)**]** **(15)** of subsection 1 of this section. At the conclusion of the period of abatement provided by the ordinance, the property shall then be reassessed. If only a portion of real property is used as an UAZ, then only that portion of real property shall be exempt from assessment or payment of ad valorem taxes on such property, as provided by this section.

11. If the water services for the UAZ are provided by the municipality, the municipality may authorize a grower UAZ to pay wholesale water rates**[**. If available,**]** for the cost of water consumed on the UAZ **[**and**]**. **If available, the UAZ may** pay fifty percent of the standard cost to hook onto the water source.

12. (1) Any local sales tax revenues received from the sale of agricultural products sold in the UAZ**, or any local sales tax revenues received by a mobile unit associated with a vending UAZ selling agricultural products in the municipality in which the vending UAZ is located,** shall be deposited in the urban agricultural zone fund established in subdivision (2) of this subsection. An amount equal to one percent shall be retained by the director of revenue for deposit in the general revenue fund to offset the costs of collection.

(2) There is hereby created in the state treasury the "Urban Agricultural Zone Fund", which shall consist of money collected under subdivision (1) of this subsection. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, shall be used for the purposes authorized by 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. **Fifty percent of fund moneys shall be made available to school districts. The remaining fifty percent of fund moneys shall be allocated to municipalities that have urban agricultural zones based upon the municipality's percentage of local sales tax revenues deposited into the fund. The municipalities shall, upon appropriation, provide fund moneys to urban agricultural zones within the municipality for improvements.** School districts may apply to the department for money in

the fund to be used for the development of curriculum on or the implementation of urban farming practices under the guidance of the University of Missouri extension service and a certified vocational agricultural instructor. The funds are to be distributed on a competitive basis within the school district or districts in which the UAZ is located pursuant to rules to be promulgated by the department, with special consideration given to the relative number of students eligible for free and reduced-price lunches attending the schools within such district or districts.

13. 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, 2013, shall be invalid and void.

14. The provisions of this section shall not apply to any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants.

275.352. BEEF PRODUCERS ASSESSMENT, EFFECT IF FEDERAL ASSESSMENT ADOPTED — LIMITATION ON COLLECTION OF FEES — CHECKOFF FEE PETITION, VOTE — RULEMAKING AUTHORITY. — 1. If a national referendum among beef producers passes and a federal assessment on beef producers is adopted pursuant to federal law, no state fees shall be collected under the provisions of this chapter, in excess of a commensurate amount credited against the obligation to pay any such federal assessment. Upon adoption of the federal assessment, beef shall be exempt from the refund provision of section 275.360.

2. Notwithstanding the provisions of subsection 1 of this section to the contrary, a beef commodity council may only collect state fees if a referendum is approved on or after August 28, 2015, in the manner provided under the provisions of subsections 3 to 12 of this section.

3. A beef commodity council established pursuant to the provisions of this chapter may submit to the director a petition approved by a two-thirds vote of the council or signed by twenty-five percent of Missouri beef producers to impose or modify a Missouri beef checkoff fee upon beef producers. Any petition submitted to establish or modify a Missouri beef checkoff fee, and the referendum to follow, shall specify the amount and manner of collection of the fee to be assessed. In no case shall the Missouri beef checkoff fee exceed the amount of the federal assessment on beef. Upon receipt of such petition the director shall:

(1) Determine the legal sufficiency of the petition;

(2) Establish a list of beef producers or make any such existing list current;

(3) Hold a public hearing or hearings on the proposed program;

(4) Publish a notice to beef producers advising them:

(a) That a petition has been filed with the director;

(b) The time and place or places of the public hearing or hearings; and

(c) That to be eligible to vote in the referendum the producer shall register. The director shall give notice in publications devoted to agriculture which have a total statewide circulation of not less than two hundred twenty-five thousand, at least one month prior to the hearing. The fees for the publication of notice shall be advanced in cash to the director by the beef commodity council and no publication of notice shall be paid for by state funds;

(5) Provide forms to enable producers to register, which forms shall include the producer's name, mailing address, and the yearly average quantity of beef cattle sold by him or her in the three years preceding the date of the notice, or in such lesser period as a producer has sold beef cattle;

(6) Approve the petition, in whole or as revised, or disapprove the petition depending upon the determinations made after public hearing;

(7) After approval of a petition, hold a referendum among the beef producers to determine whether or not the Missouri beef checkoff fee shall be imposed.

4. The director shall determine the sufficiency of the petition within twenty-one days after it is submitted to him or her and shall publish notice of the public hearing and registration requirements giving at least ten days' notice prior to public hearing and thirty days' notice to register prior to the referendum.

5. If a majority of the votes cast are in favor of adoption, and if those producers voting in favor of adoption represent a majority of the production of all registered producers casting votes, the petition is adopted.

6. If the required percentage by number and by production of those voting is in favor of the adoption of the proposal in the petition, the director shall declare the proposal to be adopted.

7. A proposal to change the amount of the fee to be collected or to make other changes may be made by a two-thirds vote of the council or by petition of twenty-five percent of the commodity producers. The proposal shall then be submitted to referendum under which the same percentages by number and production shall be required for approval as were required for establishment of the original merchandising program. However, the council, by two-thirds vote, may lower the amount of the fee to be collected, or may thereafter increase the amount of the fee to not more than the rate originally approved without a referendum vote. Such increase or decrease of fees shall not become effective except at the beginning of the next state fiscal year.

8. A proposal to terminate the Missouri beef checkoff fee may be made by a majority of the council or by petition of ten percent of the registered beef producers. The proposed termination shall be submitted to referendum under which a simple majority of those voting shall be required for termination.

9. No referendum to change the amount of fee, or to make other major changes may be held within twelve months of a referendum conducted for a similar purpose.

10. Fees collected pursuant to this section shall be collected in the same manner as that used to collect the federal assessment on beef. The department shall keep and account for the state and federal assessments separately. State fees collected pursuant to this section shall be subject to the refund provision provided under section 275.360.

11. Notwithstanding the provisions of section 275.350 to the contrary, fees imposed under this section shall be collected and remitted to the Missouri Beef Industry Council, which shall deposit such fees in a separate account from all other funds. Funds derived from the fees established under this section shall only be used to research, market, educate, and promote beef products and production.

12. The department may adopt such rules, statements of policy, procedures, forms, and guidelines as may be necessary to carry out the provisions 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, 2015, shall be invalid and void.

277.040. APPLICATION FOR LICENSE — ISSUANCE — DISPOSITION OF FEES. — 1. Any person engaged in establishing or operating a livestock sale or market for the purpose aforesaid shall file with the state veterinarian of the state department of agriculture an application for a license to transact such business under the provisions of this chapter. The application shall state

the nature of the business and the city, township and county, and the complete post office address at which the business is to be conducted, together with any additional information that the state veterinarian requires, and a separate license shall be secured for each place where a sale is to be conducted such as is defined and required to be licensed under the provisions of this chapter.

2. The state veterinarian shall then issue to the applicant a license upon payment of an annual license fee to be fixed by rule or regulation entitling the applicant to conduct a livestock sale or market for the period of the license year or for any unexpired portion thereof, unless the license is revoked as herein provided.

3. All license fees collected under this chapter **shall not yield revenue greater than the total cost of administering this chapter during the ensuing year. All license fees collected** shall be made payable to the order of the state treasurer and deposited with him to the credit of the "Livestock Sales and Markets Fees Fund" hereby created, subject to appropriation by the general assembly, to inure to the use and benefit of the animal health division of the department of agriculture.

4. No business entity, whether a proprietorship, partnership or corporation shall be issued a livestock market license if any such proprietor, partner or, if a corporation, any officer or major shareholder thereof, participated in the violation of any provision of this chapter within the preceding five years, which resulted in the revocation of a livestock market license.

281.065. BOND OR INSURANCE REQUIRED — DEDUCTIBLE CLAUSE ACCEPTED, WHEN — NEW SURETY, WHEN — LIABILITY, EFFECT OF CHAPTER ON. — 1. The director shall not issue a certified commercial applicator's license until the applicant or the employer of the applicant has furnished evidence of financial responsibility with the director consisting either of a surety bond or a liability insurance policy or certification thereof, protecting persons who may suffer legal damages as a result of the operations of the applicant; except that, such surety bond or liability insurance policy need not apply to damages or injury to crops, plants or land being worked upon by the applicant. **Following the receipt of the initial license, the certified commercial applicator shall not be required to furnish evidence of financial responsibility to the department for the purpose of license renewal unless upon request. Annual renewals for surety bonds or liability insurance shall be maintained at the business location from which the certified commercial applicator is licensed. Valid surety bonds or liability insurance certificates shall be available for inspection by the director or his or her designee at a reasonable time during regular business hours or, upon a request in writing, the director shall be furnished a copy of the surety bond or liability insurance certificate within ten working days of receipt of the request.**

2. The amount of the surety bond or liability insurance required by this section shall be not less than **[**twenty-five**]** **fifty** thousand dollars **[**for property damage and bodily injury insurance, each separately and**]** for each occurrence. Such surety bond or liability insurance shall be maintained at not less than that sum at all times during the licensed period. The director shall be notified **by the surety or insurer** within twenty days prior to any **cancellation or** reduction **[**at the request of the bond- or policyholder or any cancellation of such**]** **of the** surety bond or liability insurance **[**by the surety or insurer, as long as the total and aggregate of the surety and insurer for all claims shall be limited to the face of the bond or liability insurance policy**]**. If the surety bond or liability insurance policy which provides the financial responsibility for the **[**applicant**]** **certified commercial applicator** is provided by the employer of the **[**applicant**]** **certified commercial applicator**, the employer of the **[**applicant**]** **certified commercial applicator** shall immediately notify the director upon the termination of the employment of the **[**applicant**]** **certified commercial applicator** or when a condition exists under which the **[**applicant**]** **certified commercial applicator** is no longer provided bond or insurance coverage by the employer. The **[**applicant**]** **certified commercial applicator** shall then immediately execute a surety bond or an insurance policy to cover the financial responsibility requirements of this section and **[**shall furnish the director with evidence of financial responsibility as required

by this section] **the certified commercial applicator or the applicator's employer shall maintain the surety bond or liability insurance certificate at the business location from which the certified commercial applicator is licensed**. The director may accept a liability insurance policy or surety bond in the proper sum which has a deductible clause in an amount not exceeding one thousand dollars; except that, if the bond- or policyholder has not satisfied the requirement of the deductible amount in any prior legal claim, such deductible clause shall not be accepted by the director unless the bond- or policyholder [furnishes the director with] **executes and maintains** a surety bond or liability insurance which shall satisfy the amount of the deductible as to all claims that may arise in his **or her** application of pesticides.

3. If the surety [furnished] becomes unsatisfactory, the bond- or policyholder shall[, upon notice,] immediately execute a new bond or insurance **policy** and **maintain the surety bond or liability insurance certificate at the business location from which the certified commercial applicator is licensed, and** if he **or she** fails to do so, the director shall cancel his **or her** license, or deny the license of an applicant, and give him **or her** notice of cancellation or denial, and it shall be unlawful thereafter for the applicant to engage in the business of using pesticides until the bond or insurance is brought into compliance with the requirements of subsection 1 of this section. If the bond- or policyholder does not execute a new bond or insurance policy within sixty days of expiration of such bond or policy, the licensee shall be required to satisfy all the requirements for licensure as if never before licensed.

4. Nothing in sections 281.010 to 281.115 shall be construed to relieve any person from liability for any damage to the person or lands of another caused by the use of pesticides even though such use conforms to the rules and regulations of the director.

304.180. REGULATIONS AS TO WEIGHT — AXLE LOAD, TANDEM AXLE DEFINED — IDLE REDUCTION TECHNOLOGY, INCREASE IN MAXIMUM GROSS WEIGHT PERMITTED, AMOUNT — HAULING LIVESTOCK, MILK, OR GRAIN, TOTAL GROSS WEIGHT PERMITTED — REQUIREMENTS DURING DISASTERS. — 1. No vehicle or combination of vehicles shall be moved or operated on any highway in this state having a greater weight than twenty thousand pounds on one axle, no combination of vehicles operated by transporters of general freight over regular routes as defined in section 390.020 shall be moved or operated on any highway of this state having a greater weight than the vehicle manufacturer's rating on a steering axle with the maximum weight not to exceed twelve thousand pounds on a steering axle, and no vehicle shall be moved or operated on any state highway of this state having a greater weight than thirty-four thousand pounds on any tandem axle; the term "tandem axle" shall mean a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart.

2. An "axle load" is defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.

3. Subject to the limit upon the weight imposed upon a highway of this state through any one axle or on any tandem axle, the total gross weight with load imposed by any group of two or more consecutive axles of any vehicle or combination of vehicles shall not exceed the maximum load in pounds as set forth in the following table:

Distance in feet between the extremes of any group of two or more consecutive axles, measured to the nearest foot, except where indicated otherwise			Maximum load in pounds		
feet	2 axles	3 axles	4 axles	5 axles	6 axles
4	34,000				
5	34,000				
6	34,000				

7	34,000				
8	34,000	34,000			
More than 8	38,000	42,000			
9	39,000	42,500			
10	40,000	43,500			
11	40,000	44,000			
12	40,000	45,000	50,000		
13	40,000	45,500	50,500		
14	40,000	46,500	51,500		
15	40,000	47,000	52,000		
16	40,000	48,000	52,500	58,000	
17	40,000	48,500	53,500	58,500	
18	40,000	49,500	54,000	59,000	
19	40,000	50,000	54,500	60,000	
20	40,000	51,000	55,500	60,500	66,000
21	40,000	51,500	56,000	61,000	66,500
22	40,000	52,500	56,500	61,500	67,000
23	40,000	53,000	57,500	62,500	68,000
24	40,000	54,000	58,000	63,000	68,500
25	40,000	54,500	58,500	63,500	69,000
26	40,000	55,500	59,500	64,000	69,500
27	40,000	56,000	60,000	65,000	70,000
28	40,000	57,000	60,500	65,500	71,000
29	40,000	57,500	61,500	66,000	71,500
30	40,000	58,500	62,000	66,500	72,000
31	40,000	59,000	62,500	67,500	72,500
32	40,000	60,000	63,500	68,000	73,000
33	40,000	60,000	64,000	68,500	74,000
34	40,000	60,000	64,500	69,000	74,500
35	40,000	60,000	65,500	70,000	75,000
36		60,000	66,000	70,500	75,500
37		60,000	66,500	71,000	76,000
38		60,000	67,500	72,000	77,000
39		60,000	68,000	72,500	77,500
40		60,000	68,500	73,000	78,000
41		60,000	69,500	73,500	78,500
42		60,000	70,000	74,000	79,000
43		60,000	70,500	75,000	80,000
44		60,000	71,500	75,500	80,000
45		60,000	72,000	76,000	80,000
46		60,000	72,500	76,500	80,000
47		60,000	73,500	77,500	80,000
48		60,000	74,000	78,000	80,000
49		60,000	74,500	78,500	80,000
50		60,000	75,500	79,000	80,000
51		60,000	76,000	80,000	80,000
52		60,000	76,500	80,000	80,000
53		60,000	77,500	80,000	80,000
54		60,000	78,000	80,000	80,000
55		60,000	78,500	80,000	80,000
56		60,000	79,500	80,000	80,000
57		60,000	80,000	80,000	80,000

Notwithstanding the above table, two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each if the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.

4. Whenever the state highways and transportation commission finds that any state highway bridge in the state is in such a condition that use of such bridge by vehicles of the weights specified in subsection 3 of this section will endanger the bridge, or the users of the bridge, the commission may establish maximum weight limits and speed limits for vehicles using such bridge. The governing body of any city or county may grant authority by act or ordinance to the state highways and transportation commission to enact the limitations established in this section on those roadways within the purview of such city or county. Notice of the weight limits and speed limits established by the commission shall be given by posting signs at a conspicuous place at each end of any such bridge.

5. Nothing in this section shall be construed as permitting lawful axle loads, tandem axle loads or gross loads in excess of those permitted under the provisions of Section 127 of Title 23 of the United States Code.

6. Notwithstanding the weight limitations contained in this section, any vehicle or combination of vehicles operating on highways other than the interstate highway system may exceed single axle, tandem axle and gross weight limitations in an amount not to exceed two thousand pounds. However, total gross weight shall not exceed eighty thousand pounds, except as provided in subsections 9 and 10 of this section.

7. Notwithstanding any provision of this section to the contrary, the department of transportation shall issue a single-use special permit, or upon request of the owner of the truck or equipment, shall issue an annual permit, for the transporting of any concrete pump truck or well-drillers' equipment. The department of transportation shall set fees for the issuance of permits pursuant to this subsection. Notwithstanding the provisions of section 301.133, concrete pump trucks or well-drillers' equipment may be operated on state-maintained roads and highways at any time on any day.

8. Notwithstanding the provision of this section to the contrary, the maximum gross vehicle limit and axle weight limit for any vehicle or combination of vehicles equipped with an idle reduction technology may be increased by a quantity necessary to compensate for the additional weight of the idle reduction system as provided for in 23 U.S.C. Section 127, as amended. In no case shall the additional weight increase allowed by this subsection be greater than five hundred fifty pounds. Upon request by an appropriate law enforcement officer, the vehicle operator shall provide proof that the idle reduction technology is fully functional at all times and that the gross weight increase is not used for any purpose other than for the use of idle reduction technology.

9. **[**Notwithstanding subsection 3 of this section or any other provision of law to the contrary, the total gross weight of any vehicle or combination of vehicles hauling livestock may be as much as, but shall not exceed, eighty-five thousand five hundred pounds while operating on U.S. Highway 36 from St. Joseph to U.S. Highway 63, on U.S. Highway 65 from the Iowa state line to U.S. Highway 36, and on U.S. Highway 63 from the Iowa state line to U.S. Highway 36, and on U.S. Highway 63 from U.S. Highway 36 to Missouri Route 17. The provisions of this subsection shall not apply to vehicles operated on the Dwight D. Eisenhower System of Interstate and Defense Highways.

10.**]** Notwithstanding any provision of this section or any other law to the contrary, the total gross weight of any vehicle or combination of vehicles hauling milk**,** from a farm to a processing facility **or livestock** may be as much as, but shall not exceed, eighty-five thousand five hundred pounds while operating on highways other than the interstate highway system. The provisions of this subsection shall not apply to vehicles operated and operating on the Dwight D. Eisenhower System of Interstate and Defense Highways.

[11.**] 10. Notwithstanding any provision of this section or any other law to the contrary, any vehicle or combination of vehicles hauling grain or grain co-products during**

times of harvest may be as much as, but not exceeding, ten percent over the maximum weight limitation allowable under subsection 3 of this section while operating on highways other than the interstate highway system. The provisions of this subsection shall not apply to vehicles operated and operating on the Dwight D. Eisenhower System of Interstate and Defense Highways.

11. Notwithstanding any provision of this section or any other law to the contrary, the department of transportation shall issue emergency utility response permits for the transporting of utility wires or cables, poles, and equipment needed for repair work immediately following a disaster where utility service has been disrupted. Under exigent circumstances, verbal approval of such operation may be made either by the motor carrier compliance supervisor or other designated motor carrier services representative. Utility vehicles and equipment used to assist utility companies granted special permits under this subsection may be operated and transported on state-maintained roads and highways at any time on any day. The department of transportation shall promulgate all necessary rules and regulations for the administration 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 subjectall 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, 2014, shall be invalid and void.

414.300. LABELING OF MOTOR FUEL PUMPS, RENEWABLE FUELS — RULEMAKING AUTHORITY. — **1. No later than January 1, 2016, the department of agriculture shall propose a rule regarding renewable fuels and the labeling of motor fuel pumps.**

2. 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 under 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, 2015, shall be invalid and void.

442.571. ALIENS OR FOREIGN BUSINESS, LIMITATIONS ON OWNING AGRICULTURAL LAND — VIOLATION — ACQUISITIONS SUBMITTED TO DEPARTMENT, WHEN — RULEMAKING AUTHORITY. — 1. Except as provided in sections 442.586 and 442.591, no alien or foreign business shall acquire by grant, purchase, devise, descent or otherwise agricultural land in this state if the total aggregate alien and foreign ownership of agricultural acreage in this state exceeds one percent of the total aggregate agricultural acreage in this state. **[**No such**] A** sale**[,]** **or** transfer**[**, or acquisition**]** of any agricultural land in this state shall **[**occur unless such sale, transfer, or acquisition is approved by**]** **be submitted to** the director of the department of agriculture **for review** in accordance with subsection 3 of this section **only if there is no completed Internal Revenue Service Form W-9 signed by the purchaser**. No person may hold agricultural land as an agent, trustee, or other fiduciary for an alien or foreign business in violation of sections 442.560 to 442.592**, provided, however, that no security interest in such agricultural land shall be divested or invalidated by such violation**.

2. Any alien or foreign business who acquires agricultural land in violation of sections 442.560 to 442.592 remains in violation of sections 442.560 to 442.592 for as long as he or she holds an interest in the land**, provided, however, that no security interest in such agricultural land shall be divested or invalidated by such violation**.

3. [All] **Subject to the provisions of subsection 1 of this section,** such proposed acquisitions by grant, purchase, devise, descent, or otherwise of agricultural land in this state shall be submitted to the department of agriculture to determine whether such acquisition of agricultural land is conveyed in accordance with the one percent restriction on the total aggregate alien and foreign ownership of agricultural land in this state. The department shall establish by rule the requirements for submission and approval of requests under this subsection.

4. 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, 2014, shall be invalid and void.

537.325. DEFINITIONS — LIABILITY FOR EQUINE ACTIVITIES, LIMITATIONS, EXCEPTIONS — SIGNS REQUIRED, CONTENTS. — 1. As used in this section, unless the context otherwise requires, the following words and phrases shall mean:

(1) "Engages in an equine activity", riding, training, assisting in medical treatment of, driving or being a passenger upon an equine, whether mounted or unmounted, or any person assisting a participant or any person involved in show management. The term "engages in an equine activity" does not include being a spectator at an equine activity, except in cases where the spectator places himself in an unauthorized area;

(2) "Equine", a horse, pony, mule, donkey or hinny;

(3) "Equine activity":

(a) Equine shows, fairs, competitions, performances or parades that involve any or all breeds of equines and any of the equine disciplines, including, but not limited to, dressage, hunter and jumper horse shows, grand prix jumping, three-day events, combined training, rodeos, driving, pulling, cutting, polo, steeplechasing, English and western performance riding, endurance trail riding and western games and hunting;

(b) Equine training or teaching activities or both;

(c) Boarding equines;

(d) Riding, inspecting or evaluating an equine belonging to another, whether or not the owner has received [some] **or currently receives** monetary consideration or other thing of value for the use of the equine or is permitting a prospective purchaser of the equine to ride, inspect or evaluate the equine;

(e) Rides, trips, hunts or other equine activities [of any type] however informal or impromptu that are sponsored by an equine activity sponsor; and

(f) Placing or replacing horseshoes on an equine;

(4) "Equine activity sponsor", an individual, group, club, partnership or corporation, whether or not operating for profit or nonprofit, **legal entity,** or any employee thereof, which sponsors, organizes or provides the facilities for, an equine activity, including but not limited to pony clubs, 4-H clubs, hunt clubs, riding clubs, school- and college-sponsored classes, programs and activities, therapeutic riding programs and operators, instructors and promoters of equine facilities, including but not limited to stables, clubhouses, pony ride strings, fairs and arenas at which the activity is held;

(5) "Equine professional", a person engaged for compensation, or an employee of such a person engaged:

(a) In instructing a participant or renting to a participant an equine for the purpose of riding, driving or being a passenger upon the equine; or

(b) In renting equipment or tack to a participant;

(6) "Inherent risks of equine **or livestock** activities", those dangers or conditions which are an integral part of equine **or livestock** activities, including but not limited to:

(a) The propensity of any equine **or livestock** to behave in ways that may result in injury, harm or death to persons on or around it;

(b) The unpredictability of any equine's **or livestock's** reaction to such things as sounds, sudden movement and unfamiliar objects, persons or other animals;

(c) Certain hazards such as surface and subsurface conditions;

(d) Collisions with other equines**, livestock,** or objects;

(e) The potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, such as failing to maintain control over the animal or not acting within his ability;

(7) **"Livestock", the same as used in section 277.020;**

(8) "Livestock activity":

(a) Grazing, herding, feeding, branding, milking, or other activity that involves the care or maintenance of livestock;

(b) A livestock show, fair, competition, or auction;

(c) A livestock training or teaching activity;

(d) Boarding livestock; and

(e) Inspecting or evaluating livestock;

(9) "Livestock activity sponsor", an individual, group, club, partnership, or corporation, whether or not operating for profit or nonprofit, legal entity, or any employee thereof, which sponsors, organizes, or provides the facilities for, a livestock activity;

(10) "Livestock facility", a property or facility at which a livestock activity is held;

(11) "Livestock owner", a person who owns livestock that is involved in livestock activity;

(12) "Participant", any person, whether amateur or professional, who engages in an equine activity **or a livestock activity**, whether or not a fee is paid to participate in the equine activity **or livestock activity**.

2. Except as provided in subsection 4 of this section, an equine activity sponsor, an equine professional**, a livestock activity sponsor, a livestock owner, a livestock facility, a livestock auction market, any employee thereof,** or any other person or corporation shall not be liable for an injury to or the death of a participant resulting from the inherent risks of equine **or livestock** activities and, except as provided in subsection 4 of this section, no participant or a participant's representative shall make any claim against, maintain an action against, or recover from an equine activity sponsor, an equine professional, **a livestock activity sponsor, a livestock owner, a livestock facility, a livestock auction market, any employee thereof,** or any other person from injury, loss, damage or death of the participant resulting from any of the inherent risks of equine **or livestock** activities.

3. This section shall not apply to the horse racing industry as regulated in sections 313.050 to 313.720. This section shall not apply to any employer-employee relationship governed by the provisions of, and for which liability is established pursuant to, chapter 287.

4. The provisions of subsection 2 of this section shall not prevent or limit the liability of an equine activity sponsor, an equine professional**, a livestock activity sponsor, a livestock owner, a livestock facility, a livestock auction market, any employee thereof,** or any other person if the equine activity sponsor, equine professional**, livestock activity sponsor, livestock owner, livestock facility, livestock auction market, any employee thereof,** or person:

(1) Provided the equipment or tack and knew or should have known that the equipment or tack was faulty and such equipment or tack was faulty to the extent that **[**it did cause**] the equipment or tack caused** the injury; or

(2) Provided the equine **or livestock** and failed to make reasonable and prudent efforts to determine the ability of the participant to engage safely in the equine activity **or livestock activity** and determine the ability of the participant to safely manage the particular equine **or livestock** based on the participant's age, obvious physical condition or the participant's representations of his **or her** ability;

(3) Owns, leases, rents or otherwise is in lawful possession and control of the land or facilities upon which the participant sustained injuries because of a dangerous latent condition which was known to the equine activity sponsor, equine professional**, livestock activity sponsor, livestock owner, livestock facility, livestock auction market, any employee thereof,** or person and for which warning signs have not been conspicuously posted;

(4) Commits an act or omission that constitutes willful or wanton disregard for the safety of the participant and that act or omission caused the injury;

(5) Intentionally injures the participant;

(6) Fails to use that degree of care that an ordinarily careful and prudent person would use under the same or similar circumstances.

5. The provisions of subsection 2 of this section shall not prevent or limit the liability of an equine activity sponsor **[**or**]**, an equine professional**, a livestock activity sponsor, a livestock owner, a livestock facility, a livestock auction market, or any employee thereof** under liability provisions as set forth in any other section of law.

6. Every equine activity sponsor **and livestock activity sponsor** shall post and maintain signs which contain the warning notice specified in this subsection. Such signs shall be placed in a clearly visible location on or near stables, corrals or arenas where the **[**equine professional**]** **equine activity sponsor or livestock activity sponsor** conducts equine **or livestock** activities if such stables, corrals or arenas are owned, managed or controlled by the **[**equine professional**]** **equine activity sponsor or livestock activity sponsor**. The warning notice specified in this subsection shall appear on the sign in black letters on a white background with each letter to be a minimum of one inch in height. Every written contract entered into by an equine professional **[**and**], an** equine activity sponsor**, a livestock activity sponsor, a livestock owner, a livestock facility, a livestock auction market, or any employee thereof** for the providing of professional services, instruction or the rental of equipment **[**or**]**, tack**,** or an equine to a participant, whether or not the contract involves equine **or livestock** activities on or off the location or site of the equine professional's **[**or**]**, equine activity sponsor's**, or livestock activity sponsor's** business, shall contain in clearly readable print the warning notice specified in this subsection. The signs and contracts described in this subsection shall contain the following warning notice:

WARNING

> Under Missouri law, an **equine activity sponsor, an** equine professional**, a livestock activity sponsor, a livestock owner, a livestock facility, a livestock auction market, or any employee thereof** is not liable for an injury to or the death of a participant in equine **or livestock** activities resulting from the inherent risks of equine **or livestock** activities pursuant to the Revised Statutes of Missouri.

Approved April 10, 2015

SB 18 [SCS SB 18]

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

Requires the Department of Revenue to notify sellers if there is a change in sales tax law interpretation

AN ACT to repeal section 144.021, RSMo, and to enact in lieu thereof one new section relating to notice of sales tax modifications.

SECTION
A. Enacting clause.

144.021. Imposition of tax — seller's duties — modification of taxable status of tangible personal property or services, notification of sellers, when, manner.

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

SECTION A. ENACTING CLAUSE. — Section 144.021, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 144.021, to read as follows:

144.021. IMPOSITION OF TAX — SELLER'S DUTIES — MODIFICATION OF TAXABLE STATUS OF TANGIBLE PERSONAL PROPERTY OR SERVICES, NOTIFICATION OF SELLERS, WHEN, MANNER. — 1. The purpose and intent of sections 144.010 to 144.510 is to impose a tax upon the privilege of engaging in the business, in this state, of selling tangible personal property and those services listed in section 144.020 and for the privilege of titling new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri. Except as otherwise provided, the primary tax burden is placed upon the seller making the taxable sales of property or service and is levied at the rate provided for in section 144.020. Excluding subdivision (9) of subsection 1 of section 144.020 and sections 144.070, 144.440 and 144.450, the extent to which a seller is required to collect the tax from the purchaser of the taxable property or service is governed by section 144.285 and in no way affects sections 144.080 and 144.100, which require all sellers to report to the director of revenue their "gross receipts", defined herein to mean the aggregate amount of the sales price of all sales at retail, and remit tax at four percent of their gross receipts.

2. If any item of tangible personal property or service determined to be taxable under the sales tax law or the compensating use tax law is modified by a decision or order of:

(1) The director of revenue;

(2) The administrative hearing commission; or

(3) A court of competent jurisdiction; which changes which items of tangible personal property or services are taxable, and a reasonable person would not have expected the decision or order based solely on prior law or regulation, all affected sellers shall be notified by the department of revenue before such modification shall take effect for such sellers. Failure of the department of revenue to notify a seller shall relieve such seller of liability for taxes that would be due under the modification until the seller is notified. The waiver of liability for taxes under this subsection shall only apply to sellers actively selling the type of tangible personal property or service affected by the decision on the date the decision or order is made or handed down and shall not apply to any seller that has previously remitted tax on the tangible personal property or taxable services subject to the decision or order or to any seller that had prior notice that the seller must collect and remit the tax.

3. The notification required by subsection 2 of this section shall be delivered by United States mail, electronic mail, or other secure electronic means of direct communications. The department of revenue shall update its website with information regarding modifications in sales tax law but such updates shall not constitute a notification required by subsection 2 of this section.

Approved July 6, 2015

SB 19 [SCS SB 19]

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

Creates a new method of allocating corporate income between states for tax purposes

AN ACT to repeal section 143.451, RSMo, and to enact in lieu thereof one new section relating to allocation of corporate income.

SECTION
A. Enacting clause.
143.451. Taxable income to include all income within this state — definitions — intrastate business, report of income, when — deductions, how apportioned.

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

SECTION A. ENACTING CLAUSE. — Section 143.451, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 143.451, to read as follows:

143.451. TAXABLE INCOME TO INCLUDE ALL INCOME WITHIN THIS STATE — DEFINITIONS — INTRASTATE BUSINESS, REPORT OF INCOME, WHEN — DEDUCTIONS, HOW APPORTIONED. — 1. Missouri taxable income of a corporation shall include all income derived from sources within this state.

2. A corporation described in subdivision (1) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income from sources within this state, including that from the transaction of business in this state and that from the transaction of business partly done in this state and partly done in another state or states. However:

(1) Where income results from a transaction partially in this state and partially in another state or states, and income and deductions of the portion in the state cannot be segregated, then such portions of income and deductions shall be allocated in this state and the other state or states as will distribute to this state a portion based upon the portion of the transaction in this state and the portion in such other state or states.

(2) The taxpayer may elect to compute the portion of income from all sources in this state in the following manner, or the manner set forth in subdivision (3) of this subsection:

(a) The income from all sources shall be determined as provided, excluding therefrom the figures for the operation of any bridge connecting this state with another state.

(b) The amount of sales which are transactions wholly in this state shall be added to one-half of the amount of sales which are transactions partly within this state and partly without this state, and the amount thus obtained shall be divided by the total sales or in cases where sales do not express the volume of business, the amount of business transacted wholly in this state shall be added to one-half of the amount of business transacted partly in this state and partly outside this state and the amount thus obtained shall be divided by the total amount of business transacted, and the net income shall be multiplied by the fraction thus obtained, to determine the proportion of income to be used to arrive at the amount of Missouri taxable income. The investment or reinvestment of its own funds, or sale of any such investment or reinvestment, shall not be considered as sales or other business transacted for the determination of said fraction.

(c) For the purposes of this subdivision, a transaction involving the sale of tangible property is:

a. "Wholly in this state" if both the seller's shipping point and the purchaser's destination point are in this state;

b. "Partly within this state and partly without this state" if the seller's shipping point is in this state and the purchaser's destination point is outside this state, or the seller's shipping point is outside this state and the purchaser's destination point is in this state;

c. Not "wholly in this state" or not "partly within this state and partly without this state" only if both the seller's shipping point and the purchaser's destination point are outside this state.

(d) For purposes of this subdivision:

a. The purchaser's destination point shall be determined without regard to the FOB point or other conditions of the sale; and

b. The seller's shipping point is determined without regard to the location of the seller's principle office or place of business.

(3) The taxpayer may elect to compute the portion of income from all sources in this state in the following manner:

(a) The income from all sources shall be determined as provided, excluding therefrom the figures for the operation of any bridge connecting this state with another state;

(b) The amount of sales which are transactions in this state shall be divided by the total sales, and the net income shall be multiplied by the fraction thus obtained, to determine the proportion of income to be used to arrive at the amount of Missouri taxable income. The investment or reinvestment of its own funds, or sale of any such investment or reinvestment, shall not be considered as sales or other business transacted for the determination of said fraction;

(c) For the purposes of this subdivision, a transaction involving the sale of tangible property is:

a. "In this state" if the purchaser's destination point is in this state;

b. Not "in this state" if the purchaser's destination point is outside this state;

(d) For purposes of this subdivision, the purchaser's destination point shall be determined without regard to the FOB point or other conditions of the sale and shall not be in this state if the purchaser received the tangible personal property from the seller in this state for delivery to the purchaser's location outside this state**;**

(e) For the purposes of this subdivision, a transaction involving the sale other than the sale of tangible property is "in this state" if the taxpayer's market for the sales is in this state. The taxpayer's market for sales is in this state:

a. In the case of sale, rental, lease, or license of real property, if and to the extent the property is located in this state;

b. In the case of rental, lease, or license of tangible personal property, if and to the extent the property is located in this state;

c. In the case of sale of a service, if and to the extent the ultimate beneficiary of the service is located in this state and shall not be in this state if the ultimate beneficiary of the service rendered by the taxpayer or the taxpayer's designee is located outside this state; and

d. In the case of intangible property:

(i) That is rented, leased, or licensed, if and to the extent the property is used in this state by the rentee, lessee, or licensee, provided that intangible property utilized in marketing a good or service to a consumer is "used in this state" if that good or service is purchased by a consumer who is in this state. Franchise fees or royalties received for the rent, lease, license, or use of a trade name, trademark, service mark, or franchise system or provides a right to conduct business activity in a specific geographic area are "used in this state" to the extent the franchise location is in this state; and

(ii) That is sold, if and to the extent the property is used in this state, provided that:

i. A contract right, government license, or similar intangible property that authorizes the holder to conduct a business activity in a specific geographic area is "used in this state" if the geographic area includes all or part of this state;

ii. Receipts from intangible property sales that are contingent on the productivity, use, or disposition of the intangible property shall be treated as receipts from the rental, lease, or licensing of such intangible property under item (i) of this subparagraph; and

iii. All other receipts from a sales of intangible property shall be excluded from the numerator and denominator of the sales factor;

(f) If the state or states of assignment under paragraph (e) of this subdivision cannot be determined, the state or states of assignment shall be reasonably approximated;

(g) If the state of assignment cannot be determined under paragraph (e) of this subdivision or reasonably approximated under paragraph (f) of this subdivision, such sales shall be excluded from the denominator of the sales factor;

(h) The director may prescribe such rules and regulations as necessary or appropriate to carry out the purposes of this section.

(4) For purposes of this subsection, the following words shall, unless the context otherwise requires, have the following meaning:

(a) "Administration services" include, but are not limited to, clerical, fund or shareholder accounting, participant record keeping, transfer agency, bookkeeping, data processing, custodial, internal auditing, legal and tax services performed for an investment company;

(b) "Affiliate", the meaning as set forth in 15 U.S.C. Section 80a-2(a)(3)(C), as may be amended from time to time;

(c) "Distribution services" include, but are not limited to, the services of advertising, servicing, marketing, underwriting or selling shares of an investment company, but, in the case of advertising, servicing or marketing shares, only where such service is performed by a person who is, or in the case of a closed end company, was, either engaged in the services of underwriting or selling investment company shares or affiliated with a person that is engaged in the service of underwriting or selling investment company shares. In the case of an open end company, such service of underwriting or selling shares must be performed pursuant to a contract entered into pursuant to 15 U.S.C. Section 80a-15(b), as from time to time amended;

(d) "Investment company", any person registered under the federal Investment Company Act of 1940, as amended from time to time, (the act) or a company which would be required to register as an investment company under the act except that such person is exempt to such registration pursuant to Section 80a-3(c)(1) of the act;

(e) "Investment funds service corporation" includes any corporation or S corporation doing business in the state which derives more than fifty percent of its gross income in the ordinary course of business from the provision directly or indirectly of management, distribution or administration services to or on behalf of an investment company or from trustees, sponsors and participants of employee benefit plans which have accounts in an investment company. An investment funds service corporation shall include any corporation or S corporation providing management services as an investment advisory firm registered under Section 203 of the Investment Advisors Act of 1940, as amended from time to time, regardless of the percentage of gross revenues consisting of fees from management services provided to or on behalf of an investment company;

(f) "Management services" include but are not limited to, the rendering of investment advice directly or indirectly to an investment company making determinations as to when sales and purchases of securities are to be made on behalf of the investment company, or the selling or purchasing of securities constituting assets of an investment company, and related activities, but only where such activity or activities are performed:

a. Pursuant to a contract with the investment company entered into pursuant to 15 U.S.C. Section 80a-15(a), as from time to time amended;

b. For a person that has entered into such contract with the investment company; or

c. For a person that is affiliated with a person that has entered into such contract with an investment company;

(g) "Qualifying sales", gross income derived from the provision directly or indirectly of management, distribution or administration services to or on behalf of an investment company or from trustees, sponsors and participants of employee benefit plans which have accounts in an investment company. For purposes of this section, "gross income" is defined as that amount of income earned from qualifying sources without deduction of expenses related to the generation of such income;

(h) "Residence", presumptively the fund shareholder's mailing address on the records of the investment company. If, however, the investment company or the investment funds service corporation has actual knowledge that the fund shareholder's primary residence or principal place of business is different than the fund shareholder's mailing address such presumption shall not control. To the extent an investment funds service corporation does not have access to the records of the investment company, the investment funds service corporation may employ reasonable methods to determine the investment company fund shareholder's residence.

(5) Notwithstanding other provisions of law to the contrary, qualifying sales of an investment funds service corporation, or S corporation, shall be considered wholly in this state only to the extent that the fund shareholders of the investment companies, to which the investment funds service corporation, or S corporation, provide services, are residenced in this state. Wholly in this state qualifying sales of an investment funds service corporation, or S corporation, shall be determined as follows:

(a) By multiplying the investment funds service corporation's total dollar amount of qualifying sales from services provided to each investment company by a fraction, the numerator of which shall be the average of the number of shares owned by the investment company's fund shareholders residenced in this state at the beginning of and at the end of the investment company's taxable year that ends with or within the investment funds service corporation's taxable year, and the denominator of which shall be the average of the number of shares owned by the investment company's fund shareholders everywhere at the beginning of and at the end of the investment company's taxable year that ends with or within the investment funds service corporation's taxable year;

(b) A separate computation shall be made to determine the wholly in this state qualifying sales from each investment company. The qualifying sales for each investment company shall be multiplied by the respective percentage of each fund, as calculated pursuant to paragraph (a) of this subdivision. The product of this equation shall result in the wholly in this state qualifying sales. The qualifying sales for each investment company which are not wholly in this state will be considered wholly without this state;

(c) To the extent an investment funds service corporation has sales which are not qualifying sales, those nonqualified sales shall be apportioned to this state based on the methodology utilized by the investment funds service corporation without regard to this subdivision.

3. Any corporation described in subdivision (1) of subsection 1 of section 143.441 organized in this state or granted a permit to operate in this state for the transportation or care of passengers shall report its gross earnings within the state on intrastate business and shall also report its gross earnings on all interstate business done in this state which report shall be subject to inquiry for the purpose of determining the amount of income to be included in Missouri taxable income. The previous sentence shall not apply to a railroad.

4. A corporation described in subdivision (2) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income arising from all sources in this state and all income from each transportation service wholly within this state, from each service where the only lines of such corporation used are those in this state, and such proportion of revenue from each service where the facilities of such corporation in this state and in another state or states are used, as the mileage used over the lines of such corporation in the state shall bear to the total mileage used over the lines of such corporation. The taxpayer may elect to compute the portion of income from all sources within this state in the following manner:

(1) The income from all sources shall be determined as provided;

(2) The amount of investment of such corporation on December thirty-first of each year in this state in fixed transportation facilities, real estate and improvements, plus the value on December thirty-first of each year of any fixed transportation facilities, real estate and improvements in this state leased from any other railroad shall be divided by the sum of the total amount of investment of such corporation on December thirty-first of each year in fixed transportation facilities, real estate and improvements, plus the value on December thirty-first of each year, of any fixed transportation facilities, real estate and improvements leased from any other railroad. Where any fixed transportation facilities, real estate or improvements are leased by more than one railroad, such portion of the value shall be used by each railroad as the rental paid by each shall bear to the rental paid by all lessees. The income shall be multiplied by the fraction thus obtained to determine the proportion to be used to arrive at the amount of Missouri taxable income.

5. A corporation described in subdivision (3) of subsection 1 of section 143.441 shall include in its Missouri taxable income one-half of the net income from the operation of a bridge

between this and another state. If any such bridge is owned or operated by a railroad corporation or corporations, or by a corporation owning a railroad corporation using such bridge, then the figures for operation of such bridge may be included in the return of such railroad or railroads; or if such bridge is owned or operated by any other corporation which may now or hereafter be required to file an income tax return, one-half of the income or loss to such corporation from such bridge may be included in such return by adding or subtracting same to or from another net income or loss shown by the return.

6. A corporation described in subdivision (4) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income arising from all sources within this state. Income shall include revenue from each telephonic or telegraphic service rendered wholly within this state; from each service rendered for which the only facilities of such corporation used are those in this state; and from each service rendered over the facilities of such corporation in this state and in other state or states, such proportion of such revenue as the mileage involved in this state shall bear to the total mileage involved over the lines of said company in all states. The taxpayer may elect to compute the portion of income from all sources within this state in the following manner:

(1) The income from all sources shall be determined as provided;

(2) The amount of investment of such corporation on December thirty-first of each year in this state in telephonic or telegraphic facilities, real estate and improvements thereon, shall be divided by the amount of the total investment of such corporation on December thirty-first of each year in telephonic or telegraphic facilities, real estate and improvements. The income of the taxpayer shall be multiplied by fraction thus obtained to determine the proportion to be used to arrive at the amount of Missouri taxable income.

7. From the income determined in subsections 2, 3, 4, 5 and 6 of this section to be from all sources within this state shall be deducted such of the deductions for expenses in determining Missouri taxable income as were incurred in this state to produce such income and all losses actually sustained in this state in the business of the corporation.

8. If a corporation derives only part of its income from sources within Missouri, its Missouri taxable income shall only reflect the effect of the following listed deductions to the extent applicable to Missouri. The deductions are: (a) its deduction for federal income taxes pursuant to section 143.171, and (b) the effect on Missouri taxable income of the deduction for net operating loss allowed by Section 172 of the Internal Revenue Code. The extent applicable to Missouri shall be determined by multiplying the amount that would otherwise affect Missouri taxable income by the ratio for the year of the Missouri taxable income of the corporation for the year divided by the Missouri taxable income for the year as though the corporation had derived all of its income from sources within Missouri. For the purpose of the preceding sentence, Missouri taxable income shall not reflect the listed deductions.

9. Any investment funds service corporation organized as a corporation or S corporation which has any shareholders residenced in this state shall be subject to Missouri income tax as provided in this chapter.

10. The provisions of this section do not impact any other apportionment election available to a taxpayer under Missouri statutes.

Approved May 6, 2015

SB 24 [CCS HCS SS#2 SCS SB 24]

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

Modifies provisions of law relating to the Temporary Assistance for Needy Families Program and the Supplemental Nutrition Assistance Program

AN ACT to repeal section 208.040, RSMo, and to enact in lieu thereof four new sections relating to nonmedical public assistance.

SECTION
A. Enacting clause.
208.026. Citation of law — work activities defined — TANF recipients required to engage in work activity — rulemaking authority.
208.040. Temporary assistance benefits — eligibility for — assignment of rights to support to state, when, effect of — authorized policies.
208.067. TANF set-aside minimums for certain programs.
208.244. Waiver of SNAP work requirements, inapplicable, when — savings used for child care assistance — annual report.

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

SECTION A. ENACTING CLAUSE. — Section 208.040, RSMo, is repealed and four new sections enacted in lieu thereof, to be known as sections 208.026, 208.040, 208.067, and 208.244, to read as follows:

208.026. CITATION OF LAW — WORK ACTIVITIES DEFINED — TANF RECIPIENTS REQUIRED TO ENGAGE IN WORK ACTIVITY — RULEMAKING AUTHORITY. — 1. Sections 208.026, 208.040, 208.067, and 208.244 shall be known and may be cited as the "Strengthening Missouri Families Act".

2. For the purposes of this section and sections 208.040 and 208.244, "work activities" shall have the same meaning as defined in 42 U.S.C. Section 607(d), including:

(1) Unsubsidized employment;

(2) Subsidized private sector employment;

(3) Subsidized public sector employment;

(4) Work experience, including work associated with refurbishing of publicly assisted housing, if sufficient private sector employment is not available;

(5) On-the-job training;

(6) Job search and job readiness assistance, which shall include utilization of the state employment database website. The department shall, in conjunction with the department of economic development, create a database tracking method in order to track temporary assistance for needy families benefits recipients' utilization of the employment database for the purpose of recording work activities, as well as include information on the state employment database website about the temporary assistance for needy families program's eligibility and work requirements, application process, and contact information;

(7) Community service programs;

(8) Vocational educational training, provided that such training does not exceed twelve months for any individual;

(9) Job skills training directly related to employment;

(10) Education directly related to employment for individuals who have not received a high school diploma or certificate of high school equivalency;

(11) Satisfactory attendance at a secondary school, provided that the individual has not already completed secondary school; and

(12) Provision of child care services to an individual who is participating in a community service program.

3. Beginning January 1, 2016, any parent or caretaker seeking assistance under the temporary assistance for needy families program shall engage in work activities before becoming eligible for benefits, unless such individual is otherwise exempt from the work requirement.

4. If after an investigation the department determines that a person is not cooperating with a work activity requirement under the temporary assistance for needy families

program, a representative of the department shall meet face-to- face with the person to explain the potential sanction and the requirements to cure the sanction. After the meeting, the person shall have six weeks to comply with the work activity requirement, during which time no sanction of benefits shall occur. If the person does not comply with the work activity requirement within that six-week period, the department shall immediately apply a sanction terminating fifty percent of the amount of temporary assistance benefits to or for the person and the person's family for a maximum of ten weeks. During that period of sanctions, the person shall remain on the caseload in sanction status and a representative of the department shall attempt to meet face-to-face with the person to explain the existing sanction and the requirements to cure the sanction. To cure a sanction, the person shall perform work activities for at least a minimum average of thirty hours per week for one month, as described in 45 CFR 261.31(d). If the person does not cure the sanction, the case shall be closed.

5. To return to the temporary assistance for needy families benefits program after having been sanctioned off the caseload under subsection 4 of this section, the person shall complete work activities for a minimum average of thirty hours per week within one month of the temporary assistance eligibility interview.

6. This section does not prohibit the state from providing child care or any other related social or support services for a person who is eligible for financial assistance but to whom that assistance is not paid because of the person's failure to cooperate with the work activity.

7. In order to encourage the formation and maintenance of two-parent families, when a temporary assistance for needy families benefits recipient marries, the new spouse's income and assets shall be disregarded for six consecutive months. This disregard shall be a once-in-a-lifetime benefit for the recipient.

8. The department shall promulgate rules to implement this section including procedures to determine whether a person has cooperated with the requirements of the work activity and procedures for notification of a caretaker relative, second parent, or payee receiving the financial assistance on behalf of the person's family unit. 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, 2015, shall be invalid and void.

208.040. TEMPORARY ASSISTANCE BENEFITS — ELIGIBILITY FOR — ASSIGNMENT OF RIGHTS TO SUPPORT TO STATE, WHEN, EFFECT OF — AUTHORIZED POLICIES. — 1. Temporary assistance benefits shall be granted on behalf of a dependent child or children and may be granted to the parents or other needy eligible relative caring for a dependent child or children who:

(1) Is under the age of eighteen years; or is under the age of nineteen years and a full-time student in a secondary school (or at the equivalent level of vocational or technical training), if before the child attains the age of nineteen the child may reasonably be expected to complete the program of the secondary school (or vocational or technical training);

(2) Has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, and who is living with father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew or niece, in a place of residence maintained by one or more of such relatives as the child's own home, and financial aid for such child is necessary to save the

child from neglect and to secure for the child proper care in such home. Physical or mental incapacity shall be certified to by competent medical or other appropriate authority designated by the family support division, and such certificate is hereby declared to be competent evidence in any proceedings concerning the eligibility of such claimant to receive temporary assistance benefits. Benefits may be granted and continued for this reason only while it is the judgment of the family support division that a physical or mental defect, illness or disability exists which prevents the parent from performing any gainful work;

(3) Is not receiving supplemental aid to the blind, blind pension, supplemental payments, or aid or public relief as an unemployable person;

(4) Is a resident of the state of Missouri.

2. The family support division shall require as additional conditions of eligibility for benefits that each applicant for or recipient of assistance:

(1) Shall furnish to the division the applicant's or recipient's Social Security number or numbers, if the applicant or recipient has more than one such number;

(2) Shall assign to the family support division in behalf of the state any rights to support from any other person such applicant may have in the applicant's own behalf or in behalf of any other person for whom the applicant is applying for or receiving assistance. An application for benefits made under this section shall constitute an assignment of support rights which shall take effect, by operation of law, upon a determination that the applicant is eligible for assistance under this section. The assignment shall comply with the requirements of 42 U.S.C. Section 608(a)(3) and authorizes the family support division of the department of social services to bring any administrative or judicial action to establish or enforce a current support obligation, to collect support arrearages accrued under an existing order for support, or to seek reimbursement of support provided by the division;

(3) Shall cooperate with the family support division unless the division determines in accordance with federally prescribed standards that such cooperation is contrary to the best interests of the child on whose behalf assistance is claimed or to the caretaker of such child, in establishing the paternity of a child born out of wedlock with respect to whom assistance is claimed, and in obtaining support payments for such applicant and for a child with respect to whom such assistance is claimed, or in obtaining any other payments or property due such applicant or such child. The family support division shall impose all penalties allowed pursuant to federal participation requirements;

(4) Shall cooperate with the department of social services in identifying and providing information to assist the state in pursuing any third party who may be liable to pay for care and services available under the state's plan for medical assistance as provided in section 208.152, unless such individual has good cause for refusing to cooperate as determined by the department of social services in accordance with federally prescribed standards; and

(5) Shall participate in any program designed to reduce the recipient's dependence on welfare, if requested to do so by the department of social services.

3. The division shall require as a condition of eligibility for temporary assistance benefits that a minor child under the age of eighteen who has never married and who has a dependent child in his or her care, or who is pregnant and otherwise eligible for temporary assistance benefits, shall reside in a place of residence maintained by a parent, legal guardian, or other adult relative or in some other adult-supervised supportive living arrangement, as required by Section 403 of P.L. 100-485. Exceptions to the requirements of this subsection shall be allowed in accordance with requirements of the federal Family Support Act of 1988 in any of the following circumstances:

(1) The individual has no parent or legal guardian who is living or the whereabouts of the individual's parent or legal guardian is unknown; or

(2) The family support division determines that the physical health or safety of the individual or the child of the individual would be jeopardized; or

(3) The individual has lived apart from any parent or legal guardian for a period of at least one year prior to the birth of the child or applying for benefits; or

(4) The individual claims to be or to have been the victim of abuse while residing in the home where she would be required to reside and the case has been referred to the child abuse hotline and a "reason to suspect finding" has been made. Households where the individual resides with a parent, legal guardian or other adult relative or in some other adult-supervised supportive living arrangement shall, subject to federal waiver to retain full federal financial participation and appropriation, have earned income disregarded from eligibility determinations up to one hundred percent of the federal poverty level.

4. If the relative with whom a child is living is found to be ineligible because of refusal to cooperate as required in subdivision (3) of subsection 2 of this section, any assistance for which such child is eligible will be paid in the manner provided in subsection 2 of section 208.180, without regard to subsections 1 and 2 of this section.

5. The department of social services may implement policies designed to reduce a family's dependence on welfare. The department of social services is authorized to implement these policies by rule promulgated pursuant to section 660.017 and chapter 536, including the following:

(1) The department shall increase the earned income and resource disregards allowed recipients to help families achieve a gradual transition to self-sufficiency, including implementing policies to simplify employment-related eligibility standards by increasing the earned income disregard to two-thirds by October 1, 1999. The expanded earned income disregard shall apply only to recipients of cash assistance who obtain employment but not to new applicants for cash assistance who are already working. Once the individual has received the two-thirds disregard for twelve months, the individual would not be eligible for the two-thirds disregard until the individual has not received temporary assistance benefits for twelve consecutive months. The department shall promulgate rules pursuant to chapter 536 to implement the expanded earned income disregard provisions;

(2) The department shall permit a recipient's enrollment in educational programs beyond secondary education to qualify as a work activity for purposes of receipt of temporary assistance for needy families. Such education beyond secondary education shall qualify as a work activity if such recipient is attending and according to the standards of the institution and the family support division, making satisfactory progress towards completion of a postsecondary or vocational program. Weekly classroom time and allowable study time shall be applied toward the recipient's weekly work requirement. Such recipient shall be subject to the [sixty-month] **forty-five-month** lifetime limit for receipt of temporary assistance for needy families unless otherwise excluded by rule of the family support division;

(3) Beginning January 1, 2002, and every two years thereafter, the department of social services shall make a detailed report and a presentation on the temporary assistance for needy families program to the house appropriations for social services committee and the house social services, Medicaid and the elderly committee, and the senate aging, families and mental health committee, or comparable committees;

(4) Other policies designed to reduce a family's dependence on welfare may include supplementing wages for recipients for the lesser of forty-eight months or the length of the recipient's employment by diverting the temporary assistance grant**;**

(5) Beginning January 1, 2016, the lifetime limit for temporary assistance for needy families shall be forty-five months. The lifetime limit shall not apply to the exceptions set forth in 42 U.S.C. Section 608(a)(7), including but not limited to:

(a) Any assistance provided with respect to and during the time in which the individual was a minor child, provided that the minor child was not the head of a household or married to the head of a household; and

(b) Any family to which the state has granted an exemption for reasons of hardship or if the family includes an individual who has been battered or subjected to extreme

cruelty, provided that the average monthly number of such families in a fiscal year shall not exceed twenty percent of the average monthly number of families to which temporary assistance for needy families is provided during the fiscal year or the immediately preceding fiscal year.

The provisions of this subdivision shall not apply to persons obtaining assistance under subdivision (6) of this subsection;

(6) Beginning January 1, 2016, the department shall implement a cash diversion program that grants eligible temporary assistance for needy families benefits recipients lump-sum cash grants for short-term needs, as well as job referrals or referrals to career centers, in lieu of signing up for the long-term monthly cash assistance program upon a showing of good cause as determined by the department. Such lump-sum grants shall be available for use once in a twelve-month period and only five instances in a lifetime. Good cause may include loss of employment, excluding voluntarily quitting or a dismissal due to poor job performance or failure to meet a condition of employment; catastrophic illness or accident of a family member that requires an employed recipient to leave employment; a domestic violence incident; or another situation or emergency that renders an employed family member unable to care for the basic needs of the family. The department shall promulgate rules determining the parameters for the diversion program, including good cause determinations, and shall set the lump-sum maximum limit at three times the family size allowance and for use once in a twelve-month period and only five instances in a lifetime; and

(7) The department shall develop a standardized program orientation for temporary assistance for needy families benefits applicants that informs applicants of the program's rules and requirements, available resources for work activities, and consequences if the program's requirements are not satisfied. Following the orientation, applicants shall sign a participation agreement in which applicants commit to participate in the program and specify the work activities in which they will participate. This participation agreement shall be known as a personal responsibility plan. The department shall not issue a case without confirmation that an applicant has undergone the orientation and signed a personal responsibility plan, unless the individual is otherwise exempt from the work activity requirements.

The provisions of this subsection shall be subject to compliance by the department with all applicable federal laws and rules regarding temporary assistance for needy families.

6. The work history requirements and definition of unemployed shall not apply to any parents in order for these parents to be eligible for assistance pursuant to section 208.041.

7. The department shall continue to apply uniform standards of eligibility and benefits, excepting pilot projects, in all political subdivisions of the state.

8. Consistent with federal law, the department shall establish income and resource eligibility requirements that are no more restrictive than its July 16, 1996, income and resource eligibility requirements in determining eligibility for temporary assistance benefits.

208.067. TANF SET-ASIDE MINIMUMS FOR CERTAIN PROGRAMS. — 1. Of the moneys received by the state under the federal temporary assistance for needy families block grant during each fiscal year, the department of social services shall, consistent with federal law and subject to appropriation, set aside a minimum of:

(1) Two percent of such moneys to fund the alternatives to abortion services program under section 188.325 and the alternatives to abortion public awareness program under section 188.335. The department shall give preference to contracting with not-for-profit entities that promote one or more of the four purposes established by Congress under 42 U.S.C. Section 601 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; and

(2) Two percent of such moneys to fund healthy marriage promotion activities and activities promoting responsible fatherhood, as defined in 42 U.S.C. Section 603 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The department shall give preference to contracting with not- for-profit entities that promote one or more of the four purposes established by Congress under 42 U.S.C. Section 601 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

2. It is the intent of the general assembly that funding authorized under this section shall be used to supplement, not supplant, other sources of revenue heretofore or hereafter used for the purposes of this section.

208.244. WAIVER OF SNAP WORK REQUIREMENTS, INAPPLICABLE, WHEN — SAVINGS USED FOR CHILD CARE ASSISTANCE — ANNUAL REPORT. — 1. Beginning January 1, 2016, the waiver of the work requirement for the supplemental nutrition assistance program under 7 U.S.C. Section 2015(o) shall no longer apply to individuals seeking benefits in this state. The provisions of this subsection shall terminate on January 1, 2019.

2. Any ongoing savings resulting from a reduction in state expenditures due to modification of the supplemental nutrition assistance program under this section or the temporary assistance for needy families program under sections 208.026 and 208.040 effective on August 28, 2015, subject to appropriations, shall be used to provide child care assistance for single parent households, education assistance, transportation assistance, and job training for individuals receiving benefits under such programs as allowable under applicable state and federal law.

3. The department shall make an annual report to the joint committee on government accountability on the progress of implementation of sections 208.026 and 208.040, including information on enrollment, demographics, work participation, and changes to specific policies. The joint committee shall meet at least once a year to review the department's report and shall make recommendations to the president pro tempore of the senate and the speaker of the house of representatives.

Vetoed April 30, 2015
Overridden May 5, 2015

SB 34 [HCS SCS SBs 34 & 105]

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

Extends voter registration requirements

AN ACT to repeal sections 115.135, 115.275, 115.277, 115.279, 115.283, 115.287, 115.291, 115.912, and 115.940, RSMo, and to enact in lieu thereof eight new sections relating to military and overseas voter registration, with an emergency clause.

SECTION

A. Enacting clause.
115.135. Persons entitled to register, when — identification required — military service, registration, when.
115.275. Definitions relative to absentee ballots.
115.277. Persons eligible to vote absentee.
115.279. Application for absentee ballot, how made.
115.283. Statements of absentee voters or persons providing assistance to absentee voters — forms — notary seal not required, when — charges by notaries, limitations.
115.287. Absentee ballot, how delivered.
115.291. Procedure for absentee ballots — declared emergencies, delivery and return of ballots — envelopes, refusal to accept ballot prohibited when.
115.912. Timeliness of application, when.

115.940. Persons in federal service, permitted to vote in same manner under uniformed military and overseas voters act.
B. Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Sections 115.135, 115.275, 115.277, 115.279, 115.283, 115.287, 115.291, 115.912, and 115.940, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 115.135, 115.275, 115.277, 115.279, 115.283, 115.287, 115.291, and 115.912, to read as follows:

115.135. PERSONS ENTITLED TO REGISTER, WHEN — IDENTIFICATION REQUIRED — MILITARY SERVICE, REGISTRATION, WHEN. — 1. Any person who is qualified to vote, or who shall become qualified to vote on or before the day of election, shall be entitled to register in the jurisdiction within which he or she resides. In order to vote in any election for which registration is required, a person must be registered to vote in the jurisdiction of his or her residence no later than 5:00 p.m., or the normal closing time of any public building where the registration is being held if such time is later than 5:00 p.m., on the fourth Wednesday prior to the election, unless the voter is an interstate former resident, an intrastate new resident **[**or**]**, a new resident, **or a covered voter,** as defined in section 115.275. **Except as provided in subsection 4 of this section,** in no case shall registration for an election extend beyond 10:00 p.m. on the fourth Wednesday prior to the election. Any person registering after such date shall be eligible to vote in subsequent elections.

2. A person applying to register with an election authority or a deputy registration official shall identify himself or herself by presenting a copy of a birth certificate, a Native American tribal document, other proof of United States citizenship, a valid Missouri drivers license or other form of personal identification at the time of registration.

3. Except as provided in federal law or federal elections and in section 115.277, no person shall be entitled to vote if the person has not registered to vote in the jurisdiction of his or her residence prior to the deadline to register to vote.

4. A covered voter as defined in section 115.275 who has been discharged from military service, has returned from a military deployment or activation, or has separated from employment outside the territorial limits of the United States after the deadline to register to vote, and who is otherwise qualified to register to vote, may register to vote in an election in person before the election authority until 5:00 p.m. on the Friday before such election. Such persons shall produce sufficient documentation showing evidence of qualifying for late registration pursuant to this section.

115.275. DEFINITIONS RELATIVE TO ABSENTEE BALLOTS. — As used in sections 115.275 to 115.304, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Absentee ballot", any of the ballots a person is authorized to cast away from a polling place pursuant to the provisions of sections 115.275 to 115.304;

(2) **"Covered voter":**

(a) A uniformed services voter who is registered to vote in this state;

(b) A uniformed services voter defined in this section whose voting residence is in this state and who otherwise satisfies this state's voter eligibility requirements;

(c) An overseas voter;

(d) Civilian employees of the United States government working outside the boundaries of the United States, and their spouses and dependents;

(e) Active members of religious or welfare organizations assisting servicemen, and their spouses and dependents; or

(f) Persons who have been honorably discharged from the Armed Forces or who have terminated their service or employment in any group mentioned in this section within sixty days of an election, and their spouses and dependents;

(3) "Interstate former resident", a former resident and registered voter in this state who moves from Missouri to another state after the deadline to register to vote in any presidential election in the new state and who otherwise possesses the qualifications to register and vote in such state;

[(3)**] (4)** "Intrastate new resident", a registered voter of this state who moves from one election authority's jurisdiction in the state to another election authority's jurisdiction in the state after the last day authorized in this chapter to register to vote in an election and otherwise possesses the qualifications to vote;

[(4)**] (5)** "New resident", a person who moves to this state after the last date authorized in this chapter to register to vote in any presidential election;

[(5) "Persons in federal service" includes:

(a) Members of the Armed Forces of the United States, while in active service, and their spouses and dependents;

(b) Active members of the Merchant Marine of the United States and their spouses and dependents;

(c) Civilian employees of the United States government working outside the boundaries of the United States, and their spouses and dependents;

(d) Active members of religious or welfare organizations assisting servicemen, and their spouses and dependents; **or**

(e) Persons who have been honorably discharged from the Armed Forces or who have terminated their service or employment in any group mentioned in this section within sixty days of an election, and their spouses and dependents.**]**

(6) "Overseas voter":

(a) A person who resides outside the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States; or

(b) A person who resides outside the United States and, but for such residence, would be qualified to vote in the last place in which the person was domiciled before leaving the United States;

(7) "Uniformed services":

(a) Active and reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States;

(b) The Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States; or

(c) The Missouri National Guard;

(8) "Uniformed services voter", an individual who is qualified to vote and is:

(a) A member of the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States who is on active duty;

(b) A member of the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States;

(c) A member on activated status of the National Guard; or

(d) A spouse or dependent of a member referred to in this subdivision;

(9) "United States", used in the territorial sense, the several states, the District of Columbia, Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the jurisdiction of the United States.

115.277. PERSONS ELIGIBLE TO VOTE ABSENTEE. — 1. Except as provided in subsections 2, 3, 4, and 5 of this section, any registered voter of this state may vote by absentee ballot for all candidates and issues for which such voter would be eligible to vote at the polling place if such voter expects to be prevented from going to the polls to vote on election day due to:

(1) Absence on election day from the jurisdiction of the election authority in which such voter is registered to vote;

(2) Incapacity or confinement due to illness or physical disability, including a person who is primarily responsible for the physical care of a person who is incapacitated or confined due to illness or disability;

(3) Religious belief or practice;

(4) Employment as an election authority, as a member of an election authority, or by an election authority at a location other than such voter's polling place;

(5) Incarceration, provided all qualifications for voting are retained**;**

(6) Certified participation in the address confidentiality program established under sections 589.660 to 589.681 because of safety concerns.

2. Any **[**person in federal service**]** **covered voter**, as defined in section 115.275, who is eligible to register and vote in this state **[**but is not registered may vote only in the election of presidential and vice presidential electors, United States senator and representative in Congress**]** **may vote in any election for federal office, statewide office, state legislative office, or statewide ballot initiatives by submitting a federal postcard application to apply to vote by absentee ballot or by submitting a federal postcard application at the polling place** even though the person is not registered. **A federal postcard application submitted by a covered voter pursuant to this subsection shall also serve as a voter registration application under section 115.908 and the election authority shall, if satisfied that the applicant is entitled to register, place the voter's name on the voter registration file.** Each **[**person in federal service**]** **covered voter** may vote by absentee ballot or, upon submitting an affidavit that the person is qualified to vote in the election, may vote at the person's polling place.

3. Any interstate former resident, as defined in section 115.275, may vote by absentee ballot for presidential and vice presidential electors.

4. Any intrastate new resident, as defined in section 115.275, may vote by absentee ballot at the election for presidential and vice presidential electors, United States senator, representative in Congress, statewide elected officials and statewide questions, propositions and amendments from such resident's new jurisdiction of residence after registering to vote in such resident's new jurisdiction of residence.

5. Any new resident, as defined in section 115.275, may vote by absentee ballot for presidential and vice presidential electors after registering to vote in such resident's new jurisdiction of residence.

115.279. APPLICATION FOR ABSENTEE BALLOT, HOW MADE. — 1. Application for an absentee ballot may be made by the applicant in person, or by mail, or for the applicant, in person, by his or her guardian or a relative within the second degree by consanguinity or affinity. The election authority shall accept applications by facsimile transmission within the limits of its telecommunications capacity.

2. Each application shall be made to the election authority of the jurisdiction in which the person is or would be registered. Each application shall be in writing and shall state the applicant's name, address at which he or she is or would be registered, his or her reason for voting an absentee ballot, the address to which the ballot is to be mailed, if mailing is requested, and for absent uniformed services and overseas applicants, the applicant's email address if electronic transmission is requested. **If the reason for the applicant voting absentee is due to the reasons established under subdivision (6) of subsection 1 of section 115.277, the applicant shall state the voter's identification information provided by the address confidentiality program in lieu of the applicant's name, address at which he or she is or would be registered, and address to which the ballot is to be mailed, if mailing is requested.** Each application to vote in a primary election shall also state which ballot the applicant wishes to receive. If any application fails to designate a ballot, the election authority shall, within three working days after receiving the application, notify the applicant by mail that it will be unable to deliver an absentee ballot until the applicant designates which political party ballot he or she wishes to receive. If the applicant does not respond to the request for political

party designation, the election authority is authorized to provide the voter with that part of the ballot for which no political party designation is required.

3. Except as provided in subsection 3 of section 115.281, all applications for absentee ballots received prior to the sixth Tuesday before an election shall be stored at the office of the election authority until such time as the applications are processed in accordance with section 115.281. No application for an absentee ballot received in the office of the election authority by mail, by facsimile transmission or by a guardian or relative after 5:00 p.m. on the Wednesday immediately prior to the election shall be accepted by any election authority. No application for an absentee ballot submitted by the applicant in person after 5:00 p.m. on the day before the election shall be accepted by any election authority, except as provided in subsections 6, 8 and 9 of this section.

4. Each application for an absentee ballot shall be signed by the applicant or, if the application is made by a guardian or relative pursuant to this section, the application shall be signed by the guardian or relative, who shall note on the application his or her relationship to the applicant. If an applicant, guardian or relative is blind, unable to read or write the English language or physically incapable of signing the application, he or she shall sign by mark, witnessed by the signature of an election official or person of his or her own choosing. Any person who knowingly makes, delivers or mails a fraudulent absentee ballot application shall be guilty of a class one election offense.

5. (1) Notwithstanding any law to the contrary, any resident of the state of Missouri who resides outside the boundaries of the United States or who is on active duty with the Armed Forces of the United States or members of their immediate family living with them may request an absentee ballot for both the primary and subsequent general election with one application.

(2) The election authority shall provide each absent uniformed services voter and each overseas voter who submits a voter registration application or an absentee ballot request, if the election authority rejects the application or request, with the reasons for the rejection.

(3) Notwithstanding any other law to the contrary, if a standard oath regarding material misstatements of fact is adopted for uniformed and overseas voters pursuant to the Help America Vote Act of 2002, the election authority shall accept such oath for voter registration, absentee ballot, or other election-related materials.

(4) Not later than sixty days after the date of each regularly scheduled general election for federal office, each election authority which administered the election shall submit to the secretary of state in a format prescribed by the secretary a report on the combined number of absentee ballots transmitted to, and returned by, absent uniformed services voters and overseas voters for the election. The secretary shall submit to the Election Assistance Commission a combined report of such information not later than ninety days after the date of each regularly scheduled general election for federal office and in a standardized format developed by the commission pursuant to the Help America Vote Act of 2002. The secretary shall make the report available to the general public.

(5) As used in this section, the terms "absent uniformed services voter" and "overseas voter" shall have the meaning prescribed in 42 U.S.C. **Section** 1973ff-6.

6. An application for an absentee ballot by a new resident, as defined in section 115.275, shall be submitted in person by the applicant in the office of the election authority in the election jurisdiction in which such applicant resides. The application shall be received by the election authority no later than 7:00 p.m. on the day of the election. Such application shall be in the form of an affidavit, executed in duplicate in the presence of the election authority or any authorized officer of the election authority, and in substantially the following form:

"STATE OF ....
COUNTY OF ...., ss.

I,......................................, do solemnly swear that:

(1) Before becoming a resident of this state, I resided at .... (residence address) in .... (town, township, village or city) of .... County in the state of ....;
(2) I moved to this state after the last day to register to vote in such general presidential election and I am now residing in the county of ...., state of Missouri;
(3) I believe I am entitled pursuant to the laws of this state to vote in the presidential election to be held November ...., ... (year);
(4) I hereby make application for a presidential and vice presidential ballot. I have not voted and shall not vote other than by this ballot at such election.
Signed ....
(Applicant)
....
(Residence Address)
Subscribed and sworn to before me this .... day of ...., ...
Signed ....
(Title and name of officer authorized to administer oaths)"

7. The election authority in whose office an application is filed pursuant to subsection 6 of this section shall immediately send a duplicate of such application to the appropriate official of the state in which the new resident applicant last resided and shall file the original of such application in its office.

8. An application for an absentee ballot by an intrastate new resident, as defined in section 115.275, shall be made in person by the applicant in the office of the election authority in the election jurisdiction in which such applicant resides. The application shall be received by the election authority no later than 7:00 p.m. on the day of the election. Such application shall be in the form of an affidavit, executed in duplicate in the presence of the election authority or an authorized officer of the election authority, and in substantially the following form:

"STATE OF ....
COUNTY OF ...., ss.
I, ..., do solemnly swear that:
(1) Before becoming a resident of this election jurisdiction, I resided at .... (residence address) in .... (town, township, village or city) of .... county in the state of ....;
(2) I moved to this election jurisdiction after the last day to register to vote in such election;
(3) I believe I am entitled pursuant to the laws of this state to vote in the election to be held .... (date);
(4) I hereby make application for an absentee ballot for candidates and issues on which I am entitled to vote pursuant to the laws of this state. I have not voted and shall not vote other than by this ballot at such election.
Signed ....
(Applicant)
....
(Residence Address)
Subscribed and sworn to before me this .... day of ...., ...
Signed ....
(Title and name of officer authorized to administer oaths)"

9. An application for an absentee ballot by an interstate former resident, as defined in section 115.275, shall be received in the office of the election authority where the applicant was formerly registered by 5:00 p.m. on the Wednesday immediately prior to the election, unless the application is made in person by the applicant in the office of the election authority, in which case such application shall be made no later than 7:00 p.m. on the day of the election.

115.283. **STATEMENTS OF ABSENTEE VOTERS OR PERSONS PROVIDING ASSISTANCE TO ABSENTEE VOTERS — FORMS — NOTARY SEAL NOT REQUIRED, WHEN — CHARGES BY NOTARIES, LIMITATIONS.** — 1. Each ballot envelope shall bear a statement on which the voter shall state the voter's name, the voter's voting address, the voter's mailing address and the voter's reason for voting an absentee ballot. **If the reason for the voter voting absentee is due to the reasons established under subdivision (6) of subsection 1 of section 115.277, the voter shall state the voter's identification information provided by the address confidentiality program in lieu of the applicant's name, voting address, and mailing address.** On the form, the voter shall also state under penalties of perjury that the voter is qualified to vote in the election, that the voter has not previously voted and will not vote again in the election, that the voter has personally marked the voter's ballot in secret or supervised the marking of the voter's ballot if the voter is unable to mark it, that the ballot has been placed in the ballot envelope and sealed by the voter or under the voter's supervision if the voter is unable to seal it, and that all information contained in the statement is true. In addition, any person providing assistance to the absentee voter shall include a statement on the envelope identifying the person providing assistance under penalties of perjury. Persons authorized to vote only for federal and statewide officers shall also state their former Missouri residence.

2. The statement for persons voting absentee ballots who are registered voters shall be in substantially the following form:

State of Missouri
County (City) of ....
I, ... (print name), a registered voter of .... County (City of St. Louis, Kansas City), declare under the penalties of perjury that I expect to be prevented from going to the polls on election day due to (check one):

.... absence on election day from the jurisdiction of the election authority in which I am registered;
.... incapacity or confinement due to illness or physical disability, including caring for a person who is incapacitated or confined due to illness or disability
.... religious belief or practice;
.... employment as an election authority or by an election authority at a location other than my polling place;
.... incarceration, although I have retained all the necessary qualifications for voting**;**
.... certified participation in the address confidentiality program established under sections 589.660 to 589.681 because of safety concerns.

I hereby state under penalties of perjury that I am qualified to vote at this election; I have not voted and will not vote other than by this ballot at this election. I further state that I marked the enclosed ballot in secret or that I am blind, unable to read or write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

....	....
Signature of Voter	Signature of Person Assisting Voter (if applicable)
Signed	Subscribed and sworn to
Signed	before me this ...... day
Address of Voter	of ...., ...
....	....
....	....

Mailing addresses (if different)	Signature of notary or other officer authorized to administer oaths

3. The statement for persons voting absentee ballots pursuant to the provisions of subsection 2, 3, 4, or 5 of section 115.277 without being registered shall be in substantially the following form:

State of Missouri
County (City) of ....
I, ... (print name), declare under the penalties of perjury that I am a citizen of the United States and eighteen years of age or older. I am not adjudged incapacitated by any court of law, and if I have been convicted of a felony or of a misdemeanor connected with the right of suffrage, I have had the voting disabilities resulting from such conviction removed pursuant to law. I hereby state under penalties of perjury that I am qualified to vote at this election.

I am (check one):

...... a resident of the state of Missouri and a registered voter in .... County and moved from that county to .... County, Missouri, after the last day to register to vote in this election.

...... an interstate former resident of Missouri and authorized to vote for presidential and vice presidential electors.

I further state under penalties of perjury that I have not voted and will not vote other than by this ballot at this election; I marked the enclosed ballot in secret or am blind, unable to read or write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

.... Signature of Voter	Subscribed to and sworn before me this ...... day of ...., ...
.... Address of Voter	.... Signature of notary or other officer authorized to administer oaths
.... Mailing Address (if different)	....
.... Signature of Person Assisting Voter	.... Address of Last Missouri Residence (if applicable)

4. The statement for persons voting absentee ballots who are entitled to vote at the election pursuant to the provisions of subsection 2 of section 115.137 shall be in substantially the following form:

State of Missouri
County (City) of ....
I, ... (print name), declare under the penalties of perjury that I expect to be prevented from going to the polls on election day due to (check one):

.... absence on election day from the jurisdiction of the election authority in which I am directed to vote;

.... incapacity or confinement due to illness or physical disability, including caring for a person who is incapacitated or confined due to illness or disability;

.... religious belief or practice;
.... employment as an election authority or by an election authority at a location other than my polling place;
.... incarceration, although I have retained all the necessary qualifications of voting**;**
.... certified participation in the address confidentiality program established under sections 589.660 to 589.681 because of safety concerns.

I hereby state under penalties of perjury that I own property in the .... district and am qualified to vote at this election; I have not voted and will not vote other than by this ballot at this election. I further state that I marked the enclosed ballot in secret or that I am blind, unable to read and write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

....	Subscribed and sworn
Signature of Voter	to before me this ....
	day of ...., ...
....	
....	....
Address	Signature of notary or other officer authorized to administer oaths

....
Signature of Person
Assisting Voter
(if applicable)

5. The statement for persons providing assistance to absentee voters shall be in substantially the following form:

The voter needed assistance in marking the ballot and signing above, because of blindness, other physical disability, or inability to read or to read English. I marked the ballot enclosed in this envelope at the voter's direction, when I was alone with the voter, and I had no other communication with the voter as to how he or she was to vote. The voter swore or affirmed the voter affidavit above and I then signed the voter's name and completed the other voter information above. Signed under the penalties of perjury.
Reason why voter needed assistance: ....
ASSISTING PERSON SIGN HERE

1. .... (signature of assisting person)
2. .... (assisting person's name printed)
3. .... (assisting person's residence)
4. .... (assisting person's home city or town).

6. Notwithstanding any other provision of this section, any covered voter as defined in section 115.902 or persons who have declared themselves to be permanently disabled pursuant to section 115.284, otherwise entitled to vote, shall not be required to obtain a notary seal or signature on his or her absentee ballot.

7. Notwithstanding any other provision of this section or section 115.291 to the contrary, the subscription, signature and seal of a notary or other officer authorized to administer oaths shall not be required on any ballot, ballot envelope, or statement required by this section if the reason for the voter voting absentee is due to the reasons established pursuant to subdivision (2) of subsection 1 of section 115.277.

8. No notary shall charge or collect a fee for notarizing the signature on any absentee ballot or absentee voter registration.

9. A notary public who charges more than the maximum fee specified or who charges or collects a fee for notarizing the signature on any absentee ballot or absentee voter registration is guilty of official misconduct.

115.287. ABSENTEE BALLOT, HOW DELIVERED. — 1. Upon receipt of a signed application for an absentee ballot and if satisfied the applicant is entitled to vote by absentee ballot, the election authority shall, within three working days after receiving the application, or if absentee ballots are not available at the time the application is received, within five working days after they become available, deliver to the voter an absentee ballot, ballot envelope and such instructions as are necessary for the applicant to vote. Delivery shall be made to the voter personally in the office of the election authority or by bipartisan teams appointed by the election authority, or by first class, registered, or certified mail at the discretion of the election authority, or in the case of a covered voter as defined in section 115.902, the method of transmission prescribed in section 115.914. Where the election authority is a county clerk, the members of bipartisan teams representing the political party other than that of county clerk shall be selected from a list of persons submitted to the county clerk by the county chairman of that party. If no list is provided by the time that absentee ballots are to be made available, the county clerk may select a person or persons from lists provided in accordance with section 115.087. If the election authority is not satisfied that any applicant is entitled to vote by absentee ballot, it shall not deliver an absentee ballot to the applicant. Within three working days of receiving such an application, the election authority shall notify the applicant and state the reason he or she is not entitled to vote by absentee ballot. The applicant may appeal the decision of the election authority to the circuit court in the manner provided in section 115.223.

2. If, after 5:00 p.m. on the Wednesday before an election, any voter from the jurisdiction has become hospitalized, becomes confined due to illness or injury, or is confined in an adult boarding facility, intermediate care facility, residential care facility, or skilled nursing facility, as defined in section 198.006, in the county in which the jurisdiction is located or in the jurisdiction or an adjacent election authority within the same county, the election authority shall appoint a team to deliver, witness the signing of and return the voter's application and deliver, witness the voting of and return the voter's absentee ballot. In counties with a charter form of government and in cities not within a county, and in each city which has over three hundred thousand inhabitants, and is situated in more than one county, if the election authority receives ten or more applications for absentee ballots from the same address it may appoint a team to deliver and witness the voting and return of absentee ballots by voters residing at that address, except when such addresses are for an apartment building or other structure wherein individual living units are located, each of which has its own separate cooking facilities. Each team appointed pursuant to this subsection shall consist of two registered voters, one from each major political party. Both members of any team appointed pursuant to this subsection shall be present during the delivery, signing or voting and return of any application or absentee ballot signed or voted pursuant to this subsection.

3. On the mailing and ballot envelopes for each **[**applicant in federal service**]** **covered voter**, the election authority shall stamp prominently in black the words "FEDERAL BALLOT, STATE OF MISSOURI" and "U.S. Postage Paid, 39 U.S.C. 3406".

4. No information which encourages a vote for or against a candidate or issue shall be provided to any voter with an absentee ballot.

115.291. PROCEDURE FOR ABSENTEE BALLOTS — DECLARED EMERGENCIES, DELIVERY AND RETURN OF BALLOTS — ENVELOPES, REFUSAL TO ACCEPT BALLOT PROHIBITED WHEN. — 1. Upon receiving an absentee ballot in person or by mail, the voter shall mark the ballot in secret, place the ballot in the ballot envelope, seal the envelope and fill out the statement on the ballot envelope. The affidavit of each person voting an absentee ballot shall be

subscribed and sworn to before the election official receiving the ballot, a notary public or other officer authorized by law to administer oaths, unless the voter is voting absentee due to incapacity or confinement due to the provisions of section 115.284 illness or physical disability, or the voter is a covered voter as defined in section 115.902. If the voter is blind, unable to read or write the English language, or physically incapable of voting the ballot, the voter may be assisted by a person of the voter's own choosing. Any person assisting a voter who is not entitled to such assistance, and any person who assists a voter and in any manner coerces or initiates a request or a suggestion that the voter vote for or against or refrain from voting on any question, ticket or candidate, shall be guilty of a class one election offense. If, upon counting, challenge or election contest, it is ascertained that any absentee ballot was voted with unlawful assistance, the ballot shall be rejected.

2. Except as provided in subsection 4 of this section, each absentee ballot shall be returned to the election authority in the ballot envelope and shall only be returned by the voter in person, or in person by a relative of the voter who is within the second degree of consanguinity or affinity, by mail or registered carrier or by a team of deputy election authorities; except that **[**persons in federal service**]** **covered voters**, when sent from a location determined by the secretary of state to be inaccessible on election day, shall be allowed to return their absentee ballots cast by use of facsimile transmission or under a program approved by the Department of Defense for electronic transmission of election materials.

3. In cases of an emergency declared by the President of the United States or the governor of this state where the conduct of an election may be affected, the secretary of state may provide for the delivery and return of absentee ballots by use of a facsimile transmission device or system. Any rule promulgated pursuant to this subsection shall apply to a class or classes of voters as provided for by the secretary of state.

4. No election authority shall refuse to accept and process any otherwise valid marked absentee ballot submitted in any manner by a covered voter solely on the basis of restrictions on envelope type.

115.912. TIMELINESS OF APPLICATION, WHEN. — An application for a military-overseas ballot is timely if received by 5:00 p.m. on the **[**Wednesday**]** **Friday** prior to the election. An application for a military-overseas ballot for a primary election, whether or not timely, shall be effective as an application for a military-overseas ballot for the general election.

> **[115.940. PERSONS IN FEDERAL SERVICE, PERMITTED TO VOTE IN SAME MANNER UNDER UNIFORMED MILITARY AND OVERSEAS VOTERS ACT.** — Notwithstanding any other provision of law, a person in the federal service as defined under section 115.275 may vote in the same manner, using the same technology and requirements, as an overseas voter under sections 115.900 to 115.936.**]**

SECTION B. EMERGENCY CLAUSE. — Because immediate action is necessary to allow the provisions of this act to apply to election procedures before August 28, 2015, in order to protect the security needs of victims of domestic violence, rape, sexual assault, or stalking, the repeal and reenactment of sections 115.277, 115.279, and 115.283 of this act are deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and are hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 115.277, 115.279, and 115.283 of this act shall be in full force and effect on July 1, 2015, or upon its passage and approval, whichever first occurs.

Approved June 25, 2015

SB 58 [SS SB 58]

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

Modifies and repeals a number of existing, expired or obsolete committees

AN ACT to repeal sections 8.597, 21.440, 21.445, 21.450, 21.455, 21.460, 21.465, 21.530, 21.535, 21.537, 21.830, 21.835, 21.850, 21.920, 30.953, 30.954, 30.956, 30.959, 30.962, 30.965, 30.968, 30.971, 33.150, 33.710, 33.850, 37.250, 43.518, 99.863, 99.971, 99.1057, 160.530, 167.195, 191.828, 191.934, 192.632, 215.261, 215.262, 217.550, 217.567, 313.001, 320.092, 338.321, 348.439, 361.120, and 630.010, RSMo, and section 105.955 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and to enact in lieu thereof eleven new sections relating to the existence of certain committees.

SECTION
- A. Enacting clause.
- 33.150. Preserve all accounts and vouchers — destroy, when.
- 33.710. Committee, composition — expenses — officers.
- 43.518. Criminal records and justice information advisory committee, established — purpose — members — meetings, quorum — minutes, distribution, filing of.
- 160.530. Eligibility for state aid, allocation of funds to professional development committee — statewide areas of critical need, funds — success leads to success grant program created, purpose — listing of expenditures.
- 191.828. Evaluations, effect of initiatives.
- 217.550. Prison industries and services program created — director to administer — approval required — report submitted to director, contents.
- 217.567. Director may contract with private entities for employment of inmates — leasing of correctional facility property — wages, director to set policies.
- 320.092. Creates annual reporting requirements for certain tax credits.
- 348.439. Oversight and report on credits.
- 361.120. Preservation of records — report to governor — destruction of records, when.
- 630.010. Mental health commission — members, terms, qualifications, appointment, vacancies, compensation — organization, meetings.
- 8.597. Advisory committee on tobacco securitization established, members, duties.
- 21.440. Committee created, members, appointment, terms — political representation.
- 21.445. Organization of committee, officers — meetings, quorum — expenses of members.
- 21.450. Employment of personnel — committee on legislative research to provide personnel.
- 21.455. Duties of joint committee.
- 21.460. Institutions to cooperate with committee — may subpoena witnesses and papers.
- 21.465. Annual report of committee, contents.
- 21.530. Committee created, members, appointment — political representation.
- 21.535. Organization of committee, officers — meetings, quorum — expense reimbursement.
- 21.537. Duties — employment of personnel — report to general assembly, when.
- 21.830. Joint committee established, members, meetings, duties, hearings, report — dissolution of committee.
- 21.835. Joint committee to evaluate removal of certain offenses from the sexual offender registry.
- 21.850. Joint committee established, members, duties, report.
- 21.920. Committee established, members, terms, duties — report.
- 30.953. Missouri investment trust created, purpose, powers, duties — board of trustees.
- 30.954. Transfer of certain funds to the Missouri investment trust, when — reconveyance to state treasurer, when.
- 30.956. Investment trust powers.
- 30.959. Principal office, seal, records, reports, audit.
- 30.962. No gain or profit for trustees or employees.
- 30.965. Accounts, investments — board's duties.
- 30.968. Transfer to treasury.
- 30.971. Accounting.
- 33.850. Joint subcommittee organized, members, duties — annual reports, recommendations — meetings, hearings — expiration date.
- 37.250. Committee on state-operated wireless communication systems — members — duties — public policy.
- 99.863. Joint committee on real property tax increment allocation redevelopment, members, appointment, duties.
- 99.971. Joint committee of general assembly to review economic stimulus act, when — report to be submitted, when.
- 99.1057. Joint committee of general assembly to review rural economic stimulus act, when — report to be submitted, when.

105.955. Ethics commission established — appointment — qualifications — terms — vacancies — removal — secretary — filings required — investigators — powers and duties of commission — advisory opinions, effect — audits. Ethics commission established — appointment — qualifications — terms — vacancies — removal — restrictions — compensation — administrative secretary — filings required — investigators — powers and duties of commission — advisory opinions, effect — audits.
167.195. Eye screening required, when — recording of results — children's vision commission established, members, duties.
191.934. Newborn hearing screening advisory committee established, duties, members, compensation — committee to terminate, when.
192.632. Task force created, members, duties.
215.261. Commission on regulatory barriers to affordable housing created — purpose — report due when, filed with whom.
215.262. Members of commission, appointment, qualifications — terms — vacancies how filled — removal of members — expenses.
313.001. Committee on gaming and wagering, established — members, compensation — activities.
338.321. Interim committee created, purpose, members — report.

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

SECTION A. ENACTING CLAUSE. — Sections 8.597, 21.440, 21.445, 21.450, 21.455, 21.460, 21.465, 21.530, 21.535, 21.537, 21.830, 21.835, 21.850, 21.920, 30.953, 30.954, 30.956, 30.959, 30.962, 30.965, 30.968, 30.971, 33.150, 33.710, 33.850, 37.250, 43.518, 99.863, 99.971, 99.1057, 160.530, 167.195, 191.828, 191.934, 192.632, 215.261, 215.262, 217.550, 217.567, 313.001, 320.092, 338.321, 348.439, 361.120, and 630.010, RSMo, and section 105.955 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 33.150, 33.710, 43.518, 160.530, 191.828, 217.550, 217.567, 320.092, 348.439, 361.120, and 630.010, to read as follows:

33.150. PRESERVE ALL ACCOUNTS AND VOUCHERS — DESTROY, WHEN. — The original of all accounts, vouchers and documents approved or to be approved by the commissioner of administration shall be preserved in his office; and copies thereof shall be given without charge to any person, county, city, town, township and school or special road district interested therein, that may require the same for the purpose of being used as evidence in the trial of the cause, and like copies shall be furnished to any corporation or association requiring the same, under tender of the fees allowed by law; provided, that**[**, during each biennial session of the general assembly,**]** the commissioner of administration may**[**, in the presence of a joint committee of the house of representatives and senate,**]** destroy **[**by burning or by any other method satisfactory to said joint committee**] or dispose in the manner provided by law of** all paid accounts, vouchers and duplicate receipts of the state treasurer and other documents which may have been on file in the office of the commissioner of administration or his predecessor as custodian of such documents for a period of five years or longer, except such documents as may at the time be the subject of litigation or dispute. **[**Said joint committee shall consist of four members of the house of representatives, to be appointed by the speaker of the house of representatives, and two members of the senate, to be appointed by the president pro tem of the senate.**]**

33.710. COMMITTEE, COMPOSITION — EXPENSES — OFFICERS. — 1. There is created "The Governmental Emergency Fund Committee" consisting of the governor, the commissioner of administration **as ex officio comptroller**, the chairman and ranking minority member of the senate appropriations committee, the chairman and ranking minority member of the house budget committee, or its successor committee, and the director of the **[**division of facilities management, design and construction**] department of revenue** who shall serve as consultant to the committee without vote.

2. The members of the committee shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred by them in the performance of their official duties.

3. The committee shall elect from among its members a [chairman and vice chairman] **chair and vice chair** and such other officers as it deems necessary.

43.518. **CRIMINAL RECORDS AND JUSTICE INFORMATION ADVISORY COMMITTEE, ESTABLISHED — PURPOSE — MEMBERS — MEETINGS, QUORUM — MINUTES, DISTRIBUTION, FILING OF.** — 1. There is hereby established within the department of public safety a "Criminal Records and Justice Information Advisory Committee" whose purpose is to:

(1) Recommend general policies with respect to the philosophy, concept and operational principles of the Missouri criminal history record information system established by sections 43.500 to 43.530, in regard to the collection, processing, storage, dissemination and use of criminal history record information maintained by the central repository;

(2) Assess the current state of electronic justice information sharing; and

(3) Recommend policies and strategies, including standards and technology, for promoting electronic justice information sharing, and coordinating among the necessary agencies and institutions; and

(4) Provide guidance regarding the use of any state or federal funds appropriated for promoting electronic justice information sharing.

2. The committee shall be composed of the following officials or their designees: the director of the department of public safety; the director of the department of corrections [and human resources]; the attorney general; the director of the Missouri office of prosecution services; the president of the Missouri prosecutors association; the president of the Missouri court clerks association; the chief clerk of the Missouri state supreme court; the [director of the] state courts administrator; the [chairman] **chair** of the state judicial record committee; the [chairman] **chair** of the court automation committee; the presidents of the Missouri peace officers association; the Missouri sheriffs association; the Missouri police chiefs association or their successor agency; the superintendent of the Missouri highway patrol; the chiefs of police of agencies in jurisdictions with over two hundred thousand population; except that, in any county of the first class having a charter form of government, the chief executive of the county may designate another person in place of the police chief of any countywide police force, to serve on the committee; and, at the discretion of the director of public safety, as many as three other representatives of other criminal justice records systems or law enforcement agencies may be appointed by the director of public safety. The director of the department of public safety will serve as the permanent chairman of this committee.

3. The committee shall meet as determined by the director but not less than semiannually to perform its duties. A majority of the appointed members of the committee shall constitute a quorum.

4. No member of the committee shall receive any state compensation for the performance of duties associated with membership on this committee.

5. Official minutes of all committee meetings will be prepared by the director, promptly distributed to all committee members, and filed by the director for a period of at least five years.

160.530. **ELIGIBILITY FOR STATE AID, ALLOCATION OF FUNDS TO PROFESSIONAL DEVELOPMENT COMMITTEE — STATEWIDE AREAS OF CRITICAL NEED, FUNDS — SUCCESS LEADS TO SUCCESS GRANT PROGRAM CREATED, PURPOSE — LISTING OF EXPENDITURES.** — 1. Beginning with fiscal year 1994 and for all fiscal years thereafter, in order to be eligible for state aid distributed pursuant to section 163.031, a school district shall allocate one percent of moneys received pursuant to section 163.031, exclusive of categorical add-ons, to the professional development committee of the district as established in subdivision (1) of subsection 4 of section 168.400. Of the moneys allocated to the professional development committee in any fiscal year as specified by this subsection, seventy-five percent of such funds shall be spent in the same fiscal year for purposes determined by the professional development committee after consultation with the administrators of the school district and approved by the

local board of education as meeting the objectives of a school improvement plan of the district that has been developed by the local board. Moneys expended for staff training pursuant to any provisions of this act shall not be considered in determining the requirements for school districts imposed by this subsection.

2. Beginning with fiscal year 1994 and for all fiscal years thereafter, eighteen million dollars shall be distributed by the commissioner of education to address statewide areas of critical need for learning and development, provided that such disbursements are approved by the joint committee on education as provided in subsection 5 of this section, and as determined by rule and regulation of the state board of education with the advice of **[**the commission established by section 160.510 and**]** the advisory council provided by subsection 1 of section 168.015. The moneys described in this subsection may be distributed by the commissioner of education to colleges, universities, private associations, professional education associations, statewide associations organized for the benefit of members of boards of education, public elementary and secondary schools, and other associations and organizations that provide professional development opportunities for teachers, administrators, family literacy personnel and boards of education for the purpose of addressing statewide areas of critical need, provided that subdivisions (1), (2) and (3) of this subsection shall constitute priority uses for such moneys. "Statewide areas of critical need for learning and development" shall include:

(1) Funding the operation of state management teams in districts with academically deficient schools and providing resources specified by the management team as needed in such districts;

(2) Funding for grants to districts, upon application to the department of elementary and secondary education, for resources identified as necessary by the district, for those districts which are failing to achieve assessment standards;

(3) Funding for family literacy programs;

(4) Ensuring that all children, especially children at risk, children with special needs, and gifted students are successful in school;

(5) Increasing parental involvement in the education of their children;

(6) Providing information which will assist public school administrators and teachers in understanding the process of site-based decision making;

(7) Implementing recommended curriculum frameworks as outlined in section 160.514;

(8) Training in new assessment techniques for students;

(9) Cooperating with law enforcement authorities to expand successful antidrug programs for students;

(10) Strengthening existing curricula of local school districts to stress drug and alcohol prevention;

(11) Implementing and promoting programs to combat gang activity in urban areas of the state;

(12) Establishing family schools, whereby such schools adopt proven models of one-stop state services for children and families;

(13) Expanding adult literacy services; and

(14) Training of members of boards of education in the areas deemed important for the training of effective board members as determined by the state board of education.

3. Beginning with fiscal year 1994 and for all fiscal years thereafter, two million dollars of the moneys appropriated to the department of elementary and secondary education otherwise distributed to the public schools of the state pursuant to the provisions of section 163.031, exclusive of categorical add-ons, shall be distributed in grant awards by the state board of education, by rule and regulation, for the "Success Leads to Success" grant program, which is hereby created. The purpose of the success leads to success grant program shall be to recognize, disseminate and exchange information about the best professional teaching practices and programs in the state that address student needs, and to encourage the staffs of schools with these practices and programs to develop school-to-school networks to share these practices and programs.

4. The department shall include a listing of all expenditures under this section in the annual budget documentation presented to the governor and general assembly.

5. Prior to distributing any funds under subsection 2 of this section, the commissioner of education shall appear before the joint committee on education and present a proposed delineation of the programs to be funded under the provisions of subsection 2 of this section. The joint committee shall review all proposed spending under subsection 2 of this section and shall affirm, by a majority vote of all members serving on the committee, the spending proposal of the commissioner prior to any disbursement of funds under subsection 2 of this section.

6. If any provision of subdivision (11) of subsection 4 of section 160.254 or any provision of subsection 2 or 5 of this section regarding approval of disbursements by the joint committee on education is held to be invalid for any reason, then such decision shall invalidate subsection 2 of this section in its entirety.

191.828. EVALUATIONS, EFFECT OF INITIATIVES. — 1. The following departments shall conduct on-going evaluations of the effect of the initiatives enacted by the following sections:

(1) The department of insurance, financial institutions and professional registration shall evaluate the effect of revising section 376.782 and sections 143.999, 208.178, 374.126, and 376.891 to 376.894;

(2) The department of health and senior services shall evaluate the effect of revising sections 105.711 and sections 191.520 and 191.600 and enacting section 191.411, and sections 167.600 to 167.621, 191.231, 208.177, 431.064, and 660.016. In collaboration with the state board of registration for the healing arts, the state board of nursing, and the state board of pharmacy, the department of health and senior services shall also evaluate the effect of revising section 195.070, section 334.100, and section 335.016, and of sections 334.104 and 334.112, and section 338.095 and 338.198;

(3) The department of social services shall evaluate the effect of revising section 198.090, and sections 208.151, 208.152 and 208.215, and section 383.125, and of sections 167.600 to 167.621, 208.177, 208.178, 208.179, 208.181, and 211.490;

(4) The office of administration shall evaluate the effect of revising sections 105.711 and 105.721;

(5) The Missouri consolidated health care plan shall evaluate the effect of section 103.178; and

(6) The department of mental health shall evaluate the effect of section 191.831 as it relates to substance abuse treatment and of section 191.835.

2. The department of revenue and office of administration shall make biannual reports to the **[**joint committee on health care policy and planning**]** **general assembly** and the governor concerning the income received into the health initiatives fund and the level of funding required to operate the programs and initiatives funded by the health initiatives fund at an optimal level.

217.550. PRISON INDUSTRIES AND SERVICES PROGRAM CREATED — DIRECTOR TO ADMINISTER — APPROVAL REQUIRED — REPORT SUBMITTED TO DIRECTOR, CONTENTS. — 1. The department shall establish and operate at its correctional centers a vocational enterprise program which includes industries, services, vocational training, and agribusiness operations. The director shall have general supervision over planning, establishment and management of all vocational enterprise operations provided by and within the department and shall decide at which correctional center each vocational enterprise shall be located, taking into consideration the offender custody levels, the number of offenders in each correctional center so the best service or distribution of labor may be secured, location and convenience of the correctional centers in relation to the other correctional centers to be supplied or served and the machinery presently contained in each correctional center.

2. No service shall be established or renewed without prior approval by the advisory board of vocational enterprises program established by section 217.555 **[**and the joint committee on

corrections established by sections 21.440 to 21.465**]**. **[**Both**]** The board **[**and the committee**]** shall make a finding that the establishment of the service shall be beneficial to those offenders involved and shall not adversely affect any statewide economic group or industry.

3. The annual report of Missouri vocational enterprises submitted to the director shall include:

(1) A list of the correctional industries, services, vocational training programs, and agribusinesses in operation;

(2) A list of correctional industries, services, vocational training programs, and agribusinesses started, terminated, moved, expanded, or reduced during the period;

(3) The average number of offenders employed in each correctional industry, service, vocational training program, or agribusiness operation;

(4) The volume of sales of articles, services, and materials manufactured, grown, processed or provided;

(5) An operating statement showing the profit or loss of each industry, service, vocational training program, and agribusiness operation;

(6) The amount of sales to state agencies or institutions, to political subdivisions of the state, or any other entity with which the vocational enterprise program does business, and the amount of open market sales, if any; and

(7) Such other information concerning the correctional industries, services, vocational training programs, and agribusiness operations as requested by the director.

217.567. DIRECTOR MAY CONTRACT WITH PRIVATE ENTITIES FOR EMPLOYMENT OF INMATES — LEASING OF CORRECTIONAL FACILITY PROPERTY — WAGES, DIRECTOR TO SET POLICIES. — 1. Notwithstanding the provisions of any other law to the contrary, the director is hereby authorized to contract with a private individual, corporation, partnership or other lawful entity for inmate work or vocational training projects involving the manufacture and processing of goods, wares or merchandise, or any service-related business or commercial enterprise deemed by the director to be consistent with the proper employment, training and rehabilitation of offenders.

2. Any contract authorized by this section shall be in compliance with federal law, shall be competitively negotiated by the department and the private entity, shall not result in the displacement of civilian workers employed in the community or state, and shall be subject to the approval of the advisory board of vocational enterprises program created pursuant to section 217.555 **[**and the joint committee on corrections created pursuant to sections 21.440 to 21.465**]**.

3. The director may lease space in one or more buildings or portions of buildings on the grounds of any correctional center, together with the real estate needed for reasonable access to and egress from the leased premises to a private individual, corporation, partnership or other lawful entity for the purpose of establishing and operating a business enterprise. The enterprise shall at all times observe practices and procedures regarding security as the lease may specify or as the correctional center superintendent may temporarily stipulate during periods of emergency. The enterprise shall be deemed a private enterprise and is subject to all federal and state laws governing the operation of similar private business enterprises as specified by the authorized contract.

4. Subject to the approval of the director and upon such terms as may be prescribed, any lessee operating such an enterprise may employ and discharge from employment selected offenders of the correctional center where the enterprise is operated or from other correctional centers in close proximity. Offenders assigned to such an enterprise are subject to all departmental and divisional rules in addition to rules and regulations promulgated by the authorized contractor. Offenders assigned to such an enterprise for employment purposes shall be required to pay a percentage of their wages as established by the director of not less than five percent nor more than twenty percent of gross wages to the crime victims' compensation fund, section 595.045.

5. The director shall establish policies and procedures for determining the specific wages paid, workers' compensation benefits and deductions from wages to include room and board; federal, state and Social Security taxes; and family support. All deductions must not total more than eighty percent of gross wages. Provisions of the Fair Labor Standards Act shall apply to contractual offender workers.

320.092. CREATES ANNUAL REPORTING REQUIREMENTS FOR CERTAIN TAX CREDITS. — 1. Tax credits issued pursuant to sections 135.400, 135.750 and 320.093 shall be subject to oversight provisions. Effective January 1, 2000, notwithstanding the provisions of section 32.057, the board, department or authority issuing tax credits shall annually report to the office of administration, president pro tem of the senate, **and** the speaker of the house of representatives**[**, and the joint committee on economic development**]** regarding the tax credits issued pursuant to sections 135.400, 135.750 and 320.093 which were issued in the previous fiscal year. The report shall contain, but not be limited to, the aggregate number and dollar amount of tax credits issued by the board, department or authority, the number and dollar amount of tax credits claimed by taxpayers, and the number and dollar amount of tax credits unclaimed by taxpayers as well as the number of years allowed for claims to be made. This report shall be delivered no later than November of each year.

2. The reporting requirements established pursuant to subsection 1 of this section shall also apply to the department of economic development and the Missouri development finance board established pursuant to section 100.265. The department and the Missouri development finance board shall report on the tax credit programs which they respectively administer that are authorized under the provisions of chapters 32, 100, 135, 178, 253, 348, 447 and 620.

348.439. OVERSIGHT AND REPORT ON CREDITS. — The tax credits issued in sections 348.430 to 348.439 by the Missouri agricultural and small business development authority shall be subject to oversight provisions. Effective January 1, 2000, notwithstanding the provisions of section 32.057, the authority shall annually report to the office of administration, president pro tem of the senate, **and** the speaker of the house of representatives**[**, and the joint committee on economic development**]** regarding the tax credits authorized pursuant to sections 348.430 to 348.439 which were issued in the previous fiscal year. The report shall contain, but not be limited to, the aggregate number and dollar amount of tax credits issued by the authority, the number and dollar amount of tax credits claimed by taxpayers, and the number and dollar amount of tax credits unclaimed by taxpayers as well as the number of years allowed for claims to be made. This report shall be delivered no later than November of each year.

361.120. PRESERVATION OF RECORDS — REPORT TO GOVERNOR — DESTRUCTION OF RECORDS, WHEN. — 1. The director of finance shall preserve all records, reports and papers of every kind pertaining to the division of finance for a period of ten years, and shall permanently preserve all records, reports and papers of a permanent value, including articles of association and all amendments thereto, and all articles of merger or consolidation and amendments thereto. The director of finance shall make a written report to the governor whenever required by the governor.

2. **[**During each biennial session of the general assembly the director shall, in the presence of a joint committee of the house of representatives and the senate, destroy by burning or by any other method satisfactory to said joint committee the records, papers and reports which may be disposed of pursuant to this section. The joint committee shall consist of four members of the house of representatives to be appointed by the speaker of the house of representatives and two members of the senate to be appointed by the president pro tem of the senate**]** **After having kept any records, reports, or papers referred to in this section for a period of ten years, the director may destroy or otherwise dispose of said records in the manner provided by law**.

630.010. MENTAL HEALTH COMMISSION — MEMBERS, TERMS, QUALIFICATIONS, APPOINTMENT, VACANCIES, COMPENSATION — ORGANIZATION, MEETINGS. — 1. The state mental health commission, established by the omnibus reorganization act of 1974, section 9, appendix B, RSMo, shall be composed of seven members appointed by the governor, by and with the advice and consent of the senate. The terms of members appointed under the reorganization act before August 13, 1980, shall continue until the terms under which the members were regularly appointed expire. The terms shall be for four years. Each commissioner shall hold office until his successor has been appointed and qualified.

2. The commission shall be comprised of members who are not prohibited from serving by sections 105.450 to 105.482, as amended, and who are not otherwise employed by the state. The commission shall be composed of the following:

(1) A physician recognized as an expert in the treatment of mental illness;

(2) A physician**, licensed clinical psychologist, or other licensed clinician,** recognized as an expert in the evaluation or **[**habilitation**] treatment** of persons with an intellectual disability or developmental disability;

(3) A representative of groups who are consumers or families of consumers interested in the services provided by the department in the treatment of mental illness;

(4) A representative of groups who are consumers or families of consumers interested in the services provided by the department in the habilitation of persons with an intellectual disability or developmental disability;

(5) A person recognized for his expertise in general business matters and procedures;

(6) A person recognized for his interest and expertise in dealing with alcohol or drug abuse; and

(7) A person recognized for his interest or expertise in community mental health services.

3. Vacancies occurring on the commission shall be filled by appointment by the governor, by and with the advice and consent of the senate, for the unexpired terms. In case of a vacancy when the senate is not in session, the governor shall make a temporary appointment until the next session of the general assembly, when he shall nominate someone to fill the office.

4. The commission shall elect from its members a chairman and a secretary. Meetings shall be held at least once a month, and special meetings may be held at the call of the chairman.

5. The department shall pay the commission members one hundred dollars per day for each day, or portion thereof, they actually spend in transacting the business of the commission and shall reimburse the commission members for necessary expenses actually incurred in the performance of their official duties.

> **[8.597. ADVISORY COMMITTEE ON TOBACCO SECURITIZATION ESTABLISHED, MEMBERS, DUTIES.** — 1. There is established a joint committee of the general assembly to be known as the "Advisory Committee on Tobacco Securitization", to be comprised of five members of the senate and five members of the house of representatives. Three of the senate members shall be appointed by the president pro tem of the senate and two by the senate minority leader. Three of the house members shall be appointed by the speaker of the house and two by the house minority leader. The appointment of each member shall continue during his or her term of office as a member of the general assembly or until a successor has been duly appointed to fill his or her place when his or her term of office as a member of the general assembly has expired.
>
> 2. The committee shall study and recommend who the financial advisors, investment bankers, and other professional advisors shall be for the authority, and shall make a written report to the authority within sixty days of passage of the bill. The committee shall also study and provide a written report by December thirty-first of each year to the authority detailing suggested allowable projects and payments for which money from the tobacco settlement securitization settlement trust fund may be used in the next appropriation cycle.**]**

[21.440. COMMITTEE CREATED, MEMBERS, APPOINTMENT, TERMS — POLITICAL REPRESENTATION. — 1. There is established a permanent joint committee of the general assembly to be known as the "Joint Committee on Corrections" to be comprised of six members of the senate and six members of the house of representatives. The senate members shall be appointed by the president pro tem of the senate and the house members shall be appointed by the speaker of the house. The appointment of each member shall continue during his term of office as a member of the general assembly or until a successor has been duly appointed to fill his place when his term of office as a member of the general assembly has expired.

2. The general assembly by a majority vote of the elected members may discharge any or all of the members of the committee at any time and select their successors.

3. No major party shall be represented on the committee by more than three members from the senate nor by more than three members from the house.**]**

[21.445. ORGANIZATION OF COMMITTEE, OFFICERS — MEETINGS, QUORUM — EXPENSES OF MEMBERS. — 1. The joint committee on corrections shall meet within ten days after its creation and organize by selecting a chairman and a vice chairman, one of whom shall be a member of the senate and the other a member of the house of representatives. The director of research of the committee on legislative research shall serve as secretary to the committee. He shall keep the records of the committee, and shall perform such other duties as may be directed by the committee.

2. The regular meetings of the committee shall be in Jefferson City, Missouri, and after its inception and organization it shall regularly meet at least once every six months.

3. A majority of the members of the committee shall constitute a quorum.

4. The members of the committee shall serve without compensation but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties.**]**

[21.450. EMPLOYMENT OF PERSONNEL — COMMITTEE ON LEGISLATIVE RESEARCH TO PROVIDE PERSONNEL. — The committee may, within the limits of its appropriation, employ such personnel as it deems necessary; and the committee on legislative research, within the limits of any appropriation made for such purpose, shall supply to the joint committee on corrections such professional, technical, legal, stenographic and clerical help as may be necessary for it to perform its duties.**]**

[21.455. DUTIES OF JOINT COMMITTEE. — It shall be the duty of the committee:

(1) To make a continuing study and analysis of penal and correctional problems as they relate to this state;

(2) To devise and arrange for a long-range program for the department and its correctional centers based on a plan of biennial development and making the recommendation of any required correctional centers in the state in accordance with the general assembly's powers of appropriation;

(3) To inspect at least once each year and as necessary all correctional facilities and properties under the jurisdiction of the department of corrections and of the division of youth services;

(4) To make a continuing study and review of the department of corrections and the correctional facilities under its jurisdiction, including the internal organization, management, powers, duties and functions of the department and its correctional centers, particularly, by way of extension but not of limitation, in relation to the

(a) Personnel of the department;

(b) Discipline of the correctional facilities;
(c) Correctional enterprises;
(d) Classification of offenders;
(e) Care and treatment of offenders;
(f) Educational and vocational training facilities of the correctional centers;
(g) Location and establishment of new correctional centers or of new buildings and facilities;
(h) All other matters relating to the administration of the state's correctional centers which the committee deems pertinent; and
(i) Probations and paroles;
(5) To make a continuing study and review of the institutions and programs under the jurisdiction of the division of youth services;
(6) To study and determine the need for changes in the state's criminal laws as they apply to correctional centers and to sentencing, commitment, probation and parole of persons convicted of law violations;
(7) To determine from such study and analyses the need for changes in statutory law or administrative procedures;
(8) To make recommendations to the general assembly for legislative action and to the department of corrections and to the division of youth services for administrative or procedural changes.**]**

[21.460. INSTITUTIONS TO COOPERATE WITH COMMITTEE — MAY SUBPOENA WITNESSES AND PAPERS. — 1. The department of corrections, each section and correctional facility within the department and, upon request, any other state agency shall cooperate with and assist the committee in the performance of its duties and shall make available all books, records and information requested.
2. The committee shall have the power to subpoena witnesses, take testimony under oath, compel the attendance of witnesses, the giving of testimony and the production of records.**]**

[21.465. ANNUAL REPORT OF COMMITTEE, CONTENTS. — It shall be the duty of the committee to compile a full report of its activities for submission to the general assembly. The report shall be submitted not later than the fifteenth of January of each year in which the general assembly convenes in regular session and shall include any recommendations which the committee may have for legislative action as well as any recommendations for administrative or procedural changes in the internal management or organization of the department or its correctional facilities. The report shall also include an analysis and statement of the manner in which statutory provisions relating to the department and its several sections are being executed. Copies of the report containing such recommendations shall be sent to the director of the department of corrections and other persons within the department charged with administrative or managerial duties.**]**

[21.530. COMMITTEE CREATED, MEMBERS, APPOINTMENT — POLITICAL REPRESENTATION. — 1. There is established a permanent joint committee of the general assembly to be known as the "Joint Committee on Capital Improvements and Leases Oversight" to be comprised of five members of the senate appropriations committee and five members of the house of representatives budget committee. The senate members shall be appointed by the president pro tem of the senate and the house members shall be appointed by the speaker of the house.
2. No major party shall be represented on the committee by more than three members from the senate nor by more than three members from the house.**]**

[21.535. ORGANIZATION OF COMMITTEE, OFFICERS — MEETINGS, QUORUM — EXPENSE REIMBURSEMENT. — 1. The joint committee on capital improvements and leases oversight shall meet and organize by selecting a chairman and a vice chairman, one of whom shall be a member of the senate and the other a member of the house of representatives. The chairmanship shall alternate between members of the senate and house each two years after its organization.

2. The meetings of the committee shall be in Jefferson City, Missouri, and after its inception and organization it shall meet at the call of the chairman, but shall meet at least once every three months.

3. A majority of the members of the committee shall constitute a quorum.

4. The members of the committee shall serve without compensation but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties.**]**

[21.537. DUTIES — EMPLOYMENT OF PERSONNEL — REPORT TO GENERAL ASSEMBLY, WHEN. — 1. The joint committee on capital improvements and leases oversight shall:

(1) Monitor all proposed state-funded capital improvement projects, including all operating costs for the first two years after completion of such projects;

(2) Monitor all new construction on any state-funded capital improvements project, excluding capital improvements projects or highway improvements of the state transportation department funded by motor fuel tax revenues;

(3) Monitor any repairs or maintenance on existing state buildings and facilities involving capital expenditures exceeding a specific amount of money to be determined by the committee;

(4) Investigate the total bonded and other indebtedness including lease purchase agreements of this state and its various departments, divisions, and other agencies as it pertains to state building projects;

(5) Perform budgeting analysis for all proposed capital improvement projects including all operating costs for the first two years after completion of the project and cooperate with and assist the house budget committee and the senate appropriations committee with similar analysis;

(6) Monitor all leases and proposed leases of real property funded with state moneys, including any operating costs or other costs associated with any such lease arrangement.

2. The committee may, within the limits of its appropriation, employ such personnel as it deems necessary to carry out the duties imposed by this section.

3. The committee shall compile a full report of its activities for submission to the general assembly. The report shall be submitted not later than the fifteenth of January of each year in which the general assembly convenes in regular session and shall include any recommendations which the committee may have for legislative action.**]**

[21.830. JOINT COMMITTEE ESTABLISHED, MEMBERS, MEETINGS, DUTIES, HEARINGS, REPORT — DISSOLUTION OF COMMITTEE. — 1. There is hereby established a joint committee of the general assembly, which shall be known as the "Joint Committee on Missouri's Energy Future", which shall be composed of five members of the senate, with no more than three members of one party, and five members of the house of representatives, with no more than three members of one party. The senate members of the committee shall be appointed by the president pro tem of the senate and the house members by the speaker of the house of representatives. The committee shall select either a chairperson or co-chairpersons, one of whom shall be a member of the senate and one a member of the house of

representatives. A majority of the members shall constitute a quorum. Meetings of the committee may be called at such time and place as the chairperson or chairpersons designate.

2. The committee shall examine Missouri's present and future energy needs to determine the best strategy to ensure a plentiful, affordable and clean supply of electricity that will meet the needs of the people and businesses of Missouri for the next twenty-five years and ensure that Missourians continue to benefit from low rates for residential, commercial, and industrial energy consumers.

3. The joint committee may hold hearings as it deems advisable and may obtain any input or information necessary to fulfill its obligations. The committee may make reasonable requests for staff assistance from the research and appropriations staffs of the house and senate and the committee on legislative research, as well as the department of economic development, department of natural resources, and the public service commission.

4. The joint committee shall prepare a final report, together with its recommendations for any legislative action deemed necessary, for submission to the general assembly by December 31, 2009, at which time the joint committee shall be dissolved.

5. Members of the committee shall receive no compensation but may be reimbursed for reasonable and necessary expenses associated with the performance of their official duties.**]**

[21.835. JOINT COMMITTEE TO EVALUATE REMOVAL OF CERTAIN OFFENSES FROM THE SEXUAL OFFENDER REGISTRY. — Consistent with its comprehensive review of the Missouri criminal code, the joint committee on the Missouri criminal code, as established by senate concurrent resolution no. 28 as adopted by the ninety-sixth general assembly, second regular session, shall evaluate removal of offenses from the sexual offender registry which do not jeopardize public safety or do not contribute to the public's assessment of risk associated with offenders.**]**

[21.850. JOINT COMMITTEE ESTABLISHED, MEMBERS, DUTIES, REPORT. — 1. There is hereby established a joint committee of the general assembly, which shall be known as the "Joint Committee on Solid Waste Management District Operations", which shall be composed of five members of the senate, with no more than three members of one party, and five members of the house of representatives, with no more than three members of one party. The senate members of the committee shall be appointed by the president pro tempore of the senate and the house members by the speaker of the house of representatives. The committee shall select either a chairperson or co-chairpersons, one of whom shall be a member of the senate and one a member of the house of representatives. A majority of the members shall constitute a quorum. Meetings of the committee may be called at such time and place as the chairperson or chairpersons designate.

2. The committee shall examine solid waste management district operations, including but not limited to the efficiency, efficacy, and reasonableness of costs and expenses of such districts to Missouri taxpayers.

3. The joint committee may hold hearings as it deems advisable and may obtain any input or information necessary to fulfill its obligations. The committee may make reasonable requests for staff assistance from the research and appropriations staffs of the house and senate and the committee on legislative research, as well as the department of natural resources and representatives of solid waste management districts.

4. The joint committee shall prepare a final report, together with its recommendations for any legislative action deemed necessary, for submission to the general assembly by December 31, 2013, at which time the joint committee shall be dissolved.

5. Members of the committee shall receive no compensation but may be reimbursed for reasonable and necessary expenses associated with the performance of their official duties.]

[21.920. COMMITTEE ESTABLISHED, MEMBERS, TERMS, DUTIES — REPORT. — 1. There is established a joint committee of the general assembly to be known as the "Joint Committee on Missouri's Promise" to be composed of five members of the senate and five members of the house of representatives. The senate members of the joint committee shall be appointed by the president pro tem of the senate and the house members shall be appointed by the speaker of the house of representatives. The appointment of each member shall continue during the member's term of office as a member of the general assembly or until a successor has been appointed to fill the member's place when his or her term of office as a member of the general assembly has expired. No party shall be represented by more than three members from the house of representatives nor more than three members from the senate. A majority of the committee shall constitute a quorum, but the concurrence of a majority of the members shall be required for the determination of any matter within the committee's duties.

2. The committee shall be charged with the following:

(1) Examining issues that will be impacting the future of the state of Missouri and its citizens;

(2) Developing long-term strategies and plans for:

(a) Increasing the economic prosperity and opportunities for the citizens of this state;

(b) Improving the health status of our citizens;

(c) An education system that educates students who are capable of attending and being productive and successful citizens and designed to successfully prepare graduates for global competition;

(d) Investing in, and maintaining, a modern infrastructure and transportation system and identifying potential sources of revenue to sustain such efforts; and

(e) Other areas that the committee determines are vital to improving the lives of the citizens of Missouri;

(3) Developing three-, five-, and ten-year plans for the general assembly to meet the long-term strategies outlined in subdivision (2) of this subsection;

(4) Implementing budget forecasting for the upcoming ten years in order to plan for the long-term financial soundness of the state; and

(5) Such other matters as the committee may deem necessary in order to determine the proper course of future legislative and budgetary action regarding these issues.

3. The committee may solicit input and information necessary to fulfill its obligations, including, but not limited to, soliciting input and information from any state department or agency the committee deems relevant, political subdivisions of this state, and the general public.

4. By January 1, 2011, and every year thereafter, the committee shall issue a report to the general assembly with any findings or recommendations of the committee with regard to its duties under subsection 2 of this section.

5. Members of the committee shall receive no compensation but may be reimbursed for reasonable and necessary expenses associated with the performance of their official duties.]

[30.953. MISSOURI INVESTMENT TRUST CREATED, PURPOSE, POWERS, DUTIES — BOARD OF TRUSTEES. — 1. There is hereby created and established as an instrumentality of the state of Missouri, the "Missouri Investment Trust" which shall constitute a body corporate and politic, and shall be managed by a board of trustees as described herein. The purpose of the Missouri investment trust shall be:

(1) To receive, hold, manage, invest and ultimately reconvey to the granting party any funds or property of the state of Missouri which may, from time to time, be transferred to the investment trust pursuant to the terms of a trust agreement with the state of Missouri and the provisions of sections 30.953 to 30.971. All property, money, funds, investments and rights which may be so conveyed to the investment trust shall be dedicated to and held in trust for the state of Missouri and no other until such time as they are reconveyed to the state of Missouri, all as set forth herein; and

(2) To perform other duties assigned by law.

2. The state treasurer, on behalf of the state of Missouri, is hereby authorized to convey designated funds in the state treasury to the Missouri investment trust to be held in trust for the exclusive benefit of the state of Missouri for a fixed period, pursuant to the terms and conditions of a written trust agreement and the provisions of sections 30.953 to 30.971, provided that all the following requirements have been met:

(1) Initially, the general assembly passes and the governor signs legislation designating specific funds in the state treasury as being funds which, due to their nature and purpose, are intended for long-term investment and growth, and accordingly, from which there shall be no appropriations for a period exceeding the longest duration for investments by the state treasury pursuant to section 15, article IV of the Constitution of Missouri. Such legislation shall declare that it is the intention and desire of the general assembly that the state treasurer shall convey, from time to time, the designated funds, in trust, to the Missouri investment trust, and shall further declare the maximum time such funds shall remain in the Missouri investment trust before being reconveyed to the state treasurer by the investment trust; and

(2) Thereafter, an appropriation by the general assembly authorizing disbursement of the designated funds from the state treasury to the Missouri investment trust; and

(3) The Missouri investment trust executes a valid, binding trust agreement, sufficient in form and substance to bind the investment trust to hold, maintain, and invest the designated funds, in trust, for the exclusive benefit of the state of Missouri, for the prescribed period, whereupon the investment trust shall reconvey the designated funds and any earnings thereon to the state treasury.

3. The investment trust may hold and invest funds so designated in order to satisfy the specific long-term investment goals of such funds, but the investment trust shall not be utilized to invest idle general revenue funds of the state treasury. No more than one hundred million dollars, in aggregate, may be conveyed to the investment trust pursuant to sections 30.953 to 30.971. Total assets under management by the investment trust may exceed one hundred million dollars, but no new funds may be conveyed to the investment trust until such time as previous existing transfers to the investment trust total less than one hundred million dollars.

4. The board of trustees of the investment trust shall consist of the state treasurer, who shall serve as chairman, the commissioner of administration, one member appointed by the speaker of the house of representatives, one member appointed by the president pro tem of the senate and three members to be selected by the governor, with the advice and consent of the senate. The persons to be selected by the governor shall be individuals knowledgeable in the areas of banking, finance or the investment and management of public funds. Not more than two of the members appointed by the governor shall be from the same political party. The initial members of the board of trustees appointed by the governor shall serve the following terms: one shall serve two

years, one shall serve three years, and one shall serve four years, respectively. Thereafter, each appointment shall be for a term of four years. If for any reason a vacancy occurs, the governor, with the advice and consent of the senate, shall appoint a new member to fill the unexpired term. Members are eligible for reappointment.

5. Five members of the board of trustees of the investment trust shall constitute a quorum. No vacancy in the membership of the board of trustees shall impair the right of a quorum to exercise all the rights and perform all the duties of the board of trustees of the investment trust. No action shall be taken by the board of trustees of the investment trust except upon the affirmative vote of at least four of the members of the board where a quorum is present.

6. The board of trustees shall meet within the state of Missouri at the time set at a previously scheduled meeting or by the request of any four members of the board. Notice of the meeting shall be delivered to all other trustees in person or by depositing notice in a United States post office in a properly stamped and addressed envelope not less than six days prior to the date fixed for the meeting. The board may meet at any time by unanimous mutual consent. There shall be at least one meeting in each quarter.

7. In the event any trustee other than the state treasurer or the commissioner of administration fails to attend three consecutive meetings of the board, unless in each case excused for cause by the remaining trustees attending such meetings, such trustee shall be considered to have resigned from the board and the chairman shall declare such trustee's office vacated, and the vacancy shall be filled in the same manner as originally filled.

8. Each member of the board of trustees appointed by the governor, unless prohibited by law, is entitled to compensation of fifty dollars per diem plus such member's reasonable and necessary expenses actually incurred in discharging such member's duties pursuant to sections 30.953 to 30.971.**]**

[30.954. Transfer of certain funds to the Missouri investment trust, when — reconveyance to state treasurer, when. — As authorized pursuant to subsection 2 of section 30.953, it is the intention and desire of the general assembly that the state treasurer convey to the Missouri investment trust on January 1, 2000, up to one hundred percent of the balances of the Wolfner library trust fund established in section 181.150, the Missouri arts council trust fund established in section 185.100, the Missouri humanities council trust fund established in section 186.055, and the Pansy Johnson-Travis memorial state gardens trust fund established in section 253.380. On January 2, 2010, the Wolfner library trust fund, the Missouri arts council trust fund, the Missouri humanities council trust fund and the Pansy Johnson-Travis memorial state gardens trust fund shall be reconveyed to the state treasurer by the investment trust.**]**

[30.956. Investment trust powers. — The investment trust is hereby granted, has and may exercise all powers necessary or appropriate for it or its agents or employees to carry out and effectuate its purpose, including but not limited to the following:

(1) To purchase, acquire, hold, invest, lend, lease, sell, assign, transfer and dispose of all funds, property, rights and securities, and enter into written contracts, releases, compromises and other instruments necessary or convenient for the exercise of its powers, or to carry out the purposes of a trust agreement or sections 30.953 to 30.971;

(2) To make, and from time to time, amend and repeal bylaws, rules and regulations not inconsistent with the provisions of sections 30.953 to 30.971 for the regulation of its affairs and the conduct of its business;

(3) To accept appropriations, gifts, grants, bequests and devises and to utilize or dispose of the same to carry out its purpose or the terms of a trust agreement;

(4) To invest any funds or property not required for immediate disbursement in accordance with sections 30.953 to 30.971, and consistent with the principles set forth in sections 105.687 to 105.690, except that nothing herein shall be deemed to authorize investment in venture capital firms or small business investment companies, as defined in those statutory sections;

(5) To sue and be sued;

(6) To have a seal and alter the same at will;

(7) To enter into agreements or other transactions with any federal or state agency, person, or domestic or foreign partnership, corporation, association or organization;

(8) To procure insurance against any loss in connection with the property it holds in trust in such amounts and from such insurers as may be necessary or desirable;

(9) To hire or retain such agents or employees as necessary to carry out and effectuate its purpose and the requirements of sections 30.953 to 30.971.**]**

[30.959. PRINCIPAL OFFICE, SEAL, RECORDS, REPORTS, AUDIT. — 1. The principal office of the investment trust shall be in Jefferson City. The investment trust shall have a seal bearing the inscription "Missouri Investment Trust", which shall be in the custody of the state treasurer. The courts of this state shall take judicial notice of the seal and all copies of records, books, and written instruments which are kept in the office of the investment trust and are certified by the state treasurer under the seal shall be proved or admitted in any court or proceeding as provided by section 109.130.

2. The board of trustees of the investment trust shall keep a complete record of all its proceedings which shall be open to the public in accordance with the provisions of chapter 610.

3. The board of trustees shall annually prepare and have available as public information a comprehensive annual financial report showing the financial status of the investment trust as of the end of the trust's fiscal year. The report shall contain, but not be limited to, detailed financial statements prepared in accordance with generally accepted accounting principles for trust funds, a detailed listing of the investments, showing both cost and market value, held by the investment trust as of the date of the report together with a detailed statement of the annual rates of investment return from all assets and from each type of investment, a detailed list of investments acquired and disposed of during the fiscal year, a listing of the investment trust's board of trustees and responsible administrative staff, a detailed list of administrative expenses of the investment trust including all fees paid for professional services, a detailed list of brokerage commissions paid, and such other data as the board shall deem necessary or desirable for a proper understanding of the condition of the investment trust. In the event the investment trust is unable to comply with any of the disclosure requirements outlined above, a detailed statement shall be included in the report as to the reason for such noncompliance. A copy of the comprehensive annual financial report as outlined above shall be forwarded within six months of the end of the investment trust's fiscal year to the governor of Missouri.

4. The state auditor shall conduct an annual audit of the records and accounts of the investment trust and shall report the findings to the board of trustees and the governor.**]**

[30.962. NO GAIN OR PROFIT FOR TRUSTEES OR EMPLOYEES. — 1. No trustee or employee of the investment trust shall receive any gain or profit from any funds or transaction of the investment trust.

2. Any trustee, employee or agent of the investment trust accepting any gratuity or compensation for the purpose of influencing such trustee's, employee's or agent's action with respect to the investment or management of the funds of the investment trust shall thereby forfeit the office and in addition thereto be subject to the penalties prescribed for bribery.]

[30.965. ACCOUNTS, INVESTMENTS — BOARD'S DUTIES. — 1. The investment trust shall set up and maintain the system of accounts necessary to monitor, preserve and ultimately reconvey the funds conveyed to it pursuant to sections 30.953 to 30.971. All funds, property, income and earnings received by the investment trust from any and all sources shall be promptly credited to the appropriate account.

2. Unless and until invested in compliance with sections 30.953 to 30.971, all moneys received by the investment trust shall be promptly deposited to the credit of the investment trust in one or more banks or financial institutions in this state. No such money shall be deposited in or be retained by any bank or financial institution which does not continually have on deposit with and pledged for the benefit of the investment trust the kind and value of collateral required by section 30.270, for depositaries of the state treasurer.

3. The board of trustees shall invest all funds under its control which are in excess of a safe operating balance and not subject to imminent conveyance to the state treasury. The funds shall be invested only in those investments which a prudent person acting in a like capacity and familiar with these matters would use in the conduct of an enterprise of a like character and with like aims, as provided in section 105.688. The board of trustees may delegate to duly appointed investment counselors authority to act in place of the board in the investment and reinvestment of all or part of the moneys of the trust, and may also delegate to such counselors the authority to act in place of the board in the holding, purchasing, selling, assigning, transferring or disposing of any or all of the securities and investments in which such moneys shall have been invested, as well as the proceeds of such investments and such moneys. Such investment counselors shall be registered as investment advisors with the United States Securities and Exchange Commission. In exercising or delegating its investment powers and authority, members of the board of trustees shall exercise ordinary business care and prudence under the facts and circumstances prevailing at the time of the action or decision. No member of the board of trustees shall be liable for any action taken or omitted with respect to the exercise of, or delegation of, these powers and authority if such member shall have discharged the duties of his or her position in good faith and with that degree of diligence, care and skill which a prudent person acting in a like capacity and familiar with these matters would use in the conduct of an enterprise of a like character and with like aims.

4. No investment transaction authorized by the board of trustees shall be handled by any company or firm in which a member of the board has a substantial interest, nor shall any member of the board profit directly or indirectly from any such investment. All investments shall be made for the account of the investment trust, and any securities or other properties obtained by the board of trustees may be held by a custodian in the name of the investment trust, or in the name of a nominee in order to facilitate the expeditious transfer of such securities or other property. Such securities or other properties which are not available in registered form may be held in bearer form or in book entry form. The investment trust is further authorized to deposit, or have deposited for its account, eligible securities in a central depository system or clearing corporation or in a federal reserve bank under a book entry system as defined in the Uniform Commercial Code, chapter 400. When such eligible securities of the investment trust are so deposited with a central depository system they may be merged

and held in the name of the nominee of such securities depository and title to such securities may be transferred by bookkeeping entry on the books of such securities depository or federal reserve bank without physical delivery of the certificates or documents representing such securities.

5. With appropriate safeguards against loss by the investment trust in any contingency, the board of trustees may designate a bank or trust company to serve as a depository of trust funds and intermediary in the investment of those funds and payment of trust obligations.

6. The board of trustees may employ a financial institution having fiduciary powers for the provision of such custodial or clerical services as the board may deem appropriate.

7. Consistent with the exercise of its fiduciary responsibilities, the board of trustees may provide for the payment of any costs or expenses for the employees, agents, services or transactions necessary for the execution of sections 30.953 to 30.971 in the form, manner and amount that the board deems appropriate.

8. The board of trustees shall take the necessary steps, consistent with the exercise of its fiduciary responsibilities, to ensure that the investment trust has sufficient available assets to satisfy any obligation to reconvey property held in trust at the end of the term established in a trust agreement.

9. Any funds or property in the charge and custody of the board of trustees of the investment trust pursuant to the provisions of sections 30.953 to 30.971 shall not be subject to execution, garnishment, attachment or any other process whatsoever and shall be unassignable, unless otherwise specifically provided in sections 30.953 to 30.971.**]**

[30.968. TRANSFER TO TREASURY. — Upon completion of the fixed period identified in a trust agreement with the state of Missouri, the investment trust shall promptly transfer to the state treasury the current corpus of the property originally conveyed in trust, along with any interest, income or other earnings thereon.**]**

[30.971. ACCOUNTING. — For the purposes of the books and records of the state of Missouri, any funds or property held by the investment trust pursuant to sections 30.953 to 30.971 shall be treated, consistent with generally accepted accounting principles, in the same manner as property of a not-for-profit, tax-exempt beneficiary which is held in trust by a trustee for a fixed period.**]**

[33.850. JOINT SUBCOMMITTEE ORGANIZED, MEMBERS, DUTIES — ANNUAL REPORTS, RECOMMENDATIONS — MEETINGS, HEARINGS — EXPIRATION DATE. — 1. The committee on legislative research shall organize a subcommittee, which shall be known as the "Joint Subcommittee on Recovery Accountability and Transparency", to coordinate and conduct oversight of covered funds to prevent fraud, waste, and abuse.

2. The subcommittee shall consist of the following eight members:

(1) One-half of the members appointed by the chairperson from the house which he or she represents, two of whom shall be from the majority party and two of whom shall be from the minority party; and

(2) One-half of the members appointed by the vice chairperson from the house which he or she represents, two of whom shall be from the majority party and two of whom shall be from the minority party.

3. The appointment of the senate and house members shall continue during the member's term of office as a member of the general assembly or until a successor has been appointed to fill the member's place when his or her term of office as a member of the general assembly has expired.

4. The subcommittee shall coordinate and conduct oversight of covered funds in order to prevent fraud, waste, and abuse, including:

(1) Reviewing whether the reporting of contracts and grants using covered funds meets applicable standards and specifies the purpose of the contract or grant and measures of performance;

(2) Reviewing whether competition requirements applicable to contracts and grants using covered funds have been satisfied;

(3) Reviewing covered funds to determine whether wasteful spending, poor contract or grant management, or other abuses are occurring and referring matters it considers appropriate for investigation to the attorney general or the agency that disbursed the covered funds;

(4) Receiving regular reports from the commissioner of the office of administration, or his or her designee, concerning covered funds; and

(5) Reviewing the number of jobs created using these funds.

5. The subcommittee shall submit annual reports to the governor and general assembly, including the senate appropriations committee and house budget committee, that summarize the findings of the subcommittee with regard to its duties in subsection 4 of this section. All reports submitted under this subsection shall be made publicly available and posted on the governor's website, the general assembly website, and each state agency website. Any portion of a report submitted under this subsection may be redacted when made publicly available, if that portion would disclose information that is not subject to disclosure under chapter 610, or any other provision of state law.

6. (1) The subcommittee shall make recommendations to agencies on measures to prevent fraud, waste, and abuse relating to covered funds.

(2) Not later than thirty days after receipt of a recommendation under subdivision (1) of this subsection, an agency shall submit a report to the governor and general assembly, including the senate appropriations committee and house budget committee, and the subcommittee that states:

(a) Whether the agency agrees or disagrees with the recommendations; and

(b) Any actions the agency will take to implement the recommendations.

7. The subcommittee may:

(1) Review audits from the state auditor and conduct reviews relating to covered funds; and

(2) Receive regular testimony from the state auditor relating to audits of covered funds.

8. (1) Not later than thirty days after the date on which all initial members of the subcommittee have been appointed, the subcommittee shall hold its first meeting. Thereafter, the subcommittee shall meet at the call of the chairperson of the subcommittee.

(2) A majority of the members of the subcommittee shall constitute a quorum, but a lesser number of members may hold hearings.

9. The subcommittee may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the subcommittee considers advisable to carry out the provisions of this section. Each agency of this state shall cooperate with any request of the subcommittee to provide such information as the subcommittee deems necessary to carry out the provisions of this section. Upon request of the subcommittee, the head of each agency shall furnish such information to the subcommittee. The head of each agency shall make all officers and employees of that agency available to provide testimony to the subcommittee and committee personnel.

10. Subject to appropriations, the subcommittee may enter into contracts with public agencies and with private persons to enable the subcommittee to discharge its

duties under the provisions of this section, including contracts and other arrangements for studies, analyses, and other services.

11. The members of the subcommittee shall serve without compensation, but may be reimbursed for reasonable and necessary expenses incurred in the performance of their official duties.

12. As used in this section, the term "covered fund" shall mean any moneys received by the state or any political subdivision under the American Recovery and Reinvestment Act of 2009, as enacted by the 111th United States Congress.

13. This section shall expire March 1, 2013.**]**

[37.250. COMMITTEE ON STATE-OPERATED WIRELESS COMMUNICATION SYSTEMS — MEMBERS — DUTIES — PUBLIC POLICY. — 1. The general assembly declares it is the public policy of this state to determine the most cost-effective systems to provide ubiquitous coverage of the state transparent communications between all members of all using agencies, and the necessary E911 capability to provide assured emergency response, and to reduce the response time for emergency or disastrous situations.

2. There is hereby created a committee on state-operated wireless communication systems to be composed of:

(1) The commissioner of administration or a designee;

(2) The director of the department of public safety or a designee;

(3) The director of the department of conservation or a designee; and

(4) The chief engineer of the department of transportation or a designee.

3. The committee shall examine existing programs and proposals for development or expansion to identify duplication in resource allocation of wireless communication systems. The committee shall submit a report to the general assembly by August 30, 1998, in which it identifies opportunities for cost savings, increased efficiency and improved services for Missouri's citizens. The committee shall review the state's purchasing law and may recommend such changes to chapter 34 as it deems appropriate to maintain and enhance the state's wireless communication system. The committee may make such other recommendations as it deems appropriate and shall identify the costs associated with each such recommendation.**]**

[99.863. JOINT COMMITTEE ON REAL PROPERTY TAX INCREMENT ALLOCATION REDEVELOPMENT, MEMBERS, APPOINTMENT, DUTIES. — Beginning in 1999, and every five years thereafter, a joint committee of the general assembly, comprised of five members appointed by the speaker of the house of representatives and five members appointed by the president pro tem of the senate, shall review sections 99.800 to 99.865. A report based on such review, with any recommended legislative changes, shall be submitted to the speaker of the house of representatives and the president pro tem of the senate no later than February first following the year in which the review is conducted.**]**

[99.971. JOINT COMMITTEE OF GENERAL ASSEMBLY TO REVIEW ECONOMIC STIMULUS ACT, WHEN — REPORT TO BE SUBMITTED, WHEN. — Beginning in 2008, and every five years thereafter, a joint committee of the general assembly, comprised of five members appointed by the speaker of the house of representatives and five members appointed by the president pro tempore of the senate, shall review sections 99.915 to 99.980. A report based on such review, with any recommended legislative changes, shall be submitted to the speaker of the house of representatives and the president pro tempore of the senate no later than February first following the year in which the review is conducted.**]**

[99.1057. JOINT COMMITTEE OF GENERAL ASSEMBLY TO REVIEW RURAL ECONOMIC STIMULUS ACT, WHEN — REPORT TO BE SUBMITTED, WHEN. — Beginning in 2008, and every five years thereafter, a joint committee of the general assembly, comprised of five members appointed by the speaker of the house of representatives and five members appointed by the president pro tempore of the senate, shall review sections 99.1000 to 99.1060. A report based on such review, with any recommended legislative changes, shall be submitted to the speaker of the house of representatives and the president pro tempore of the senate no later than February first following the year in which the review is conducted.**]**

[105.955. ETHICS COMMISSION ESTABLISHED — APPOINTMENT — QUALIFICATIONS — TERMS — VACANCIES — REMOVAL — SECRETARY — FILINGS REQUIRED — INVESTIGATORS — POWERS AND DUTIES OF COMMISSION — ADVISORY OPINIONS, EFFECT — AUDITS. — 1. A bipartisan "Missouri Ethics Commission", composed of six members, is hereby established. The commission shall be assigned to the office of administration with supervision by the office of administration only for budgeting and reporting as provided by subdivisions (4) and (5) of subsection 6 of section 1 of the Reorganization Act of 1974. Supervision by the office of administration shall not extend to matters relating to policies, regulative functions or appeals from decisions of the commission, and the commissioner of administration, any employee of the office of administration, or the governor, either directly or indirectly, shall not participate or interfere with the activities of the commission in any manner not specifically provided by law and shall not in any manner interfere with the budget request of or withhold any moneys appropriated to the commission by the general assembly. All members of the commission shall be appointed by the governor with the advice and consent of the senate from lists submitted pursuant to this section. Each congressional district committee of the political parties having the two highest number of votes cast for their candidate for governor at the last gubernatorial election shall submit two names of eligible nominees for membership on the commission to the governor, and the governor shall select six members from such nominees to serve on the commission.

2. Within thirty days of submission of the person's name to the governor as provided in subsection 1 of this section, and in order to be an eligible nominee for appointment to the commission, a person shall file a financial interest statement in the manner provided by section 105.485 and shall provide the governor, the president pro tempore of the senate, and the commission with a list of all political contributions and the name of the candidate or committee, political party, or political action committee, as defined in chapter 130, to which those contributions were made within the four-year period prior to such appointment, made by the nominee, the nominee's spouse, or any business entity in which the nominee has a substantial interest. The information shall be maintained by the commission and available for public inspection during the period of time during which the appointee is a member of the commission. In order to be an eligible nominee for membership on the commission, a person shall be a citizen and a resident of the state and shall have been a registered voter in the state for a period of at least five years preceding the person's appointment.

3. The term of each member shall be for four years, except that of the members first appointed, the governor shall select three members from even-numbered congressional districts and three members from odd-numbered districts. Not more than three members of the commission shall be members of the same political party, nor shall more than one member be from any one United States congressional district. Not more than two members appointed from the even-numbered congressional districts shall be members of the same political party, and no more than two members from the

odd-numbered congressional districts shall be members of the same political party. Of the members first appointed, the terms of the members appointed from the odd-numbered congressional districts shall expire on March 15, 1994, and the terms of the members appointed from the even-numbered congressional districts shall expire on March 15, 1996. Thereafter all successor members of the commission shall be appointed for four-year terms. Terms of successor members of the commission shall expire on March fifteenth of the fourth year of their term. No member of the commission shall serve on the commission after the expiration of the member's term. No person shall be appointed to more than one full four-year term on the commission.

4. Vacancies or expired terms on the commission shall be filled in the same manner as the original appointment was made, except as provided in this subsection. Within thirty days of the vacancy or ninety days before the expiration of the term, the names of two eligible nominees for membership on the commission shall be submitted to the governor by the congressional district committees of the political party or parties of the vacating member or members, from the even- or odd-numbered congressional districts, based on the residence of the vacating member or members, other than from the congressional district committees from districts then represented on the commission and from the same congressional district party committee or committees which originally appointed the member or members whose positions are vacated. Appointments to fill vacancies or expired terms shall be made within forty-five days after the deadline for submission of names by the congressional district committees, and shall be subject to the same qualifications for appointment and eligibility as is provided in subsections 2 and 3 of this section. Appointments to fill vacancies for unexpired terms shall be for the remainder of the unexpired term of the member whom the appointee succeeds, and such appointees shall be eligible for appointment to one full four-year term. If the congressional district committee does not submit the required two nominees within the thirty days or if the congressional district committee does not submit the two nominees within an additional thirty days after receiving notice from the governor to submit the nominees, then the governor may appoint a person or persons who shall be subject to the same qualifications for appointment and eligibility as provided in subsections 2 and 3 of this section.

5. The governor, with the advice and consent of the senate, may remove any member only for substantial neglect of duty, inability to discharge the powers and duties of office, gross misconduct or conviction of a felony or a crime involving moral turpitude. Members of the commission also may be removed from office by concurrent resolution of the general assembly signed by the governor. If such resolution receives the vote of two-thirds or more of the membership of both houses of the general assembly, the signature of the governor shall not be necessary to effect removal. The office of any member of the commission who moves from the congressional district from which the member was appointed shall be deemed vacated upon such change of residence.

6. The commission shall elect biennially one of its members as the chairman. The chairman may not succeed himself or herself after two years. No member of the commission shall succeed as chairman any member of the same political party as himself or herself. At least four members are necessary to constitute a quorum, and at least four affirmative votes shall be required for any action or recommendation of the commission.

7. No member or employee of the commission, during the person's term of service, shall hold or be a candidate for any other public office.

8. In the event that a retired judge is appointed as a member of the commission, the judge shall not serve as a special investigator while serving as a member of the commission.

9. No member of the commission shall, during the member's term of service or within one year thereafter:

(1) Be employed by the state or any political subdivision of the state;

(2) Be employed as a lobbyist;

(3) Serve on any other governmental board or commission;

(4) Be an officer of any political party or political organization;

(5) Permit the person's name to be used, or make contributions, in support of or in opposition to any candidate or proposition;

(6) Participate in any way in any election campaign; except that a member or employee of the commission shall retain the right to register and vote in any election, to express the person's opinion privately on political subjects or candidates, to participate in the activities of a civic, community, social, labor or professional organization and to be a member of a political party.

10. Each member of the commission shall receive, as full compensation for the member's services, the sum of one hundred dollars per day for each full day actually spent on work of the commission, and the member's actual and necessary expenses incurred in the performance of the member's official duties.

11. The commission shall appoint an executive director who shall serve subject to the supervision of and at the pleasure of the commission, but in no event for more than six years. The executive director shall be responsible for the administrative operations of the commission and perform such other duties as may be delegated or assigned to the director by law or by rule of the commission. The executive director shall employ staff and retain such contract services as the director deems necessary, within the limits authorized by appropriations by the general assembly.

12. Beginning on January 1, 1993, all lobbyist registration and expenditure reports filed pursuant to section 105.473, financial interest statements filed pursuant to subdivision (1) of section 105.489, and campaign finance disclosure reports filed other than with election authorities or local election authorities as provided by section 130.026 shall be filed with the commission.

13. Within sixty days of the initial meeting of the first commission appointed, the commission shall obtain from the clerk of the supreme court or the state courts administrator a list of retired appellate and circuit court judges who did not leave the judiciary as a result of being defeated in an election. The executive director shall determine those judges who indicate their desire to serve as special investigators and to investigate any and all complaints referred to them by the commission. The executive director shall maintain an updated list of those judges qualified and available for appointment to serve as special investigators. Such list shall be updated at least annually. The commission shall refer complaints to such special investigators on that list on a rotating schedule which ensures a random assignment of each special investigator. Each special investigator shall receive only one unrelated investigation at a time and shall not be assigned to a second or subsequent investigation until all other eligible investigators on the list have been assigned to an investigation. In the event that no special investigator is qualified or available to conduct a particular investigation, the commission may appoint a special investigator to conduct such particular investigation.

14. The commission shall have the following duties and responsibilities relevant to the impartial and effective enforcement of sections 105.450 to 105.496 and chapter 130, as provided in sections 105.955 to 105.963:

(1) Receive and review complaints regarding alleged violation of sections 105.450 to 105.496 and chapter 130, conduct initial reviews and investigations regarding such complaints as provided herein; refer complaints to appropriate prosecuting authorities and appropriate disciplinary authorities along with

recommendations for sanctions; and initiate judicial proceedings as allowed by sections 105.955 to 105.963;

(2) Review and investigate any reports and statements required by the campaign finance disclosure laws contained in chapter 130, and financial interest disclosure laws or lobbyist registration and reporting laws as provided by sections 105.470 to 105.492, for timeliness, accuracy and completeness of content as provided in sections 105.955 to 105.963;

(3) Conduct investigations as provided in subsection 2 of section 105.959;

(4) Develop appropriate systems to file and maintain an index of all such reports and statements to facilitate public access to such information, except as may be limited by confidentiality requirements otherwise provided by law, including cross-checking of information contained in such statements and reports. The commission may enter into contracts with the appropriate filing officers to effectuate such system. Such filing officers shall cooperate as necessary with the commission as reasonable and necessary to effectuate such purposes;

(5) Provide information and assistance to lobbyists, elected and appointed officials, and employees of the state and political subdivisions in carrying out the provisions of sections 105.450 to 105.496 and chapter 130;

(6) Make recommendations to the governor and general assembly or any state agency on the need for further legislation with respect to the ethical conduct of public officials and employees and to advise state and local government in the development of local government codes of ethics and methods of disclosing conflicts of interest as the commission may deem appropriate to promote high ethical standards among all elected and appointed officials or employees of the state or any political subdivision thereof and lobbyists;

(7) Render advisory opinions as provided by this section;

(8) Promulgate rules relating to the provisions of sections 105.955 to 105.963 and chapter 130. All rules and regulations issued by the commission shall be prospective only in operation;

(9) Request and receive from the officials and entities identified in subdivision (6) of section 105.450 designations of decision-making public servants.

15. In connection with such powers provided by sections 105.955 to 105.963 and chapter 130, the commission may:

(1) Subpoena witnesses and compel their attendance and testimony. Subpoenas shall be served and enforced in the same manner provided by section 536.077;

(2) Administer oaths and affirmations;

(3) Take evidence and require by subpoena duces tecum the production of books, papers, and other records relating to any matter being investigated or to the performance of the commission's duties or exercise of its powers. Subpoenas duces tecum shall be served and enforced in the same manner provided by section 536.077;

(4) Employ such personnel, including legal counsel, and contract for services including legal counsel, within the limits of its appropriation, as it deems necessary provided such legal counsel, either employed or contracted, represents the Missouri ethics commission before any state agency or before the courts at the request of the Missouri ethics commission. Nothing in this section shall limit the authority of the Missouri ethics commission as provided for in subsection 2 of section 105.961; and

(5) Obtain information from any department, division or agency of the state or any political subdivision reasonably calculated to lead to the discovery of evidence which will reasonably assist the commission in carrying out the duties prescribed in sections 105.955 to 105.963 and chapter 130.

16. (1) Upon written request for an advisory opinion received by the commission, and if the commission determines that the person requesting the opinion

would be directly affected by the application of law to the facts presented by the requesting person, the commission shall issue a written opinion advising the person who made the request, in response to the person's particular request, regarding any issue that the commission can receive a complaint on pursuant to section 105.957. The commission may decline to issue a written opinion by a vote of four members and shall provide to the requesting person the reason for the refusal in writing. The commission shall give an approximate time frame as to when the written opinion shall be issued. Such advisory opinions shall be issued no later than ninety days from the date of receipt by the commission. Such requests and advisory opinions, deleting the name and identity of the requesting person, shall be compiled and published by the commission on at least an annual basis. Advisory opinions issued by the commission shall be maintained and made available for public inspection and copying at the office of the commission during normal business hours. Any advisory opinion or portion of an advisory opinion rendered pursuant to this subsection shall be withdrawn by the commission if, after hearing thereon, the joint committee on administrative rules finds that such advisory opinion is beyond or contrary to the statutory authority of the commission or is inconsistent with the legislative intent of any law enacted by the general assembly, and after the general assembly, by concurrent resolution, votes to adopt the findings and conclusions of the joint committee on administrative rules. Any such concurrent resolution adopted by the general assembly shall be published at length by the commission in its publication of advisory opinions of the commission next following the adoption of such resolution, and a copy of such concurrent resolution shall be maintained by the commission, along with the withdrawn advisory opinion, in its public file of advisory opinions. The commission shall also send a copy of such resolution to the person who originally requested the withdrawn advisory opinion. Any advisory opinion issued by the ethics commission shall act as legal direction to any person requesting such opinion and no person shall be liable for relying on the opinion and it shall act as a defense of justification against prosecution. An advisory opinion of the commission shall not be withdrawn unless:

(a) The authorizing statute is declared unconstitutional;

(b) The opinion goes beyond the power authorized by statute; or

(c) The authorizing statute is changed to invalidate the opinion.

(2) Upon request, the attorney general shall give the attorney general's opinion, without fee, to the commission, any elected official of the state or any political subdivision, any member of the general assembly, or any director of any department, division or agency of the state, upon any question of law regarding the effect or application of sections 105.450 to 105.496 or chapter 130. Such opinion need be in writing only upon request of such official, member or director, and in any event shall be rendered within sixty days after such request is delivered to the attorney general.

17. The state auditor and the state auditor's duly authorized employees who have taken the oath of confidentiality required by section 29.070 may audit the commission and in connection therewith may inspect materials relating to the functions of the commission. Such audit shall include a determination of whether appropriations were spent within the intent of the general assembly, but shall not extend to review of any file or document pertaining to any particular investigation, audit or review by the commission, an investigator or any staff or person employed by the commission or under the supervision of the commission or an investigator. The state auditor and any employee of the state auditor shall not disclose the identity of any person who is or was the subject of an investigation by the commission and whose identity is not public information as provided by law.

18. From time to time but no more frequently than annually the commission may request the officials and entities described in subdivision (6) of section 105.450 to

identify for the commission in writing those persons associated with such office or entity which such office or entity has designated as a decision-making public servant. Each office or entity delineated in subdivision (6) of section 105.450 receiving such a request shall identify those so designated within thirty days of the commission's request.]

[**167.195. EYE SCREENING REQUIRED, WHEN — RECORDING OF RESULTS — CHILDREN'S VISION COMMISSION ESTABLISHED, MEMBERS, DUTIES.** — 1. Beginning July 1, 2008, and continuing through the 2010-11 school year unless extended by act of the general assembly, all public school districts shall conduct an eye screening for each student once before the completion of first grade and again before the completion of third grade. The eye screening method utilized shall be one approved by the children's vision commission and shall be performed by an appropriately trained school nurse or other trained and qualified employee of the school district.

2. Results of each eye screening shall be recorded on a form provided by the department of health and senior services, developed and approved by the children's vision commission established under this section.

(1) The screening results, with all individual identifying information removed, shall be sent to the state department of health and senior services via electronic form and shall compile the data contained in the reports for review and analysis by the commission or other interested parties;

(2) When a student fails the eye screening, the school district shall send a notice developed by the commission to the parent or guardian notifying them of the results of the eye screening and propose that the student receive a complete eye examination from an optometrist or physician. Such notice shall have a place for the parent to acknowledge receipt along with an indication as to whether the student has received a complete eye examination and the results of the examination. Evidence of an examination provided by an optometrist or physician within the year preceding the school eye screening shall be sufficient for meeting the requirements of this section. The notice completed by the parent or guardian is to be returned to the school and shall be retained in the student's file and a copy shall be sent to the department of health and senior services;

(3) Notwithstanding any law to the contrary, nothing in this section shall violate any provisions of Public Law 104-191, 42 U.S.C. 201, et seq, Health Insurance Portability and Accountability Act of 1996.

3. The "Children's Vision Commission" is hereby established which shall cease to exist on June 30, 2012, unless renewed by act of the general assembly.

(1) The commission shall be composed of seven members appointed by the governor: two ophthalmologists to be determined from a list of recommended ophthalmologists by the Missouri Society of Eye Physicians and Surgeons; two optometrists to be determined from a list of recommended optometrists by the Missouri Optometric Association; one school nurse; one representative from the department of elementary and secondary education; and one representative from the Missouri state school boards association. Each ophthalmologist and optometrist shall serve a one-year term as chair of the commission. Members of the commission shall serve without compensation, but may be reimbursed for reasonable and necessary expenses associated with carrying out their duties.

(2) Duties of the commission shall be as follows:

(a) Analyze and adopt one or more standardized eye screening and eye examination tests to carry out the requirements of this section to be used in all schools

beginning with the 2008-09 school year which, in the commission's estimation, have a reasonable expectation of identifying vision problems in children;

(b) Develop, in conjunction with the department of health and senior services, a standardized reporting form which shall be used by all school districts in carrying out the requirements of this section;

(c) Design and coordinate appropriate training programs for school district staff who conduct the screening exams. Such training programs may utilize the volunteer services of nonprofit professional organizations which, in the opinion of the commission, are qualified to carry out those responsibilities associated with providing the training required;

(d) Conduct a pilot project to track the results of the eye screenings versus eye examinations conducted based on the reports submitted by school districts to the department of health and senior services;

(e) Develop, in conjunction with the Missouri Optometric Association (MOA) and the Missouri Society of Eye Physicians and Surgeons (MOSEPS), guidelines outlining the benefits and ongoing eye care for children and summarizing the signs and symptoms of vision disorders in order for the guidelines to be made available on the MOA and MOSEPS website. The commission shall also consult with MOA and MOSEPS in the organizations' education and promotion of the guidelines;

(f) By December 31, 2011, the commission shall submit a report to the general assembly detailing the results and findings of the study, including but not limited to the total number of eye screenings and eye examinations, the number of students who received a follow-up examination from an optometrist, opthalmologist, physician, or doctor of osteopathy and the results of those examinations to determine the effectiveness of eye examinations versus eye screenings.

4. The department of health and senior services shall make a reasonable accommodation for public review and inspection of the data collected as part of the eye screening pilot project provided that no information is revealed that could identify any individual student who was screened or examined.

5. In the event that a parent or legal guardian of a child objects to the child's participation in the eye screening program, the child shall be excused upon receipt by the appropriate school administrator of a written request.

6. The department of health and senior services shall provide staff support to the commission.**]**

[191.934. NEWBORN HEARING SCREENING ADVISORY COMMITTEE ESTABLISHED, DUTIES, MEMBERS, COMPENSATION — COMMITTEE TO TERMINATE, WHEN. — 1. There is hereby established a "Newborn Hearing Screening Advisory Committee".

2. The committee shall advise and assist the department of health and senior services in:

(1) Developing rules, regulations and standards for screening, rescreening and diagnostic audiological assessment;

(2) Developing forms for reporting screening, rescreening and diagnostic audiological assessment results to the surveillance and monitoring system;

(3) Designing a technical assistance program to support facilities implementing the screening program and those conducting rescreening and diagnostic audiological assessment;

(4) Developing educational materials to be provided to families; and

(5) Evaluating program outcomes to increase effectiveness and efficiency. The committee shall also report information concerning the newborn hearing screening program to the state interagency coordinating council, as requested, to ensure

coordination of programs within the state's early intervention system, and to identify and eliminate areas of duplication.

3. The committee shall be composed of the following sixteen members, with no less than two such members being deaf or hard of hearing, appointed by the director of the department of health and senior services:

(1) Three consumers, including one deaf individual who experienced hearing loss in early childhood, one hard-of-hearing individual who experienced hearing loss in early childhood and one parent of a child with a hearing loss;

(2) Two audiologists who have experience in evaluation and intervention of infants and young children;

(3) Two physicians who have experience in the care of infants and young children, one of which shall be a pediatrician;

(4) One representative of an organization with experience in providing early intervention services for children with hearing loss;

(5) One representative of the Missouri school for the deaf;

(6) One representative of a hospital with experience in the care of newborns;

(7) One representative of the Missouri commission for the deaf and hard of hearing;

(8) One representative from each of the departments of health and senior services, elementary and secondary education, mental health, social services and insurance, financial institutions and professional registration.

4. The department of health and senior services member shall chair the first meeting of the committee. At the first meeting, the committee shall elect a chairperson from its membership. The committee shall meet at the call of the chairperson, but not less than four times a year.

5. The department of health and senior services shall provide technical and administrative support services as required by the committee. Such services shall include technical support from individuals qualified to administer infant hearing screening, rescreening and diagnostic audiological assessments.

6. Members of the committee shall receive no compensation for their services as members but shall be reimbursed for expenses incurred as a result of their duties as members of the committee.

7. The committee shall adopt written bylaws to govern its activities.

8. The newborn hearing screening advisory committee shall be terminated on August 28, 2001.**]**

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

(1) Two physicians appointed from lists submitted by the Missouri State Medical Association;

(2) Two nephrologists;

(3) Two family physicians;

(4) Two pathologists;

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

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

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

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

(9) One member who represents the Missouri Kidney Program;

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

(11) Two members of the senate appointed by the president pro tempore of the senate;

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

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

3. The chronic kidney task force shall:

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

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

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

(4) Submit a report of its findings and recommendations to the general assembly within one year of its first meeting.

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

[215.261. COMMISSION ON REGULATORY BARRIERS TO AFFORDABLE HOUSING CREATED — PURPOSE — REPORT DUE WHEN, FILED WITH WHOM. — The "State Commission on Regulatory Barriers to Affordable Housing" is hereby created. The commission shall identify federal, state and local regulatory barriers to affordable housing and recommend means to eliminate such barriers. The commission shall report its findings, conclusions and recommendations in a report to be filed no later than August 31, 1995, and August thirty-first of each year thereafter, with the speaker of the house of representatives, the president pro tempore of the senate and the governor. The commission may also provide a copy of its report to any unit of federal, state or local government.**]**

[215.262. MEMBERS OF COMMISSION, APPOINTMENT, QUALIFICATIONS — TERMS — VACANCIES HOW FILLED — REMOVAL OF MEMBERS — EXPENSES. — The commission shall consist of nine voting members, seven of which shall be appointed by the governor by and with the advice and consent of the senate. The appointed commission members shall include two residential general contractors, two citizens at large, one residential land developer, one residential architect and one residential engineer. The chief administrative officers of the Missouri housing development commission and the Missouri department of economic development shall also be members of the commission and shall retain their memberships on the commission for the duration of their service to the Missouri housing development commission and the Missouri department of economic development. The commission may, in its discretion, establish other ex officio members as it deems prudent, who shall stand appointed and qualified for membership on the commission upon the resolution of the commission. Members of the commission shall serve for terms of three years, but of the first members appointed, three shall serve for a term of one year, two shall serve for a term of two years and two shall serve for a term of three years. Vacancies on the commission shall be filled for the unexpired term in the same manner as original

appointments are made. The commission may remove any of its members for cause after hearing. Members of the commission on regulatory barriers to affordable housing shall receive no compensation for their services, but may be reimbursed for actual and necessary expenses incurred by them in the performance of their duties.**]**

[313.001. COMMITTEE ON GAMING AND WAGERING, ESTABLISHED — MEMBERS, COMPENSATION — ACTIVITIES. — 1. There is established a permanent joint committee of the general assembly to be known as the "Committee on Gaming and Wagering" which shall be composed of five members of the senate, appointed by the president pro tem of the senate and five members of the house of representatives, appointed by the speaker of the house. A majority of the members of the committee shall constitute a quorum. The members shall annually select one of the members to be the chairman and one of the members to be the vice chairman. The general assembly by a majority vote of the elected members may discharge any or all members of the committee and select their successors.

2. The members shall receive no additional compensation, but shall be reimbursed for actual and necessary expenses incurred by them in the performance of their duties.

3. The committee shall be responsible for, but not limited to, legislative review of all state authorized gaming and wagering activities including proposed constitutional and statutory changes or other pertinent information that may affect the integrity of these activities. The committee is authorized to meet and act year round, employ the necessary personnel within the limits of appropriations and to report its findings annually to the general assembly.**]**

[338.321. INTERIM COMMITTEE CREATED, PURPOSE, MEMBERS — REPORT. — 1. The "Missouri Oral Chemotherapy Parity Interim Committee" is hereby created to study the disparity in patient co-payments between orally and intravenously administered chemotherapies, the reasons for the disparity, and the patient benefits in establishing co-payment parity between oral and infused chemotherapy agents. The committee shall consider information on the costs or actuarial analysis associated with the delivery of patient oncology treatments.

2. The Missouri oral chemotherapy parity interim committee shall consist of the following members:

(1) Two members of the senate, appointed by the president pro tempore of the senate;

(2) Two members of the house of representatives, appointed by the speaker of the house of representatives;

(3) One member who is an oncologist or physician with expertise in the practice of oncology licensed in this state under chapter 334;

(4) One member who is an oncology nurse licensed in this state under chapter 335;

(5) One member who is a representative of a Missouri pharmacy benefit management company;

(6) One member from an organization representing licensed pharmacists in this state;

(7) One member from the business community representing businesses on health insurance issues;

(8) One member from an organization representing the leading research-based pharmaceutical and biotechnology companies;

(9) One patient advocate;

(10) One member from the organization representing a majority of hospitals in this state;

(11) One member from a health carrier as such term is defined under section 376.1350;

(12) One member from the organization representing a majority of health carriers in this state, as such term is defined under section 376.1350;

(13) One member from the American Cancer Society; and

(14) One member from an organization representing generic pharmaceutical drug manufacturers.

3. All members, except for the members from the general assembly, shall be appointed by the governor no later than September 1, 2013. The department of insurance, financial institutions and professional registration shall provide assistance to the committee.

4. No later than January 1, 2014, the committee shall submit a report to the governor, the speaker of the house of representatives, the president pro tempore of the senate, and the appropriate legislative committee of the general assembly regarding the results of the study and any legislative recommendations.**]**

Approved July 13, 2015

SB 68 [SB 68]

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

Provides that directors of industrial development corporations in St. Francois County may be taxpayers and registered voters in the county

AN ACT to repeal section 349.045, RSMo, and to enact in lieu thereof one new section relating to boards of directors for industrial development corporations.

SECTION
A. Enacting clause.
349.045. Board of directors, qualifications, — exceptions for industrial development corporations (second, third, fourth class counties, St. Francis County) — appointment, terms — requirements for Lewis County.

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

SECTION A. ENACTING CLAUSE. — Section 349.045, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 349.045, to read as follows:

349.045. BOARD OF DIRECTORS, QUALIFICATIONS, — EXCEPTIONS FOR INDUSTRIAL DEVELOPMENT CORPORATIONS (SECOND, THIRD, FOURTH CLASS COUNTIES, ST. FRANCIS COUNTY) — APPOINTMENT, TERMS — REQUIREMENTS FOR LEWIS COUNTY. — 1. Except as provided in subsection 2 of this section, the corporation shall have a board of directors in which all the powers of the corporation shall be vested and which shall consist of any number of directors, not less than five, all of whom shall be duly qualified electors of and taxpayers in the county or municipality; except that, for any industrial development corporation formed by any municipality located wholly within any county of the second, third, or fourth classification **or any county of the first classification with more than sixty-five thousand but fewer than seventy-five thousand inhabitants**, directors may be qualified taxpayers in and registered voters of such county. The directors shall serve as such without compensation except that they shall

be reimbursed for their actual expenses incurred in and about the performance of their duties hereunder. The directors shall be resident taxpayers for at least one year immediately prior to their appointment. No director shall be an officer or employee of the county or municipality. All directors shall be appointed by the chief executive officer of the county or municipality with the advice and consent of a majority of the governing body of the county or municipality, and in all counties, other than a city not within a county and counties with a charter form of government, the appointments shall be made by the county commission and they shall be so appointed that they shall hold office for staggered terms. At the time of the appointment of the first board of directors the governing body of the municipality or county shall divide the directors into three groups containing as nearly equal whole numbers as may be possible. The first term of the directors included in the first group shall be two years, the first term of the directors included in the second group shall be four years, the first term of the directors in the third group shall be six years; provided, that if at the expiration of any term of office of any director a successor thereto shall not have been appointed, then the director whose term of office shall have expired shall continue to hold office until a successor shall be appointed by the chief executive officer of the county or municipality with the advice and consent of a majority of the governing body of the county or municipality. The successors shall be resident taxpayers for at least one year immediately prior to their appointment.

2. A corporation in a county of the third classification without a township form of government and with more than ten thousand four hundred but fewer than ten thousand five hundred inhabitants shall have a board of directors in which all the powers of the corporation shall be vested and which shall consist of a number of directors not less than the number of townships in such county. All directors shall be duly qualified electors of and taxpayers in the county. Each township within the county shall elect one director to the board. Additional directors may be elected to the board to succeed directors appointed to the board as of the effective date of this section if the number of directors on the effective date of this section exceeds the number of townships in the county. The directors shall serve as such without compensation except that they shall be reimbursed for their actual expenses incurred in the performance of their duties. The directors shall be resident taxpayers for at least one year immediately prior to their election. No director shall be an officer or employee of the county. Upon the expiration of the term of office of any director appointed to the board prior to the effective date of this section, a director shall be elected to succeed him or her; provided that if at the expiration of any term of office of any director a successor thereto shall not have been elected, then the director whose term of office shall have expired shall continue to hold office until a successor shall be elected. The successors shall be resident taxpayers for at least one year immediately prior to their election.

Approved June 30, 2015

SB 87 [SS SCS SB 87]

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

Requires persons who submit petitions for political subdivision audits to reside or own property in the subdivision and allows for signatures to be rescinded

AN ACT to repeal section 29.230, RSMo, and to enact in lieu thereof one new section relating to audits of political subdivisions.

SECTION
A. Enacting clause.

29.230. State auditor to audit county offices, when — political subdivisions by petition, requirements, costs — petition audit revolving trust fund created, administration — rescinding of signature, when.

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

SECTION A. ENACTING CLAUSE. — Section 29.230, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 29.230, to read as follows:

29.230. STATE AUDITOR TO AUDIT COUNTY OFFICES, WHEN — POLITICAL SUBDIVISIONS BY PETITION, REQUIREMENTS, COSTS — PETITION AUDIT REVOLVING TRUST FUND CREATED, ADMINISTRATION — RESCINDING OF SIGNATURE, WHEN. — 1. In every county which does not elect a county auditor, the state auditor shall audit, without cost to the county, at least once during the term for which any county officer is chosen, the accounts of the various county officers supported in whole or in part by public moneys.

2. The state auditor shall audit any political subdivision of the state, including counties having a county auditor, if requested to do so by a petition **submitted by a person who resides or owns real property within the boundaries or area of service of the political subdivision and such petition is submitted to the state auditor within one year from requesting the petition from the state auditor and is** signed by the requisite percent of the qualified voters of the political subdivision. The requisite percent of qualified voters to cause such an audit to be conducted shall be determined as follows:

(1) If the number of qualified voters of the political subdivision determined on the basis of the votes cast in the last gubernatorial election held prior to the filing of the petition is less than one thousand, twenty-five percent of the qualified voters of the political subdivision determined on the basis of the registered voters eligible to vote at the last gubernatorial election held prior to the filing of the petition;

(2) If the number of qualified voters of the political subdivision determined on the basis of the votes cast in the last gubernatorial election held prior to the filing of the petition is one thousand or more but less than five thousand, fifteen percent of the qualified voters of the political subdivision determined on the basis of the votes cast in the last gubernatorial election held prior to the filing of the petition, provided that the number of qualified voters signing such petition is not less than two hundred;

(3) If the number of qualified voters of the political subdivision determined on the basis of the votes cast in the last gubernatorial election held prior to the filing of the petition is five thousand or more but less than fifty thousand, ten percent of the qualified voters of the political subdivision determined on the basis of the votes cast in the last gubernatorial election held prior to the filing of the petition, provided that the number of qualified voters signing such petition is not less than seven hundred fifty;

(4) If the number of qualified voters of the political subdivision determined on the basis of the votes cast in the last gubernatorial election held prior to the filing of the petition is fifty thousand or more, five percent of the qualified voters of the political subdivision determined on the basis of the votes cast in the last gubernatorial election held prior to the filing of the petition, provided that the number of qualified voters signing such petition is not less than five thousand.

3. The political subdivision shall pay the actual cost of audit. The petition that requests an audit of a political subdivision shall state on its face the estimated cost of the audit and that it will be paid by the political subdivision being audited. The estimated cost of the audit shall be provided by the state auditor within sixty days of such request. The costs of the audit may be billed and paid on an interim basis with individual billing periods to be set at the state auditor's discretion. Moneys held by the state on behalf of a political subdivision may be used to offset unpaid billings for audit costs of the political subdivision. All moneys received by the state in payment of the costs of petition audits shall be deposited in the state treasury and credited to the "Petition Audit Revolving Trust Fund" which is hereby created with the state treasurer as custodian. The general assembly may appropriate additional moneys to the fund as it deems

necessary. The state auditor shall administer the fund and approve all disbursements, upon appropriation, from the fund to apply to the costs of performing petition audits. The provisions of section 33.080 to the contrary notwithstanding, money in the fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of any biennium exceeds one million dollars. The amount in the fund which shall lapse is the amount which exceeds one million dollars. No political subdivision shall be audited by petition more than once in any three calendar or fiscal years.

4. Any person who allegedly signed or has signed the original petition may submit a sworn statement to the state auditor that the person did not sign such petition or that the person wishes to rescind such signature. Such statement shall be required to be made within ten days from submission of the petition to the state auditor. If such statement is timely filed, such signature shall be withdrawn and shall not count in the determination of the number of qualified voters necessary to compel an audit under subsection 2 of this section.

Approved June 30, 2015

SB 93 [SCS SB 93]

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

Creates the Campus Free Expression Act to protect free expression on the campuses of public institutions of higher education

AN ACT to amend chapter 173, RSMo, by adding thereto one new section relating to free speech at public institutions of higher education.

SECTION
A. Enacting clause.
173.1550. Citation of law — expressive activities protected — outdoor areas deemed traditional public forums, reasonable restrictions — court action authorized, when.

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

SECTION A. ENACTING CLAUSE. — Chapter 173, RSMo, is amended by adding thereto one new section, to be known as section 173.1550, to read as follows:

173.1550. CITATION OF LAW — EXPRESSIVE ACTIVITIES PROTECTED — OUTDOOR AREAS DEEMED TRADITIONAL PUBLIC FORUMS, REASONABLE RESTRICTIONS — COURT ACTION AUTHORIZED, WHEN. — 1. The provisions of this section shall be known and cited as the "Campus Free Expression Act". Expressive activities protected under the provisions of this section include, but are not limited to, all forms of peaceful assembly, protests, speeches, distribution of literature, carrying signs, and circulating petitions.

2. The outdoor areas of campuses of public institutions of higher education in this state shall be deemed traditional public forums. Public institutions of higher education may maintain and enforce reasonable time, place, and manner restrictions in service of a significant institutional interest only when such restrictions employ clear, published, content, and viewpoint-neutral criteria, and provide for ample alternative means of expression. Any such restrictions shall allow for members of the university community to spontaneously and contemporaneously assemble.

3. Any person who wishes to engage in noncommercial expressive activity on campus shall be permitted to do so freely, as long as the person's conduct is not unlawful and does

not materially and substantially disrupt the functioning of the institution subject to the requirements of subsection 2 of this section.

4. Nothing in this section shall be interpreted as limiting the right of student expression elsewhere on campus.

5. The following persons may bring an action in a court of competent jurisdiction to enjoin any violation of this section or to recover compensatory damages, reasonable court costs, and attorney fees:

(1) The attorney general;

(2) Persons whose expressive rights were violated through the violation of this section.

6. In an action brought under subsection 5 of this section, if the court finds a violation, the court shall award the aggrieved persons no less than five hundred dollars for the initial violation, plus fifty dollars for each day the violation remains ongoing.

7. A person shall be required to bring suit for violation of this section not later than one year after the day the cause of action accrues. For purposes of calculating the one-year limitation period, each day that the violation persists, and each day that a policy in violation of this section remains in effect, shall constitute a new violation of this section and, therefore, a new day that the cause of action has accrued.

Approved July 14, 2015

SB 104 [CCS#2 HCS SB 104]

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

Modifies provisions relating to elections

AN ACT to repeal sections 115.342, 115.348, 115.350, 116.190, 162.481, 162.491, 178.820, RSMo, and sections 162.025 and 162.491 as enacted by house bill no. 63, ninety-eighth general assembly, first regular session, and to enact in lieu thereof seven new sections relating to elections.

SECTION
A. Enacting clause.
115.306. Disqualification as candidate for elective public office, when — filing of affidavit, contents — tax delinquency, effect of.
115.308. Inapplicability of sections 115.307 to 115.405, when.
116.190. Ballot title may be challenged, procedure — who are parties defendant — changes may be made by court — appeal to supreme court, when.
162.481. Elections in urban school districts, held when — elections in Springfield, post-2000 census urban school districts, St. Charles County, and Buchanan County.
162.491. Directors may be nominated by petition, when — contents of petition, certain districts — no petition required, Buchanan County.
178.820. Trustees, election of — subdistricts — redistricting committees — trustee of subdistrict, residency requirements, qualifications — board of trustees, requirements, St. Louis City.
1. Severability clause.
115.342. Disqualification for delinquent taxes — affidavit, form — complaints, investigation, notice, payment of taxes.
115.348. Finding of guilt or plea under federal laws, disqualification for elective public office.
115.350. Conviction or plea under state laws, disqualification for elective public office.
162.025. Superintendents ineligible for school board membership.
162.491. Directors may be nominated by petition, when — contents of petition, certain districts — no petition required, Buchanan County.

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

Section A. Enacting clause. — Sections 115.342, 115.348, 115.350, 116.190, 162.481, 162.491, 178.820, RSMo, and sections 162.025 and 162.491 as enacted by house bill no. 63, ninety-eighth general assembly, first regular session, are repealed and seven new sections enacted in lieu thereof, to be known as sections 115.306, 115.308, 116.190, 162.481, 162.491, 178.820, and 1, to read as follows:

115.306. Disqualification as candidate for elective public office, when — filing of affidavit, contents — tax delinquency, effect of. — 1. No person shall qualify as a candidate for elective public office in the state of Missouri who has been found guilty of or pled guilty to a felony or misdemeanor under the federal laws of the United States of America or to a felony under the laws of this state or an offense committed in another state that would be considered a felony in this state.

2. (1) Any person who files as a candidate for election to a public office shall be disqualified from participation in the election for which the candidate has filed if such person is delinquent in the payment of any state income taxes, personal property taxes, municipal taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the state.

(2) Each potential candidate for election to a public office shall file an affidavit with the department of revenue and include a copy of the affidavit with the declaration of candidacy required under section 115.349. Such affidavit shall be in substantially the following form:

AFFIRMATION OF TAX PAYMENTS AND BONDING REQUIREMENTS:

I hereby declare under penalties of perjury that I am not currently aware of any delinquency in the filing or payment of any state income taxes, personal property taxes, municipal taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or that I am a past or present corporate officer of any fee office that owes any taxes to the state, other than those taxes which may be in dispute. I declare under penalties of perjury that I am not aware of any information that would prohibit me from fulfilling any bonding requirements for the office for which I am filing.

.... Candidate's Signature

.... Printed Name of Candidate

(3) Upon receipt of a complaint alleging a delinquency of the candidate in the filing or payment of any state income taxes, personal property taxes, municipal taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the state, the department of revenue shall investigate such potential candidate to verify the claim contained in the complaint. If the department of revenue finds a positive affirmation to be false, the department shall contact the secretary of state, or the election official who accepted such candidate's declaration of candidacy, and the potential candidate. The department shall notify the candidate of the outstanding tax owed and give the candidate thirty days to remit any such outstanding taxes owed which are not the subject of dispute between the department and the candidate. If the candidate fails to remit such amounts in full within thirty days, the candidate shall be disqualified from participating in the current election and barred from refiling for an entire election cycle even if the individual pays all of the outstanding taxes that were the subject of the complaint.

115.308. Inapplicability of sections 115.307 to 115.405, when. — Sections 115.307 to 115.405 shall not apply to candidates for special district offices; township offices in township organization counties; or city, town, and village offices.

116.190. Ballot title may be challenged, procedure — who are parties defendant — changes may be made by court — appeal to supreme court, when. — 1. Any citizen who wishes to challenge the official ballot title or the fiscal note prepared for a proposed constitutional amendment submitted by the general assembly, by initiative petition, or by constitutional convention, or for a statutory initiative or referendum measure, may bring an action in the circuit court of Cole County. The action must be brought within ten days after the official ballot title is certified by the secretary of state in accordance with the provisions of this chapter.

2. The secretary of state shall be named as a party defendant in any action challenging the official ballot title prepared by the secretary of state. When the action challenges the fiscal note or the fiscal note summary prepared by the auditor, the state auditor shall also be named as a party defendant. The president pro tem of the senate, the speaker of the house and the sponsor of the measure and the secretary of state shall be the named party defendants in any action challenging the official summary statement, fiscal note or fiscal note summary prepared pursuant to section 116.155.

3. The petition shall state the reason or reasons why the summary statement portion of the official ballot title is insufficient or unfair and shall request a different summary statement portion of the official ballot title. Alternatively, the petition shall state the reasons why the fiscal note or the fiscal note summary portion of the official ballot title is insufficient or unfair and shall request a different fiscal note or fiscal note summary portion of the official ballot title.

4. The action shall be placed at the top of the civil docket. Insofar as the action challenges the summary statement portion of the official ballot title, the court shall consider the petition, hear arguments, and in its decision certify the summary statement portion of the official ballot title to the secretary of state. Insofar as the action challenges the fiscal note or the fiscal note summary portion of the official ballot title, the court shall consider the petition, hear arguments, and in its decision, either certify the fiscal note or the fiscal note summary portion of the official ballot title to the secretary of state or remand the fiscal note or the fiscal note summary to the auditor for preparation of a new fiscal note or fiscal note summary pursuant to the procedures set forth in section 116.175. Any party to the suit may appeal to the supreme court within ten days after a circuit court decision. In making the legal notice to election authorities under section 116.240, and for the purposes of section 116.180, the secretary of state shall certify the language which the court certifies to him.

5. Any action brought under this section that is not fully and finally adjudicated within one hundred eighty days of filing, **and more than fifty-six days prior to election in which the measure is to appear,** including all appeals, shall be extinguished, unless a court extends such period upon a finding of good cause for such extension. Such good cause shall consist only of court-related scheduling issues and shall not include requests for continuance by the parties.

162.481. Elections in urban school districts, held when — elections in Springfield, post-2000 census urban school districts, St. Charles County, and Buchanan County. — 1. Except as otherwise provided in this section **and in section 162.492**, all elections of school directors in urban **school** districts shall be held biennially at the same times and places as municipal elections.

2. **[**In any urban district which includes all or the major part of a city which first obtained a population of more than seventy-five thousand inhabitants by reason of the 1960 federal decennial census, elections of directors shall be held on municipal election days of even-numbered years. The directors of the prior district shall continue as directors of the urban district until their successors are elected as herein provided. On the first Tuesday in April, 1964, four directors shall be elected, two for terms of two years to succeed the two directors of the prior district who were elected in 1960 and two for terms of six years to succeed the two directors of the prior district who were elected in 1961. The successors of these directors shall be elected for terms of six years. On the first Tuesday in April, 1968, two directors shall be elected for terms

to commence on November 5, 1968, and to terminate on the first Tuesday in April, 1974, when their successors shall be elected for terms of six years. No director shall serve more than two consecutive six-year terms after October 13, 1963.

3.**]** Except as otherwise provided in subsections **3,** 4**,** and 5 of this section, hereafter when a seven-director district becomes an urban **school** district, the directors of the prior seven-director district shall continue as directors of the urban **school** district until the expiration of the terms for which they were elected and until their successors are elected as provided in this subsection. The first biennial school election for directors shall be held in the urban **school** district at the time provided in subsection 1 which is on the date of or subsequent to the expiration of the terms of the directors of the prior district which are first to expire, and directors shall be elected to succeed the directors of the prior district whose terms have expired. If the terms of two directors only have expired, the directors elected at the first biennial school election in the urban **school** district shall be elected for terms of six years. If the terms of four directors have expired, two directors shall be elected for terms of six years and two shall be elected for terms of four years. At the next succeeding biennial election held in the urban **school** district, successors for the remaining directors of the prior seven-director district shall be elected. If only two directors are to be elected they shall be elected for terms of six years each. If four directors are to be elected, two shall be elected for terms of six years and two shall be elected for terms of two years. After seven directors of the urban **school** this subsection, their successors shall be elected for terms of six years.

[4.**]** **3.** In any school district in **[**any city with a population of one hundred thousand or more inhabitants which is located within a county of the first classification that adjoins no other county of the first classification, or any school district which becomes an urban school district by reason of the 2000 federal decennial census**]** **which a majority of the district is located in any home rule city with more than one hundred fifty-five thousand but fewer than two hundred thousand inhabitants**, elections shall be held annually at the same times and places as general municipal elections for all years where one or more terms expire, and the terms shall be for three years and until their successors are duly elected and qualified for all directors elected on and after August 28, 1998.

4. For any school district which becomes an urban school district by reason of the 2000 federal decennial census, elections shall be held annually at the same times and places as general municipal elections for all years where one or more terms expire, and the terms shall be for three years and until their successors are duly elected and qualified for all directors elected on and after August 28, 2001.

5. In any school district in any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants which becomes an urban school district by reason of the 2010 federal decennial census, elections shall be held annually at the same times and places as general municipal elections for all years where one or more terms expire, and the terms shall be for three years and until their successors are duly elected and qualified for all directors elected on and after April 2, 2012.

6. In any urban school district in a county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a home rule city with more than seventy-six thousand but fewer than ninety-one thousand inhabitants as the county seat, elections shall be held annually at the same times and places as general municipal elections for all years where one or more terms expire, and upon expiration of any term after August 28, 2015, the term of office shall be for three years and until their successors are duly elected and qualified.

162.491. DIRECTORS MAY BE NOMINATED BY PETITION, WHEN — CONTENTS OF PETITION, CERTAIN DISTRICTS — NO PETITION REQUIRED, BUCHANAN COUNTY. — 1. Directors for urban school districts, other than those districts containing the greater part of a city of over one hundred thirty thousand inhabitants, may be nominated by petition to be filed with

the secretary of the board and signed by a number of voters in the district equal to ten percent of the total number of votes cast for the director receiving the highest number of votes cast at the next preceding biennial election**, except as provided in subsection 4 of this section**.

2. This section shall not be construed as providing the sole method of nominating candidates for the office of school director in urban districts which do not contain the greater part of a city of over three hundred thousand inhabitants.

3. A director for any urban school district containing a city of greater than one hundred thirty thousand inhabitants and less than three hundred thousand inhabitants may be nominated as an independent candidate by filing with the secretary of the board a petition signed by five hundred registered voters of such school district.

4. In any urban school district located in a county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a home rule city with more than seventy-six thousand but fewer than ninety-one thousand inhabitants as the county seat, a candidate for director shall file a declaration of candidacy with the secretary of the board and shall not be required to submit a petition.

178.820. TRUSTEES, ELECTION OF — SUBDISTRICTS — REDISTRICTING COMMITTEES — TRUSTEE OF SUBDISTRICT, RESIDENCY REQUIREMENTS, QUALIFICATIONS — BOARD OF TRUSTEES, REQUIREMENTS, ST. LOUIS CITY. — 1. In the organization election, six trustees shall be elected at large throughout the entire proposed district. The two candidates receiving the greatest number of votes shall be elected for terms of six years each, the two receiving the next greatest number of votes for terms of four years each, the two receiving the next greatest number of votes for terms of two years each, and such terms shall be effective until the first Tuesday in April coinciding with or next following such period of years, or until the successors to such trustees have been duly elected and qualified. Thereafter, the trustees shall be elected for terms of six years each.

2. Following the initial election, the board of trustees may, at any duly called meeting, adopt a resolution calling for the formation of a redistricting committee to consider the formation of subdistricts within the community college district from which trustees are thereafter to be elected. Upon adoption of any such resolution, the secretary of the board of trustees shall forward a certified copy thereof to the coordinating board for higher education with the request that a redistricting committee be appointed in order to divide the community college districts into at least two and not more than six subdistricts for the purpose of electing trustees. The redistricting committee shall consist of three residents within the affected district, appointed by the board of trustees of the affected district, plus three additional persons residents within the affected district, appointed by the coordinating board for higher education. Thereafter, the redistricting committee shall meet, organize itself with a chairman and secretary, and proceed with the adoption of a redistricting plan specifying at least two but not more than six subdistricts which are to the extent possible so apportioned on the basis of population that the population of any such subdistrict divided by the number of trustees to be selected therefrom substantially equals the population of any other subdistrict divided by the number of trustees to be selected therefrom. The redistricting plan referred to herein, in lieu of requiring all trustees to be elected from subdistricts, may provide for the election of one or more trustees at large and the remainder from subdistricts, or for the election of all the trustees at large with the requirement that each must reside in a certain subdistrict, so long as in any plan adopted, subdistricts are apportioned as provided above. Notwithstanding the above, the board of trustees of any community college district which contains more than four hundred fifty thousand residents shall, at the first duly called meeting following August 13, 1972, and thereafter within ninety days following the publication of the decennial census figures, adopt a resolution calling for the formation of a redistricting committee; and the redistricting committee shall adopt a redistricting plan specifying the establishment of not less than four nor more than six subdistricts compact and contiguous in territory and apportioned as provided above.

3. In any district which shall contain a city not within a county, if four subdistricts are established, then at least one subdistrict shall be within said city, and if five or six subdistricts are established, then at least two subdistricts shall be within said city.

4. Any person running for election as a trustee of a subdistrict shall be domiciled and a resident therein. Any plan proposed to be adopted must receive approval of a majority of the whole redistricting committee. Upon adoption the redistricting committee shall forward a copy of the plan certified by the secretary to the coordinating board for higher education for its approval or disapproval. The coordinating board for higher education shall approve any redistricting plan in which the population of any subdistrict divided by the number of trustees to be selected therefrom substantially equals the population of any other subdistrict divided by the number of trustees to be elected therefrom. Upon approval, the redistricting plan shall become effective and all trustees elected thereafter shall be required to be elected from subdistricts in which they are resident. If the plan is not approved, then it shall be returned to the redistricting committee for revision and resubmission. Until approval of a plan by the coordinating board for higher education, trustees of a district shall continue to run at large. Upon approval of any plan, the board of trustees shall determine by resolution the assignment of trustees to subdistricts. Any such assignment shall not affect the term of office of any such trustee. Once a district has been divided into subdistricts in accordance with the provisions hereof, it shall remain so divided until one year following the publication of the decennial census figures, by which date a new plan shall have been adopted or the trustees shall again be required to run in the district at large; provided, however, that if during the period between publications of decennial census figures the area of a district is increased or decreased, a new plan shall be adopted within one year thereafter or the trustees shall be required to run in the district at large. No member of the redistricting committee shall serve on the board of trustees for a period of six years following his service on the redistricting committee.

5. Candidates for the office of trustee shall be citizens of the United States, at least twenty-one years of age, who have been voters of the district for at least one whole year preceding the election, and if trustees are elected other than at large they shall be voters of the subdistricts for at least one whole year next preceding the election. All candidates for the first board of a district shall file their declaration of candidacy with the coordinating board for higher education.

6. Notwithstanding the provisions of this section or any other law to the contrary, the board of trustees of the community college district in any district that contains a city not within a county shall be composed of seven members, six of whom shall each be elected to a six-year term, and one at-large member who shall be appointed to a six-year term by the coordinating board for higher education, beginning with the board election occurring immediately after August 28, 2015, subject to the following procedures:

(1) The appointed member shall be a citizen of the United States, at least twenty-one years of age, and a registered voter of the district for at least one year preceding the appointment;

(2) No member, elected or appointed, shall be an employee of such community college district;

(3) Whenever a vacancy occurs in the appointed member's seat due to death, resignation, removal from the district, or by operation of law or otherwise, the coordinating board for higher education shall, in a like manner, appoint a competent person to fill such vacancy and shall communicate his or her action to the board secretary of the district. Such appointed member shall hold office for the remainder of the unexpired term

(4) If a board member is found by unanimous vote of the other board members to have moved his or her residence to a district other than the district from which such board member was appointed or elected, or to have violated a duly promulgated bylaw of the district, then the office of such board member shall be vacant;

(5) The board shall have the power to make such bylaws or ordinances, rules, and regulations as it may judge most expedient for the accomplishment of the trust reposed in it, for the government of its officers and employees, to secure its accountability, and to delegate its authority as it may deem necessary to such officers and employees or to committees appointed by the board;

(6) Except as specifically provided in this section, the appointment or election and term of office for members of the board, and all other duties and responsibilities of the board, shall comply with the provisions of state law regarding trustees of community college districts.

SECTION 1. SEVERABILITY CLAUSE. — If any provision of this act or the application thereof to anyone or to any circumstance is held invalid, the remainder of those sections and the application of such provisions to others or other circumstances shall not be affected thereby.

> **[115.342. DISQUALIFICATION FOR DELINQUENT TAXES — AFFIDAVIT, FORM — COMPLAINTS, INVESTIGATION, NOTICE, PAYMENT OF TAXES.** — 1. Any person who files as a candidate for election to a public office shall be disqualified from participation in the election for which the candidate has filed if such person is delinquent in the payment of any state income taxes, personal property taxes, municipal taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the state.
>
> 2. Each potential candidate for election to a public office shall file an affidavit with the department of revenue and include a copy of the affidavit with the declaration of candidacy required under section 115.349. Such affidavit shall be in substantially the following form:
>
> AFFIRMATION OF TAX PAYMENTS AND BONDING REQUIREMENTS:
> I hereby declare under penalties of perjury that I am not currently aware of any delinquency in the filing or payment of any state income taxes, personal property taxes, municipal taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or that I am a past or present corporate officer of any fee office that owes any taxes to the state, other than those taxes which may be in dispute. I declare under penalties of perjury that I am not aware of any information that would prohibit me from fulfilling any bonding requirements for the office for which I am filing.
> .... Candidate's Signature
> .... Printed Name of Candidate.
>
> 3. Upon receipt of a complaint alleging a delinquency of the candidate in the filing or payment of any state income taxes, personal property taxes, municipal taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the state, the department of revenue shall investigate such potential candidate to verify the claim contained in the complaint. If the department of revenue finds a positive affirmation to be false, the department shall contact the secretary of state, or the election official who accepted such candidate's declaration of candidacy, and the potential candidate. The department shall notify the candidate of the outstanding tax owed and give the candidate thirty days to remit any such outstanding taxes owed which are not the subject of dispute between the department and the candidate. If the candidate fails to remit such amounts in full within thirty days, the candidate shall be disqualified from participating in the current election and barred from refiling for an

entire election cycle even if the individual pays all of the outstanding taxes that were the subject of the complaint.**]**

[115.348. FINDING OF GUILT OR PLEA UNDER FEDERAL LAWS, DISQUALIFICATION FOR ELECTIVE PUBLIC OFFICE. — No person shall qualify as a candidate for elective public office in the state of Missouri who has been found guilty of or pled guilty to a felony or misdemeanor under the federal laws of the United States of America.**]**

[115.350. CONVICTION OR PLEA UNDER STATE LAWS, DISQUALIFICATION FOR ELECTIVE PUBLIC OFFICE. — No person shall qualify as a candidate for elective public office in the state of Missouri who has been convicted of or found guilty of or pled guilty to a felony under the laws of this state.**]**

[162.025. SUPERINTENDENTS INELIGIBLE FOR SCHOOL BOARD MEMBERSHIP. — No person shall be a candidate for a member or director of the school board in any district in this state if such person has previously been employed by the district as the district's superintendent.**]**

[162.491. DIRECTORS MAY BE NOMINATED BY PETITION, WHEN — CONTENTS OF PETITION, CERTAIN DISTRICTS — NO PETITION REQUIRED, BUCHANAN COUNTY. — 1. Directors for urban school districts, other than those districts containing the greater part of a city of over one hundred thirty thousand inhabitants, may be nominated by petition to be filed with the secretary of the board and signed by a number of voters in the district equal to ten percent of the total number of votes cast for the director receiving the highest number of votes cast at the next preceding biennial election**, except as provided in subsection 4 of this section.**

2. This section shall not be construed as providing the sole method of nominating candidates for the office of school director in urban districts which do not contain the greater part of a city of over three hundred thousand inhabitants.

3. A director for any urban school district containing a city of greater than one hundred thirty thousand inhabitants and less than three hundred thousand inhabitants may be nominated as an independent candidate by filing with the secretary of the board a petition signed by five hundred registered voters of such school district.

4. In any urban school district located in a home rule city with more than seventy-one thousand but fewer than seventy- nine thousand inhabitants, a candidate for director shall file a declaration of candidacy with the secretary of the board and shall not be required to submit a petition.]

Approved July 14, 2015

SB 107 [SCS SB 107]

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

Authorizes certain boards and commissions under the Division of Professional Registration to issue opinions for educational purposes and modifies laws relating to speech-language pathologists and audiologists

AN ACT to repeal sections 345.015, 345.020, 345.022, 345.025, 345.040, 345.050, 345.051, 345.065, and 345.080, RSMo, and to enact in lieu thereof nine new sections relating to professions regulated under the division of professional registration.

SECTION
A. Enacting clause.
324.023. Issuance of opinions on qualifications, functions, or duties of licensed professions by regulatory boards or commissions.
345.015. Definitions.
345.020. License or registration required to practice.
345.025. Persons exempted from the provisions of this chapter.
345.040. Board to have seal, effect of.
345.050. Requirements to be met for license.
345.051. Renewal of license or registration, when — form, content — mailing of form, authorized — failure to mail or to receive form, effect on licensure — or registration.
345.065. Denial, revocation or suspension of license or registration, grounds for, alternatives — criminal penalties for violation of chapter.
345.080. Advisory commission for speech-language pathologists and audiologists established — members, terms, appointment, duties, removal, expenses, compensation — meetings, notice of — quorum — staff.
345.022. Provisional license, fee, renewal.

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

SECTION A. ENACTING CLAUSE. — Sections 345.015, 345.020, 345.022, 345.025, 345.040, 345.050, 345.051, 345.065, and 345.080, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 324.023, 345.015, 345.020, 345.025, 345.040, 345.050, 345.051, 345.065, and 345.080, to read as follows:

324.023. ISSUANCE OF OPINIONS ON QUALIFICATIONS, FUNCTIONS, OR DUTIES OF LICENSED PROFESSIONS BY REGULATORY BOARDS OR COMMISSIONS. — 1. Notwithstanding any law to the contrary, any board or commission established under chapters 330, 331, 332, 334, 335, 336, 337, 338, 340, and 345 may, at its discretion, issue oral or written opinions addressing topics relating to the qualifications, functions, or duties of any profession licensed by the specific board or commission issuing such guidance. Any such opinion is for educational purposes only, is in no way binding on the licensees of the respective board or commission, and cannot be used as the basis for any discipline against any licensee under chapters 330, 331, 332, 334, 335, 336, 337, 338, 340, and 345. No board or commission may address topics relating to the qualifications, functions, or duties of any profession licensed by a different board or commission.

2. The recipient of an opinion given under this section shall be informed that the opinion is for educational purposes only, is in no way binding on the licensees of the board, and cannot be used as the basis for any discipline against any licensee under chapters 330, 331, 332, 334, 335, 336, 337, 338, 340, and 345.

345.015. DEFINITIONS. — As used in sections 345.010 to 345.080, the following terms mean:

(1) "Audiologist", a person who is licensed as an audiologist pursuant to sections 345.010 to 345.080 to practice audiology;

(2) "Audiology aide", a person who is registered as an audiology aide by the board, who does not act independently but works under the direction and supervision of a licensed audiologist. Such person assists the audiologist with activities which require an understanding of audiology but do not require formal training in the relevant academics. To be eligible for registration by the board, each applicant shall submit a registration fee, be of good moral and ethical character; and:

(a) Be at least eighteen years of age;

(b) Furnish evidence of the person's educational qualifications which shall be at a minimum:

a. Certification of graduation from an accredited high school or its equivalent; and

b. On-the-job training;

(c) Be employed in a setting in which direct and indirect supervision are provided on a regular and systematic basis by a licensed audiologist.

However, the aide shall not administer or interpret hearing screening or diagnostic tests, fit or dispense hearing instruments, make ear impressions, make diagnostic statements, determine case selection, present written reports to anyone other than the supervisor without the signature of the supervisor, make referrals to other professionals or agencies, use a title other than **[**speech-language pathology aide or clinical**]** audiology aide, develop or modify treatment plans, discharge clients from treatment or terminate treatment, disclose clinical information, either orally or in writing, to anyone other than the supervising **[**speech-language pathologist/audiologist**]** **audiologist**, or perform any procedure for which he or she is not qualified, has not been adequately trained or both;

(3) "Board", the state board of registration for the healing arts;

(4) **[**"Clinical fellowship", the supervised professional employment period following completion of the academic and practicum requirements of an accredited training program as defined in sections 345.010 to 345.080;

(5)**]** "Commission", the advisory commission for speech-language pathologists and audiologists;

[(6)**]** **(5)** "Hearing instrument" or "hearing aid", any wearable device or instrument designed for or offered for the purpose of aiding or compensating for impaired human hearing and any parts, attachments or accessories, including ear molds, but excluding batteries, cords, receivers and repairs;

[(7)**]** **(6)** "Person", any individual, organization, or corporate body, except that only individuals may be licensed pursuant to sections 345.010 to 345.080;

[(8)**]** **(7)** "Practice of audiology":

(a) The application of accepted audiologic principles, methods and procedures for the measurement, testing, interpretation, appraisal and prediction related to disorders of the auditory system, balance system or related structures and systems;

(b) Provides consultation**[**,**]** **or** counseling to the patient, client, student, their family or interested parties;

(c) Provides academic, social and medical referrals when appropriate;

(d) Provides for establishing goals, implementing strategies, methods and techniques, for habilitation, rehabilitation or aural rehabilitation, related to disorders of the auditory system, balance system or related structures and systems;

(e) Provides for involvement in related research, teaching or public education;

(f) Provides for rendering of services or participates in the planning, directing or conducting of programs which are designed to modify audition, communicative, balance or cognitive disorder, which may involve speech and language or education issues;

(g) Provides and interprets behavioral and neurophysiologic measurements of auditory balance, cognitive processing and related functions, including intraoperative monitoring;

(h) Provides involvement in any tasks, procedures, acts or practices that are necessary for evaluation of audition, hearing, training in the use of amplification or assistive listening devices;

(i) Provides selection, assessment, fitting, programming, and dispensing of hearing instruments, assistive listening devices, and other amplification systems;

(j) Provides for taking impressions of the ear, making custom ear molds, ear plugs, swim molds and industrial noise protectors;

(k) Provides assessment of external ear and cerumen management;

(l) Provides advising, fitting, mapping assessment of implantable devices such as cochlear or auditory brain stem devices;

(m) Provides information in noise control and hearing conservation including education, equipment selection, equipment calibration, site evaluation and employee evaluation;

(n) Provides performing basic speech-language screening test;

(o) Provides involvement in social aspects of communication, including challenging behavior and ineffective social skills, lack of communication opportunities;

(p) Provides support and training of family members and other communication partners for the individual with auditory balance, cognitive and communication disorders;

(q) Provides aural rehabilitation and related services to individuals with hearing loss and their families;

(r) Evaluates, collaborates and manages audition problems in the assessment of the central auditory processing disorders and providing intervention for individuals with central auditory processing disorders;

(s) Develops and manages academic and clinical problems in communication sciences and disorders;

(t) Conducts, disseminates and applies research in communication sciences and disorders;

[(9)**] (8)** "Practice of speech-language pathology":

(a) Provides screening, identification, assessment, diagnosis, treatment, intervention, including but not limited to prevention, restoration, amelioration and compensation, and follow-up services for disorders of:

a. Speech: articulation, fluency, voice, including respiration, phonation and resonance;

b. Language, involving the parameters of phonology, morphology, syntax, semantics and pragmatic; and including disorders of receptive and expressive communication in oral, written, graphic and manual modalities;

c. Oral, pharyngeal, cervical esophageal and related functions, such as dysphagia, including disorders of swallowing and oral functions for feeding; orofacial myofunctional disorders;

d. Cognitive aspects of communication, including communication disability and other functional disabilities associated with cognitive impairment;

e. Social aspects of communication, including challenging behavior, ineffective social skills, lack of communication opportunities;

(b) Provides consultation and counseling and makes referrals when appropriate;

(c) Trains and supports family members and other communication partners of individuals with speech, voice, language, communication and swallowing disabilities;

(d) Develops and establishes effective augmentative and alternative communication techniques and strategies, including selecting, prescribing and dispensing of augmentative aids and devices; and the training of individuals, their families and other communication partners in their use;

(e) Selects, fits and establishes effective use of appropriate prosthetic/adaptive devices for speaking and swallowing, such as tracheoesophageal valves, electrolarynges, or speaking valves;

(f) Uses instrumental technology to diagnose and treat disorders of communication and swallowing, such as videofluoroscopy, nasendoscopy, ultrasonography and stroboscopy;

(g) Provides aural rehabilitative and related counseling services to individuals with hearing loss and to their families;

(h) Collaborates in the assessment of central auditory processing disorders in cases in which there is evidence of speech, language or other cognitive communication disorders; provides intervention for individuals with central auditory processing disorders;

(i) Conducts pure-tone air conduction hearing screening and screening tympanometry for the purpose of the initial identification or referral;

(j) Enhances speech and language proficiency and communication effectiveness, including but not limited to accent reduction, collaboration with teachers of English as a second language and improvement of voice, performance and singing;

(k) Trains and supervises support personnel;

(l) Develops and manages academic and clinical programs in communication sciences and disorders;

(m) Conducts, disseminates and applies research in communication sciences and disorders;

(n) Measures outcomes of treatment and conducts continuous evaluation of the effectiveness of practices and programs to improve and maintain quality of services;

[(10)] **(9)** "Speech-language pathologist", a person who is licensed as a speech-language pathologist pursuant to sections 345.010 to 345.080; who engages in the practice of speech-language pathology as defined in sections 345.010 to 345.080;

[(11)] **(10)** "Speech-language pathology aide", a person who is registered as a speech-language aide by the board, who does not act independently but works under the direction and supervision of a licensed speech-language pathologist. Such person assists the speech-language pathologist with activities which require an understanding of speech-language pathology but do not require formal training in the relevant academics. To be eligible for registration by the board, each applicant shall submit a registration fee, be of good moral and ethical character; and:

(a) Be at least eighteen years of age;

(b) Furnish evidence of the person's educational qualifications which shall be at a minimum:

a. Certification of graduation from an accredited high school or its equivalent; and

b. On-the-job training;

(c) Be employed in a setting in which direct and indirect supervision is provided on a regular and systematic basis by a licensed speech-language pathologist. However, the aide shall not administer or interpret hearing screening or diagnostic tests, fit or dispense hearing instruments, make ear impressions, make diagnostic statements, determine case selection, present written reports to anyone other than the supervisor without the signature of the supervisor, make referrals to other professionals or agencies, use a title other than speech-language pathology aide [or clinical audiology aide], develop or modify treatment plans, discharge clients from treatment or terminate treatment, disclose clinical information, either orally or in writing, to anyone other than the supervising speech-language [pathologist/audiologist] **pathologist**, or perform any procedure for which he or she is not qualified, has not been adequately trained or both;

[(12)] **(11)** "Speech-language pathology assistant", a person who is registered as a speech-language pathology assistant by the board, who does not act independently but works under the direction and supervision of a licensed speech-language pathologist **practicing for at least one year or speech-language pathologist practicing under subdivisions (1) or (6) of subsection 1 of section 345.025 for at least one year** and whose activities require both academic and practical training in the field of speech-language pathology although less training than those established by sections 345.010 to 345.080 as necessary for licensing as a speech-language pathologist. To be eligible for registration by the board, each applicant shall submit the registration fee, **supervising speech-language pathologist information if employment is confirmed, if not such information shall be provided after registration,** be of good moral character and furnish evidence of the person's educational qualifications which meet the following:

(a) Hold a bachelor's level degree [in the field of speech-language pathology] from an institution accredited or approved by a regional accrediting body recognized by the United States Department of Education or its equivalent; and

(b) Submit official transcripts from one or more accredited colleges or universities presenting evidence of the completion of bachelor's level course work and [clinical practicum] requirements [equivalent to that required or approved by a regional accrediting body recognized by the United States Department of Education or its equivalent] **in the field of speech-language pathology as established by the board through rules and regulations;**

(c) Submit proof of completion of the number and type of clinical hours as established by the board through rules and regulations.

345.020. LICENSE OR REGISTRATION REQUIRED TO PRACTICE. — 1. Licensure or registration shall be granted in either speech-language pathology or audiology independently. A person may be licensed or registered in both areas if the person is qualified. Each licensed or registered person shall display the license or certificate prominently in the person's place of practice.

2. No person shall practice or hold himself or herself out as being able to practice speech-language pathology or audiology in this state unless the person is licensed in accordance with the provisions of sections 345.010 to 345.080. Nothing in sections 345.010 to 345.080, however, shall be construed to prevent a qualified person licensed in this state under any other law from engaging in the profession for which the person is licensed, and a licensed physician or surgeon may practice speech-language pathology or audiology without being licensed in accordance with the provisions of sections 345.010 to 345.080.

3. No person shall hold himself or herself out as being a speech-language pathologist in this state unless the person is licensed as provided in sections 345.010 to 345.080. Any person who, in any manner, represents himself or herself as a speech-language pathologist or who uses in connection with such person's name the words or letters: "speech-language pathologist", "speech pathologist", "speech therapy", "speech therapist", "speech clinic", "speech clinician", "S.L.P.", "language specialist", "logopedist" or any other letters, words, abbreviations or insignia, indicating or implying that the person is a speech-language pathologist without a valid existing license is guilty of a class B misdemeanor.

4. No person shall hold himself or herself out as being an audiologist in this state unless the person is licensed as provided in sections 345.010 to 345.080. Any person who, in any manner, represents himself or herself as an audiologist or who uses in connection with such person's name the words: "audiology", "audiologist", "audiological", "hearing clinic", "hearing clinician", "hearing therapist" or any other letters, words, abbreviations or insignia, indicating or implying that the person is an audiologist without a valid existing license is guilty of a class B misdemeanor.

5. No person shall hold himself or herself out as being a speech-language pathology assistant or aide or audiology aide in this state unless the person is registered as provided in sections 345.010 to 345.080.

6. Nothing in sections 345.010 to 345.080 shall prohibit a corporation, partnership, trust, association, or other like organization from engaging in the business of speech-language pathology or audiology without licensure if it employs licensed natural persons in the direct practice of speech-language pathology or audiology. **[**Any such corporation, partnership, trust, association, or other like organization shall also file with the board a statement, on a form approved by the board, that it submits itself to the rules and regulations of the board and the provisions of sections 345.010 to 345.080 which the board shall deem applicable to it.**]**

345.025. Persons exempted from the provisions of this chapter. — 1. The provisions of sections 345.010 to 345.080 do not apply to:

(1) The activities, services, and the use of an official title on the part of a person in the employ of a federal agency insofar as such services are part of the duties of the person's office or position with such agency;

(2) The activities and services of certified teachers of the deaf;

(3) The activities and services of a student in speech-language pathology or audiology pursuing a course of study at a university or college that has been approved by its regional accrediting association, or working in a recognized training center, if these activities and services constitute a part of the person's course of study supervised by a licensed speech-language pathologist or audiologist as provided in section 345.050;

(4) The activities and services of physicians and surgeons licensed pursuant to chapter 334;

(5) Audiometric technicians who are certified by the council for accreditation of occupational hearing conservationists when conducting pure tone air conduction audiometric tests for purposes of industrial hearing conservation and comply with requirements of the federal Occupational Safety and Health Administration;

(6) A person who holds a current valid certificate as a speech-language pathologist issued **before January 1, 2016,** by the Missouri department of elementary and secondary education and who is an employee of a public school while providing speech-language pathology services in such school system**;**

(7) Any person completing the required number and type of clinical hours required by paragraph (c) of subdivision (11) of section 345.015 as long as such person is under the direct supervision of a licensed speech-language pathologist and has not completed more than the number of clinical hours required by rule.

2. No one shall be exempt pursuant to subdivision (1) or (6) of subsection 1 of this section if the person does any work as a speech-language pathologist or audiologist outside of the exempted areas outlined in this section for which a fee or compensation may be paid by the recipient of the service. When college or university clinics charge a fee, supervisors of student clinicians shall be licensed.

345.040. BOARD TO HAVE SEAL, EFFECT OF. — The board shall adopt a seal by which it shall authenticate its proceedings. Copies of its proceedings, records, and acts, when signed by the **[**secretary**] executive director** and authenticated by the seal, shall be prima facie evidence in all courts of this state.

345.050. REQUIREMENTS TO BE MET FOR LICENSE. — 1. To be eligible for licensure by the board by examination, each applicant shall submit the application fee and shall furnish evidence of such person's good moral and ethical character, current competence and shall:

(1) Hold a master's or a doctoral degree from a program accredited by the Council on Academic Accreditation of the American Speech-Language-Hearing Association or other accrediting agency approved by the board in the area in which licensure is sought;

(2) Submit official transcripts from one or more accredited colleges or universities presenting evidence of the completion of course work and clinical practicum requirements equivalent to that required by the Council on Academic Accreditation of the American Speech-Language-Hearing Association or other accrediting agency approved by the board; **and**

(3) **[**Present written evidence of completion of clinical fellowship as defined in subdivision (4) of section 345.015 from supervisors. The experience required by this subdivision shall follow the completion of the requirements of subdivisions (1) and (2) of this subsection. This period of employment shall be under the direct supervision of a person who is licensed by the state of Missouri in the profession in which the applicant seeks to be licensed. Persons applying with an audiology clinical doctoral degree are exempt from this provision;

(4)**]** Pass an examination promulgated or approved by the board. The board shall determine the subject and scope of the examinations.

2. To be eligible for licensure by the board without examination, each applicant shall make application on forms prescribed by the board, submit the application fee and shall be of good moral and ethical character, submit an activity statement and meet one of the following requirements:

(1) The board shall issue a license to any speech-language pathologist or audiologist who is licensed in another jurisdiction and who has had no violations, suspension or revocations of a license to practice speech-language pathology or audiology in any jurisdiction; provided that, such person is licensed in a jurisdiction whose requirements are substantially equal to, or greater than, Missouri at the time the applicant applies for licensure; or

(2) Hold the certificate of clinical competence issued by the American Speech-Language-Hearing Association in the area in which licensure is sought.

345.051. RENEWAL OF LICENSE OR REGISTRATION, WHEN — FORM, CONTENT — MAILING OF FORM, AUTHORIZED — FAILURE TO MAIL OR TO RECEIVE FORM, EFFECT ON LICENSURE — OR REGISTRATION. — 1. Every person licensed or registered pursuant to the provisions of sections 345.010 to 345.080 shall renew the license **or registration** on or before the renewal date. Such renewal date shall be determined by the board. The application shall be made on a form furnished by the board. The application shall include, but not be limited to, disclosure of the applicant's full name and the applicant's office and residence addresses and the

date and number of the applicant's license **or registration**, all final disciplinary actions taken against the applicant by any speech-language-hearing association or society, state, territory**[,] or** federal agency or country and information concerning the applicant's current physical and mental fitness to practice **[**as a speech-language pathologist or audiologist**]**.

2. A blank form for application for license **or registration** renewal shall be mailed to each person licensed **or registered** in this state at the person's last known office or residence address. The failure to mail the form of application or the failure to receive it does not, however, relieve any person of the duty to renew the license **or registration** and pay the fee required by sections 345.010 to 345.080 for failure to renew the license **or registration**.

3. An applicant for renewal of a license **[**pursuant to**] or registration under** this section shall:

(1) Submit an amount established by the board; and

(2) Meet any other requirements the board establishes as conditions for license **or registration** renewal, including the demonstration of continued competence to practice the profession for which the license **or registration** is issued. A requirement of continued competence may include, but is not limited to, continuing education, examination, self-evaluation, peer review, performance appraisal or practical simulation.

4. If a license **or registration** is suspended pursuant to section 345.065, the license **or registration** expires on the expiration date as established by the board for all licenses **and registrations** issued pursuant to sections 345.010 to 345.080. Such license **or registration** may be renewed but does not entitle the licensee to engage in the licensed **or registered** activity or in any other conduct or activity which violates the order of judgment by which the license **or registration** was suspended until such license **or registration** has been reinstated.

5. If a license **or registration** is revoked on disciplinary grounds pursuant to section 345.065, the license **or registration** expires on the expiration date as established by the board for all licenses **and registrations** issued pursuant to sections 345.010 to 345.080. Such license **or registration** may not be renewed. If a license **or registration** is reinstated after its expiration, the licensee, as a condition of reinstatement, shall pay a reinstatement fee that is equal to the renewal fee in effect on the last regular renewal date immediately preceding the date of reinstatement plus any late fee established by the board.

345.065. DENIAL, REVOCATION OR SUSPENSION OF LICENSE OR REGISTRATION, GROUNDS FOR, ALTERNATIVES — CRIMINAL PENALTIES FOR VIOLATION OF CHAPTER. — 1. The board may refuse to issue any certificate of registration or authority, permit or license required pursuant to sections 345.010 to 345.080 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 **or registration** which is subject to probation, restriction or limitation to an applicant for licensure **or registration** 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 **or registration** to an applicant for licensure **or registration**, 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 **or registration** 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 sections 345.010 to 345.080 or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by sections 345.010 to 345.080;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated pursuant to sections 345.010 to 345.080, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to sections 345.010 to 345.080 or in obtaining permission to take any examination given or required pursuant to sections 345.010 to 345.080;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by sections 345.010 to 345.080;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 345.010 to 345.080, or of any lawful rule or regulation adopted pursuant to sections 345.010 to 345.080;

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

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by sections 345.010 to 345.080 granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) A person is finally adjudged insane or incompetent by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by sections 345.010 to 345.080 who is not registered and currently eligible to practice pursuant to sections 345.010 to 345.080;

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

(12) Failure to display a valid certificate or license if so required by sections 345.010 to 345.080 or any rule promulgated pursuant to sections 345.010 to 345.080;

(13) Violation of any professional trust or confidence;

(14) Fraudulently or deceptively using a license, provisional license or registration;

(15) Altering a license, provisional license or registration;

(16) Willfully making or filing a false report or record in the practice of speech-language pathology or audiology;

(17) Using or promoting or causing the use of any misleading, deceiving, improbable or untruthful advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia or any other representation;

(18) Falsely representing the use or availability of services or advice of a physician;

(19) Misrepresenting the applicant, licensee or holder by using the word doctor or any similar word, abbreviation or symbol if the use is not accurate or if the degree was not obtained from a regionally accredited institution;

(20) Committing any act of dishonorable, immoral or unprofessional conduct while engaging in the practice of speech-language pathology or audiology;

(21) Providing services or promoting the sale of devices, appliances or products to a person who cannot reasonably be expected to benefit from such services, devices, appliances or products.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years, or may suspend, for a period not to exceed three years, **or restrict or limit the person's ability to practice for an indefinite period of time,** or revoke the license or registration.

4. The board may apply for relief by injunction, without bond, to restrain any person, partnership or corporation from engaging in any act or practice which constitutes an offense pursuant to sections 345.010 to 345.080. The board does not need to allege and prove that there is no adequate remedy at law to obtain an injunction. The members of the board and the advisory commission shall not be individually liable for applying for such relief.

345.080. ADVISORY COMMISSION FOR SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS ESTABLISHED — MEMBERS, TERMS, APPOINTMENT, DUTIES, REMOVAL, EXPENSES, COMPENSATION — MEETINGS, NOTICE OF — QUORUM — STAFF. — 1. There is hereby established an "Advisory Commission for Speech-Language Pathologists and Audiologists" which shall guide, advise and make recommendations to the board. The commission shall approve the examination required by section 345.050, and shall assist the board in carrying out the provisions of sections 345.010 to 345.075.

2. After August 28, 1997, the commission shall consist of seven members, one of whom shall be a voting public member, appointed by the board of registration for the healing arts. Each member shall be a citizen of the United States and a resident of this state. Three members of the commission shall be licensed speech-language pathologists and three members of the commission shall be licensed audiologists. The public member shall be at the time of 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 345.010 to 345.080 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 345.010 to 345.080, or an activity or organization directly related to any profession licensed or regulated pursuant to sections 345.010 to 345.080. Members shall be appointed to serve three-year terms, except as provided in this subsection. Each member of the advisory commission for **[**speech**] speech-language** pathologists and **[**clinical**]** audiologists on August 28, 1995, shall become a member of the advisory commission for speech-language pathologists and **[**clinical**]** audiologists and shall continue to serve until the term for which the member was appointed expires. Each member of the advisory commission for speech-language pathologists and **[**clinical**]** audiologists on August 28, 1997, shall become a member of the advisory commission for speech-language pathologists and audiologists and shall continue to serve until the term for which the member was appointed expires. The first public member appointed pursuant to this subsection shall be appointed for a two-year term and the one additional member appointed pursuant to this subsection shall be appointed for a full three-year term. No person **[**shall be eligible for reappointment**]** who has served as a member of the advisory commission for **[**speech**] speech-language** pathologists and audiologists **[**or as a member of the commission as established on August 28, 1995, for a total of six years**] for two consecutive terms may be reappointed to the advisory commission until a lapse of at least two years has occurred following the completion of his or her two consecutive terms**. The membership of the commission shall reflect the differences in levels of education, work experience and geographic residence. For a licensed speech-language pathologist member, the president of the Missouri Speech-Language-Hearing Association in office at the time, and for

a licensed audiologist member, the president of the Missouri Academy of Audiologists in office at the time, in consultation with the president of the Missouri Speech-Language-Hearing Association, shall, at least ninety days prior to the expiration of a term of a commission member, other than the public member, or as soon as feasible after a vacancy on the commission otherwise occurs, submit to the **executive** director of the **[**division of professional registration**]** **board** a list of five persons qualified and willing to fill the vacancy in question, with the request and recommendation that the board of registration for the healing arts appoint one of the five persons so listed, and with the list so submitted, the president of the Missouri Speech-Language-Hearing Association or the president of the Missouri Academy of Audiologists in office at the time shall include in his or her letter of transmittal a description of the method by which the names were chosen by that association.

3. Notwithstanding any other provision of law to the contrary, any appointed member of the commission shall receive as compensation an amount established by the director of the division of professional registration not to exceed seventy dollars per day for commission business plus actual and necessary expenses. The director of the division of professional registration shall establish by rule guidelines for payment. All staff for the commission shall be provided by the board of registration for the healing arts.

4. The commission shall hold an annual meeting at which it shall elect from its membership a chairman and secretary. The commission may hold such additional meetings as may be required in the performance of its duties, provided that notice of every meeting shall be given to each member at least ten days prior to the date of the meeting. A quorum of the commission shall consist of a majority of its members.

5. The board of registration for the healing arts may remove a commission member for misconduct, incompetency or neglect of the member's official duties after giving the member written notice of the charges against such member and an opportunity to be heard thereon.

[345.022. **PROVISIONAL LICENSE, FEE, RENEWAL.** — 1. Any person in the person's clinical fellowship as defined in sections 345.010 to 345.080 shall hold a provisional license to practice speech-language pathology or audiology. The board may issue a provisional license to an applicant who:

(1) Has met the requirements for practicum and academic requirements from an accredited training program as defined in sections 345.010 to 345.080;

(2) Submits an application to the board on a form prescribed by the board. Such form shall include a plan for the content and supervision of the clinical fellowship, as well as evidence of good moral and ethical character; and

(3) Submits to the board an application fee, as set by the board, for the provisional license.

2. A provisional license is effective for one year and may be extended for an additional twelve months only for purposes of completing the postgraduate clinical experience portion of the clinical fellowship; provided that, the applicant has passed the national examination and shall hold a master's degree from an approved training program in his or her area of application.

3. Within twelve months of issuance of the provisional license, the applicant shall pass an examination promulgated or approved by the board.

4. Within twelve months of issuance of a provisional license, the applicant shall complete the master's or doctoral degree from a program accredited by the Council on Academic Accreditation of the American Speech-Language-Hearing Association or other accrediting agency approved by the board in the area in which licensure is sought.**]**

Approved July 14, 2015

SB 116 [SB 116]

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

Creates an exemption from the proof of residency and domicile for school registration for students whose parents are stationed out of state

AN ACT to repeal section 167.020, RSMo, and to enact in lieu thereof one new section relating to school district residency for children of certain military members, with existing penalty provisions.

SECTION
A. Enacting clause.
167.020. Registration requirements — residency — homeless child or youth defined — recovery of costs, when — records to be requested, provided, when.

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

SECTION A. ENACTING CLAUSE. — Section 167.020, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.020, to read as follows:

167.020. REGISTRATION REQUIREMENTS — RESIDENCY — HOMELESS CHILD OR YOUTH DEFINED — RECOVERY OF COSTS, WHEN — RECORDS TO BE REQUESTED, PROVIDED, WHEN. — 1. As used in this section, the term "homeless child" or "homeless youth" shall mean a person less than twenty-one years of age who lacks a fixed, regular and adequate nighttime residence, including a child or youth who:

(1) Is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; is living in motels, hotels, or camping grounds due to lack of alternative adequate accommodations; is living in emergency or transitional shelters; is abandoned in hospitals; or is awaiting foster care placement;

(2) Has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

(3) Is living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

(4) Is a migratory child or youth who qualifies as homeless because the child or youth is living in circumstances described in subdivisions (1) to (3) of this subsection.

2. In order to register a pupil, the parent or legal guardian of the pupil or the pupil himself or herself shall provide, at the time of registration, one of the following:

(1) Proof of residency in the district. Except as otherwise provided in section 167.151, the term "residency" shall mean that a person both physically resides within a school district and is domiciled within that district or, in the case of a private school student suspected of having a disability under the Individuals With Disabilities Education Act, 20 U.S.C. Section 1412, et seq., that the student attends private school within that district. The domicile of a minor child shall be the domicile of a parent, military guardian pursuant to a military-issued guardianship or court-appointed legal guardian. For instances in which the family of a student living in Missouri co-locates to live with other family members or live in a military family support community because one or both of the child's parents are **stationed or** deployed out of state or deployed within Missouri under Title 32 or Title 10 active duty orders, the student may attend the school district in which the family member's residence or family support community is located. If the active duty orders expire during the school year, the student may finish the school year in that district; or

(2) Proof that the person registering the student has requested a waiver under subsection 3 of this section within the last forty-five days. In instances where there is reason to suspect that admission of the pupil will create an immediate danger to the safety of other pupils and employees of the district, the superintendent or the superintendent's designee may convene a hearing within five working days of the request to register and determine whether or not the pupil may register.

3. Any person subject to the requirements of subsection 2 of this section may request a waiver from the district board of any of those requirements on the basis of hardship or good cause. Under no circumstances shall athletic ability be a valid basis of hardship or good cause for the issuance of a waiver of the requirements of subsection 2 of this section. The district board or committee of the board appointed by the president and which shall have full authority to act in lieu of the board shall convene a hearing as soon as possible, but no later than forty-five days after receipt of the waiver request made under this subsection or the waiver request shall be granted. The district board or committee of the board may grant the request for a waiver of any requirement of subsection 2 of this section. The district board or committee of the board may also reject the request for a waiver in which case the pupil shall not be allowed to register. Any person aggrieved by a decision of a district board or committee of the board on a request for a waiver under this subsection may appeal such decision to the circuit court in the county where the school district is located.

4. Any person who knowingly submits false information to satisfy any requirement of subsection 2 of this section is guilty of a class A misdemeanor.

5. In addition to any other penalties authorized by law, a district board may file a civil action to recover, from the parent, military guardian or legal guardian of the pupil, the costs of school attendance for any pupil who was enrolled at a school in the district and whose parent, military guardian or legal guardian filed false information to satisfy any requirement of subsection 2 of this section.

6. Subsection 2 of this section shall not apply to a pupil who is a homeless child or youth, or a pupil attending a school not in the pupil's district of residence as a participant in an interdistrict transfer program established under a court-ordered desegregation program, a pupil who is a ward of the state and has been placed in a residential care facility by state officials, a pupil who has been placed in a residential care facility due to a mental illness or developmental disability, a pupil attending a school pursuant to sections 167.121 and 167.151, a pupil placed in a residential facility by a juvenile court, a pupil with a disability identified under state eligibility criteria if the student is in the district for reasons other than accessing the district's educational program, or a pupil attending a regional or cooperative alternative education program or an alternative education program on a contractual basis.

7. Within two business days of enrolling a pupil, the school official enrolling a pupil, including any special education pupil, shall request those records required by district policy for student transfer and those discipline records required by subsection 9 of section 160.261 from all schools previously attended by the pupil within the last twelve months. Any school district that receives a request for such records from another school district enrolling a pupil that had previously attended a school in such district shall respond to such request within five business days of receiving the request. School districts may report or disclose education records to law enforcement and juvenile justice authorities if the disclosure concerns law enforcement's or juvenile justice authorities' ability to effectively serve, prior to adjudication, the student whose records are released. The officials and authorities to whom such information is disclosed must comply with applicable restrictions set forth in 20 U.S.C. Section 1232g(b)(1)(E).

Approved June 25, 2015

SB 141 [SB 141]

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

Raises the amount the Crime Victims' Compensation Fund can pay to eligible victims and provides that the Public Safety Department can negotiate costs on behalf of victims

AN ACT to repeal section 595.030, RSMo, and to enact in lieu thereof one new section relating to the crime victims' compensation program.

SECTION
A. Enacting clause.
595.030. Compensation, out-of-pocket loss requirement, maximum amount for counseling expenses — award, computation — medical care, requirements — counseling, requirements — maximum award — joint claimants, distribution — method, timing of payment determined by department — negotiations with providers.

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

SECTION A. ENACTING CLAUSE. — Section 595.030, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 595.030, to read as follows:

595.030. COMPENSATION, OUT-OF-POCKET LOSS REQUIREMENT, MAXIMUM AMOUNT FOR COUNSELING EXPENSES — AWARD, COMPUTATION — MEDICAL CARE, REQUIREMENTS — COUNSELING, REQUIREMENTS — MAXIMUM AWARD — JOINT CLAIMANTS, DISTRIBUTION — METHOD, TIMING OF PAYMENT DETERMINED BY DEPARTMENT — NEGOTIATIONS WITH PROVIDERS. — 1. No compensation shall be paid unless the claimant has incurred an out-of-pocket loss of at least fifty dollars or has lost two continuous weeks of earnings or support from gainful employment. "Out-of-pocket loss" shall mean unreimbursed or unreimbursable expenses or indebtedness reasonably incurred:

(1) For medical care or other services, including psychiatric, psychological or counseling expenses, necessary as a result of the crime upon which the claim is based, except that the amount paid for psychiatric, psychological or counseling expenses per eligible claim shall not exceed two thousand five hundred dollars; or

(2) As a result of personal property being seized in an investigation by law enforcement. Compensation paid for an out-of-pocket loss under this subdivision shall be in an amount equal to the loss sustained, but shall not exceed two hundred fifty dollars.

2. No compensation shall be paid unless the department of public safety finds that a crime was committed, that such crime directly resulted in personal physical injury to, or the death of, the victim, and that police records show that such crime was promptly reported to the proper authorities. In no case may compensation be paid if the police records show that such report was made more than forty-eight hours after the occurrence of such crime, unless the department of public safety finds that the report to the police was delayed for good cause. If the victim is under eighteen years of age such report may be made by the victim's parent, guardian or custodian; by a physician, a nurse, or hospital emergency room personnel; by the children's division personnel; or by any other member of the victim's family. In the case of a sexual offense, filing a report of the offense to the proper authorities may include, but not be limited to, the filing of the report of the forensic examination by the appropriate medical provider, as defined in section 595.220, with the prosecuting attorney of the county in which the alleged incident occurred.

3. No compensation shall be paid for medical care if the service provider is not a medical provider as that term is defined in section 595.027, and the individual providing the medical care is not licensed by the state of Missouri or the state in which the medical care is provided.

4. No compensation shall be paid for psychiatric treatment or other counseling services, including psychotherapy, unless the service provider is a:

(1) Physician licensed pursuant to chapter 334 or licensed to practice medicine in the state in which the service is provided;

(2) Psychologist licensed pursuant to chapter 337 or licensed to practice psychology in the state in which the service is provided;

(3) Clinical social worker licensed pursuant to chapter 337; or

(4) Professional counselor licensed pursuant to chapter 337.

5. Any compensation paid pursuant to sections 595.010 to 595.075 for death or personal injury shall be in an amount not exceeding out-of-pocket loss, together with loss of earnings or support from gainful employment, not to exceed **[**two**]** **four** hundred dollars per week, resulting from such injury or death. In the event of death of the victim, an award may be made for reasonable and necessary expenses actually incurred for preparation and burial not to exceed five thousand dollars.

6. Any compensation for loss of earnings or support from gainful employment shall be in an amount equal to the actual loss sustained not to exceed **[**two**]** **four** hundred dollars per week; provided, however, that no award pursuant to sections 595.010 to 595.075 shall exceed twenty-five thousand dollars. If two or more persons are entitled to compensation as a result of the death of a person which is the direct result of a crime or in the case of a sexual assault, the compensation shall be apportioned by the department of public safety among the claimants in proportion to their loss.

7. The method and timing of the payment of any compensation pursuant to sections 595.010 to 595.075 shall be determined by the department.

8. The department shall have the authority to negotiate the costs of medical care or other services directly with the providers of the care or services on behalf of any victim receiving compensation pursuant to sections 595.010 to 595.075.

Approved June 24, 2015

SB 145 [SS SCS SB 145]

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

Requires health benefit plans cover diagnosis and treatment of eating disorders

AN ACT to amend chapter 376, RSMo, by adding thereto one new section relating to the treatment of eating disorders.

SECTION
A. Enacting clause.
376.845. Definitions — eating disorders, coverage for diagnosis and treatment of — limitations on coverage.

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

SECTION A. ENACTING CLAUSE. — Chapter 376, RSMo, is amended by adding thereto one new section, to be known as section 376.845, to read as follows:

376.845. DEFINITIONS — EATING DISORDERS, COVERAGE FOR DIAGNOSIS AND TREATMENT OF — LIMITATIONS ON COVERAGE. — 1. For the purposes of this section the following terms shall mean:

(1) "Eating disorder", Pica, Rumination Disorder, Avoidant/Restrictive Food Intake Disorder, Anorexia Nervosa, Bulimia Nervosa, Binge Eating Disorder, Other Specified Feeding or Eating Disorder, and any other eating disorder contained in the most recent version of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association where diagnosed by a licensed physician, psychiatrist, psychologist, clinical social worker, licensed marital and family therapist, or professional counselor duly licensed in the state where he or she practices and acting within their applicable scope of practice in the state where he or she practices;

(2) "Health benefit plan", shall have the same meaning as such term is defined in section 376.1350; however, for purposes of this section "health benefit plan" does not include 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 policy of six months or less duration, or any other supplemental policy;

(3) "Health carrier", shall have the same meaning as such term is defined in section 376.1350;

(4) "Medical care", health care services needed to diagnose, prevent, treat, cure, or relieve physical manifestations of an eating disorder, and shall include inpatient hospitalization, partial hospitalization, residential care, intensive outpatient treatment, follow up outpatient care, and counseling;

(5) "Pharmacy care", medications prescribed by a licensed physician for an eating disorder and includes any health-related services deemed medically necessary to determine the need or effectiveness of the medications, but only to the extent that such medications are included in the insured's health benefit plan;

(6) "Psychiatric care" and "psychological care", direct or consultative services provided during inpatient hospitalization, partial hospitalization, residential care, intensive outpatient treatment, follow-up outpatient care, and counseling provided by a psychiatrist or psychologist licensed in the state of practice;

(7) "Therapy", medical care and behavioral interventions provided by a duly licensed physician, psychiatrist, psychologist, professional counselor, licensed clinical social worker, or family marriage therapist where said person is licensed or registered in the states where he or she practices;

(8) "Treatment of eating disorders", therapy provided by a licensed treating physician, psychiatrist, psychologist, professional counselor, clinical social worker, or licensed marital and family therapist pursuant to the powers granted under such licensed physician's, psychiatrist's, psychologist's, professional counselor's, clinical social worker's, or licensed marital and family therapist's license in the state where he or she practices for an individual diagnosed with an eating disorder.

2. In accordance with the provisions of section 376.1550, all health benefit plans that are delivered, issued for delivery, continued or renewed on or after January 1, 2017, if written inside the state of Missouri, or written outside the state of Missouri but covering Missouri residents, shall provide coverage for the diagnosis and treatment of eating disorders as required in section 376.1550.

3. Coverage provided under this section is limited to medically necessary treatment that is provided by a licensed treating physician, psychiatrist, psychologist, professional counselor, clinical social worker, or licensed marital and family therapist pursuant to the powers granted under such licensed physician's, psychiatrist's, psychologist's, professional counselor's, clinical social worker's, or licensed marital and family therapist's license and acting within their applicable scope of coverage, in accordance with a treatment plan.

4. The treatment plan, upon request by the health benefit plan or health carrier, shall include all elements necessary for the health benefit plan or health carrier to pay claims. Such elements include, but are not limited to, a diagnosis, proposed treatment by type, frequency and duration of treatment, and goals.

5. Coverage of the treatment of eating disorders may be subject to other general exclusions and limitations of the contract or benefit plan not in conflict with the provisions of this section, such as coordination of benefits, and utilization review of health care services, which includes reviews of medical necessity and care management. Medical necessity determinations and care management for the treatment of eating disorders shall consider the overall medical and mental health needs of the individual with an eating disorder, shall not be based solely on weight, and shall take into consideration the most recent Practice Guideline for the Treatment of Patients with Eating Disorders adopted by the American Psychiatric Association in addition to current standards based upon the medical literature generally recognized as authoritative in the medical community.

Approved June 19, 2015

SB 149 [HCS SS SCS SB 149]

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

Creates state and local sales and use tax exemptions for data storage centers and allows municipalities to enter into loan agreements, or sell, lease, or mortgage municipal property for a technology business facility

AN ACT to amend chapter 144, RSMo, by adding thereto one new section relating to tax incentives for data storage.

SECTION
A. Enacting clause.
144.810. Data storage centers, exemption from sales and use tax — definitions — procedure — certificates of exemption — rulemaking authority.

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

SECTION A. ENACTING CLAUSE. — Chapter 144, RSMo, is amended by adding thereto one new section, to be known as section 144.810**, to read as follows:**

144.810. DATA STORAGE CENTERS, EXEMPTION FROM SALES AND USE TAX — DEFINITIONS — PROCEDURE — CERTIFICATES OF EXEMPTION — RULEMAKING AUTHORITY. — 1. As used in this section, unless the context clearly indicates otherwise, the following terms mean:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. In addition to the exemptions granted under chapter 144, project taxpayers for a new data storage center project shall be entitled, for a project period not to exceed fifteen years from the date of conditional approval under this section and subject to the requirements of subsection 3 of this section, to an exemption of one hundred percent of the 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, limited to the net fiscal benefit of the state calculated over a ten year period, on:

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

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

(3) All sales at retail of tangible personal property and materials for the purpose of constructing any new 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. dataset.

3. (1) Any data storage center project seeking a tax exemption under subsection 2 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 known operating taxpayer for the project and include any additional information the department of economic development may 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 2 of this section, conditional upon subsequent verification by the department that the project meets the requirements in subsection 1 of this section for a new facility project. 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.

(2) The department of economic development shall convey conditional approvals to the department of revenue and the identified project taxpayers. After a conditionally approved new facility has met the requirements in subsection 1 of this section for a new facility and the execution of the agreement specified in subsection 6 of this section, the project taxpayers shall provide proof of the same to the department of economic development. Upon verification of such proof, the department of economic development shall certify the new facility to the department of revenue as being eligible for the exemption dating retroactively to the first day of construction on the new facility. The department of revenue, upon receipt of adequate proof of the amount of sales taxes paid since the first day of construction, shall issue a refund of taxes paid but eligible for exemption under subsection 2 of this section to each operating taxpayer and each constructing taxpayer and issue a certificate of exemption to each new project taxpayer for ongoing exemptions under subsection 2 of this section. The department of revenue shall issue such a refund within thirty days of receipt of certification from the department of economic 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 chapter 144, upon approval by the department of economic development, project taxpayers for expanding data 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.

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

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

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

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

7. Any project taxpayer who submits a notice of intent to the department of economic development to expand a new facility by additional construction, extension, improvement, or equipping within five years of the date the new facility became operation shall be entitled to request the department undertake an additional analysis to determine the projected net fiscal benefit of the expansion to the state over a period of ten years as determined by the department using the Regional Economic Modeling, Inc. dataset or comparable data and shall be entitled to an exemption under this section not to exceed such fiscal benefit to the state for a period of not to exceed fifteen years.

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

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

10. The department of economic development and the department of revenue shall jointly prescribe such rules and regulations necessary to carry out the provisions 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, 2015, shall be invalid and void.

Approved April 9, 2015

SB 156 [HCS SB 156]

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

Designates certain highways and bridges in the state

AN ACT to amend chapter 227, RSMo, by adding thereto eight new sections relating to highway designations.

SECTION
- A. Enacting clause.
- 227.380. Theodore McNeal Highway designated for portion of Highway 115 in St. Louis City.
- 227.417. Jerry Corp Memorial Highway designated for portion of U.S. Highway 160 in Ozark County.
- 227.423. Betty Vickers Memorial Bridge designated for State Highway 19 bridge in Crawford County.
- 227.428. Randy Bever Memorial Highway designated for portion of Business Highway 71 in Andrew County.
- 227.523. Irwin C. Cudworth Memorial Bridge designated on Highway CC in Ozark County.
- 227.524. Ray-Carroll County Veterans Memorial Highway designated for portion of Highway 10.
- 227.525. Billy Yates Highway designated for portion of U.S. Highway 160 in Ripley County.
- 227.526. Veterans Memorial Expressway designated for portion of Highway 54 in Camden County.

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

SECTION A. ENACTING CLAUSE. — Chapter 227, RSMo, is amended by adding thereto eight new sections, to be known as sections 227.380, 227.417, 227.423, 227.428, 227.523, 227.524, 227.525, and 227.526, to read as follows:

227.380. THEODORE MCNEAL HIGHWAY DESIGNATED FOR PORTION OF HIGHWAY 115 IN ST. LOUIS CITY. — The portion of State Highway 115 in St. Louis City from the intersection of Natural Bridge Avenue and Salisbury Street west to the intersection of State Highway 115 and Jennings Station Road shall be designated the "Theodore McNeal Highway". Cost for such designation shall be paid by private donations.

227.417. JERRY CORP MEMORIAL HIGHWAY DESIGNATED FOR PORTION OF U.S. HIGHWAY 160 IN OZARK COUNTY. — The portion of U.S. Highway 160 in Ozark County from the bridge that crosses Bryant Creek to a location two and one-half miles east of such bridge shall be known as the "Jerry Corp Memorial Highway". The costs for such designation shall be paid by private donations.

227.423. BETTY VICKERS MEMORIAL BRIDGE DESIGNATED FOR STATE HIGHWAY 19 BRIDGE IN CRAWFORD COUNTY. — The bridge on State Highway 19 crossing over the Meramec River in Crawford County between the cities of Cuba and Steelville shall be designated as the "Betty Vickers Memorial Bridge". The department of transportation shall erect and maintain appropriate signs designating such bridge, with the costs of such designation to be paid for by private donations.

227.428. RANDY BEVER MEMORIAL HIGHWAY DESIGNATED FOR PORTION OF BUSINESS HIGHWAY 71 IN ANDREW COUNTY. — The portion of Business Highway 71 from the Interstate 29 intersection traveling north for two miles and located in Andrew County shall be designated as the "Randy Bever Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway with the cost for such designation to be paid by private donation.

227.523. IRWIN C. CUDWORTH MEMORIAL BRIDGE DESIGNATED ON HIGHWAY CC IN OZARK COUNTY. — The bridge on Highway CC crossing over North Fork White River in Ozark County shall be designated the "Irwin C. Cudworth Memorial Bridge". The department of transportation shall erect and maintain appropriate signs designating such bridge, with the costs of such designation to be paid for by private donations.

227.524. RAY-CARROLL COUNTY VETERANS MEMORIAL HIGHWAY DESIGNATED FOR PORTION OF HIGHWAY 10. — The portion of Highway 10 from the western border of the city limits of Norborne in Carroll County to the eastern border of the city limits of Hardin in Ray County shall be designated the "Ray-Carroll County Veterans Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway with costs to be paid by private donations.

227.525. BILLY YATES HIGHWAY DESIGNATED FOR PORTION OF U.S. HIGHWAY 160 IN RIPLEY COUNTY. — The portion of U.S. Highway 160 in Ripley County which is located within the city limits of Doniphan shall be designated the "Billy Yates Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid for by private donation.

227.526. VETERANS MEMORIAL EXPRESSWAY DESIGNATED FOR PORTION OF HIGHWAY 54 IN CAMDEN COUNTY. — The portion of Highway 54 from the Grand Glaize Bridge in Camden County to Key Largo Road in Camden County shall be designated the "Veterans Memorial Expressway". The department of transportation shall erect and maintain appropriate signs designating such highway with costs to be paid by private donations.

Approved June 25, 2015

SB 164 [HCS SB 164]

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

Exempts in bankruptcy proceedings life insurance proceeds for the burial of a family member, modifies insurance foreign investment limits, changes the requirements for the valuation of reserves for life insurance

AN ACT to repeal sections 375.534, 375.1070, 375.1072, 376.370, 376.380, 376.670, 456.950, and 513.430, RSMo, and to enact in lieu thereof twelve new sections relating to financial transactions.

SECTION
A. Enacting clause.
375.534. Foreign governments or corporations, investment in permitted — conditions, requirements.
375.1070. Inapplicability to certain insurers.
375.1072. Definitions.
375.1074. Limitation on investments, domestic insurers.
375.1078. Limitation on Canadian investments.
376.365. Standard valuation law — definitions.
376.370. Director to value reserves, methods.
376.380. Legal minimum standards for valuation — interest rates — valuation manual, operative date, effect of — reserves required.
376.670. Provisions which shall be contained in life insurance policies, exceptions.
456.950. Definition — property and interests in property, immunity from claims, when — death of settlor, effect of — marital property rights, not affected by transfer — applicability.
456.1-113. Transfer of assets to trust subjects assets to terms of the trust.
513.430. Property exempt from attachment — construction of section.

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

SECTION A. ENACTING CLAUSE. — Sections 375.534, 375.1070, 375.1072, 376.370, 376.380, 376.670, 456.950, and 513.430, RSMo, are repealed and twelve new sections enacted in lieu thereof, to be known as sections 375.534, 375.1070, 375.1072, 375.1074, 375.1078, 376.365, 376.370, 376.380, 376.670, 456.950, 456.1-113, and 513.430, to read as follows:

375.534. FOREIGN GOVERNMENTS OR CORPORATIONS, INVESTMENT IN PERMITTED — CONDITIONS, REQUIREMENTS. — 1. In addition to other foreign investments permitted by Missouri law for the type or kind of insurance company involved, the capital, reserves and surplus of all insurance companies of whatever kind and character organized under the laws of this state, having admitted assets of not less than one hundred million dollars, may be invested in securities, investments and deposits issued, guaranteed or assumed by a foreign government or foreign corporation, or located in a foreign country, whether denominated in United States dollars or in foreign currency, subject to the following conditions:

(1) Such securities, investments and deposits shall be of substantially the same kind, class and quality of like United States investments eligible for investment by an insurance company under Missouri law;

(2) An insurance company shall not invest or deposit in the aggregate more than **[**five**]** **twenty** percent of its admitted assets under this section, except that an insurance company may reinvest or redeposit any income or profits generated by investments permitted under this section; **[**and**]**

(3) **The aggregate amount of foreign investments then held by the insurer under this subsection in a single foreign jurisdiction shall not exceed ten percent of its admitted assets as to a foreign jurisdiction that has a sovereign debt rating of SVO "1" or five percent of its admitted assets as to any other foreign jurisdiction; and**

(4) Such securities, investments and deposits shall be aggregated with United States investments of the same class in determining compliance with percentage limitations imposed under Missouri law for investments in that class for the type or kind of insurance company involved.

2. This section shall not apply to an insurer organized under chapter 376.

375.1070. INAPPLICABILITY TO CERTAIN INSURERS. — **[**1. Sections 375.1070 to 375.1075 may be cited as the "Investments in Medium and Lower Quality Obligations Law".

2.] Sections 375.1070 to [375.1075] **375.1078** shall not apply to an insurer organized under chapter 376.

375.1072. Definitions. — As used in sections 375.1070 to [375.1075] **375.1078**, the following terms mean:

(1) "Admitted assets", the amount thereof as of the last day of the most recently concluded annual statement year, computed in the same manner as admitted assets in section 379.080 for insurers other than life;

(2) "Aggregate amount of medium to lower quality obligations", the aggregate statutory statement value thereof;

(3) "Institution", a corporation, a joint-stock company, an association, a trust, a business partnership, a business joint venture or similar entity;

(4) "Medium to lower quality obligations", obligations which are rated three, four, five and six by the Securities Valuation Office of the National Association of Insurance Commissioners.

375.1074. Limitation on investments, domestic insurers. — Except as otherwise specified by Missouri law, no domestic insurer shall acquire an investment directly or indirectly through an investment subsidiary if, as a result of and after giving effect to the investment, the insurer would hold more than five percent of its admitted assets in the investments of all kinds issued, assumed, accepted, insured, or guaranteed by a single person.

375.1078. Limitation on Canadian investments. — 1. No insurer shall acquire, directly or indirectly through an investment subsidiary, a Canadian investment otherwise permitted under Missouri law if, after giving effect to the investment, the aggregate amount of the investments then held by the insurer would exceed twenty-five percent of its admitted assets.

2. For any insurer that is authorized to do business in Canada or that has outstanding insurance, annuity, or reinsurance contracts on lives or risks resident or located in Canada and denominated in Canadian currency, the limitations of subsection 1 of this section shall be increased by the greater of:

(1) The amount the insurer is required by applicable Canadian law to invest in Canada or to be denominated in Canadian currency; or

(2) One hundred twenty-five percent of the amount of the insurer's reserves and other obligations under contracts on risks resident or located in Canada.

376.365. Standard valuation law — definitions. — 1. Sections 376.365 to 376.380 shall be known and may be cited as the "Standard Valuation Law".

2. As used in sections 376.365 to 376.380, the following terms shall mean and apply on or after the operative date of the valuation manual:

(1) "Accident and health insurance", contracts that incorporate morbidity risk and provide protection against economic loss resulting from accidents, sickness, or medical conditions and as may be specified in the valuation manual;

(2) "Appointed actuary", a qualified actuary who is appointed in accordance with the valuation manual to prepare the actuarial opinion required under subsection 5 of section 376.380;

(3) "Company", an entity which has written, issued, or reinsured life insurance contracts, accident and health insurance contracts, or deposit-type contracts:

(a) In Missouri and has at least one such policy in force or on claim; or

(b) In any state and is required to hold a certificate of authority to write life insurance, accident and health insurance, or deposit-type contracts in Missouri;

(4) "Deposit-type contract", a contract that does not incorporate mortality or morbidity risks and as may be specified in the valuation manual;

(5) "Life insurance", contracts that incorporate mortality risk including annuity and pure endowment contracts and as may be specified in the valuation manual;

(6) "NAIC", the National Association of Insurance Commissioners;

(7) "Operative date of the valuation manual", January first of the first calendar year that the valuation manual is effective, as described in subdivision (2) of subsection 6 of section 376.380;

(8) "Policyholder behavior", any action a policyholder, contract holder, or any other person with the right to elect options, such as a certificate holder, may take under a policy or contract subject to sections 376.365 to 376.380 including, but not limited to, lapse, withdrawal, transfer, deposit, premium payment, loan, annuitization, or benefit elections prescribed by the policy or contract but excluding events of mortality or morbidity that result in benefits prescribed in their essential aspects by the terms of the policy or contract;

(9) "Principle-based valuation", a reserve valuation that uses one or more methods or one or more assumptions determined by the insurer and is required to comply with subsection 7 of section 376.380 as specified in the valuation manual;

(10) "Qualified actuary", an individual who is qualified to sign the applicable statement of actuarial opinion in accordance with the American Academy of Actuaries qualification standards for actuaries signing such statements and who meets the requirements specified in the valuation manual;

(11) "Tail risk", a risk that occurs either if the frequency of low probability events is higher than expected under a normal probability distribution or if there are observed events of very significant size or magnitude;

(12) "Valuation manual", the manual of valuation instructions adopted by the NAIC as specified in sections 376.365 to 376.380.

376.370. DIRECTOR TO VALUE RESERVES, METHODS. — 1. **(1)** The director of the department of insurance, financial institutions and professional registration shall annually value, or cause to be valued, the reserve liabilities, herein called "reserves", for all outstanding life insurance policies and **[**annuities**] annuity** and pure endowment contracts of every life insurance company doing business in this state**[**, and may certify the amount of any such reserves, specifying the mortality table or tables, rate or rates of interest and methods, net level premium method or other, used in the calculation of such reserves**] issued on or after the operative date provided in subsection 20 of section 376.670 and prior to the operative date of the valuation manual**. In calculating such reserves, [he**] the director** may use group methods and approximate averages for fractions of a year or otherwise. In lieu of the valuation of the reserves herein required of any foreign or alien company, **[**he**] the director** may accept any valuation made, or caused to be made, by the insurance supervisory official of any state or other jurisdiction when such valuation complies with the minimum standard herein provided **[**and if the official of such state or jurisdiction accepts as sufficient and valid for all legal purposes the certificate of valuation of the director when such certificate states the valuation to have been made in a specified manner according to which the aggregate reserves would be at least as large as if they had been computed in the manner prescribed by the law of that state or jurisdiction**]**.

(2) The provisions of subsection 3 of this section and subsections 1 to 3 of section 376.380 shall apply to all policies and contracts, as appropriate, issued on or after the operative date provided in subsection 20 of section 376.670 and prior to the operative date of the valuation manual, and the provisions of subsections 6 and 7 of section 376.380 shall not apply to such policies and contracts.

(3) The minimum standard for the valuation of policies and contracts issued prior to the operative date provided in subsection 20 of section 376.670 shall be that provided by the laws in effect immediately prior to the operative date provided in subsection 20 of section 376.670.

2. (1) The director shall annually value or caused to be valued the reserves for all outstanding life insurance contracts, annuity and pure endowment contracts, accident and

health insurance contracts, and deposit-type contracts of every company issued on or after the operative date of the valuation manual. In lieu of the valuation of the reserves herein required of any foreign or alien company, the director may accept any valuation made or caused to be made by the insurance supervisory official of any state or other jurisdiction if such valuation complies with the minimum standard provided herein.

(2) The provisions of subsections 6 and 7 of section 376.380 shall apply to all policies and contracts issued on or after the operative date of the valuation manual.

[2.] **3.** Reserves for all policies and contracts issued prior to August 28, 1993, may be calculated, at the option of the company, according to any standards which produce greater aggregate reserves for all such policies and contracts than the minimum reserves required by the laws in effect immediately prior to such date. Reserves for any category of policies, contracts or benefits as established by the director, issued on or after August 28, 1993, may be calculated, at the option of the company, according to any standards which produce greater aggregate reserves for such category than those calculated according to the minimum standard herein provided, but the rate or rates of interest used for policies and contracts, other than annuity and pure endowment contracts, shall not be higher than the corresponding rate or rates of interest used in calculating any nonforfeiture benefits provided therein. Any such company which at any time shall have adopted any standard of valuation producing greater aggregate reserves than those calculated according to the minimum standard herein provided may, with the approval of the director, adopt any lower standard of valuation, but not lower than the minimum herein provided; however, for purposes of this subsection, the holding of additional reserves previously determined by a qualified actuary to be necessary to render the opinion required by [subsection 4] **subsections 4 and 5** of section 376.380 shall not be deemed to be the adoption of a higher standard of valuation.

376.380. LEGAL MINIMUM STANDARDS FOR VALUATION — INTEREST RATES — VALUATION MANUAL, OPERATIVE DATE, EFFECT OF — RESERVES REQUIRED. — 1. The legal minimum standard for valuation of policies and contracts and the reserves to be maintained thereon shall be as follows:

(1) For those policies and contracts issued prior to the operative date provided in subsection [14] **20** of section 376.670:

(a) Except as otherwise provided in subdivision (3) of this subsection, the legal minimum standard for valuation of policies of life insurance or annuity contracts issued prior to April 13, 1934, shall be the Actuaries' or Combined Experience Table of Mortality, with interest at the rate of five percent per annum for group annuity contracts and four percent per annum for all other policies and contracts; and for policies of life insurance and annuity contracts issued on and after April 13, 1934, such minimum standard shall be the American Experience Table of Mortality with interest at the rate of five percent per annum for group annuity contracts and three and one-half percent per annum for all other policies and contracts;

(b) The director may vary the legal minimum standards of interest and mortality for annuity contracts and in particular cases of invalid or substandard lives and other extra hazards, and shall have the right and authority to designate the legal minimum standard for valuation of total and permanent disability benefits and additional accidental death benefits;

(c) Policies issued by companies doing business in this state may provide for not more than one year preliminary term insurance by incorporating in the provisions thereof, specifying the premium consideration to be received, a clause plainly showing that the first year's insurance under such policies is term insurance, purchased by the whole or a part of the premium to be received during the first policy year and shall be valued accordingly; provided, that if the premium charged for term insurance under a limited payment life preliminary term policy providing for the payment of all premiums thereon in less than twenty years from the date of the policy, or under an endowment preliminary term policy, exceeds that charged for life insurance twenty payment life preliminary term policies of the same company, the reserve thereon at the

end of any year, including the first, shall not be less than the reserve on a twenty payment life preliminary term policy issued in the same year and at the same age, together with an amount which shall be equivalent to the accumulation of a net level premium sufficient to provide for a pure endowment at the end of the premium payment period equal to the difference between the value at the end of such period of such twenty payment life preliminary term policy and the full reserve at such time of such a limited payment life or endowment policy. The premium payment period is the period during which premiums are concurrently payable under such twenty payment life preliminary term policy and such limited payment life or endowment policy;

(d) Reserves for all such policies and contracts may be calculated, at the option of the company, according to any standards which produce greater aggregate reserves for all such policies and contracts than the minimum reserves required by subdivision (1) of this subsection. In the case of policy obligations of an insolvent life insurance company assumed or reinsured in bulk by an insurance company upon a basis requiring a separate accounting of the business and assets of such insolvent company and an application of any part of the earnings therefrom upon obligations which are not implicit in the original terms of the policies or contracts assumed or reinsured, the director, in order to protect all policyholders of the reinsuring company, including the holders of all policies so assumed or reinsured, and to safeguard the future solvency of such reinsuring company, shall have the right and authority to designate standards of valuation for such reinsured policies and contracts which will produce greater aggregate reserves for all such policies and contracts than the minimum reserves required by subdivision (1) of this subsection or the terms and provisions of the policies and contracts so assumed or reinsured, and, in such event, such reinsuring company shall not, thereafter, adopt any lower standards of valuation without the approval of the director.

(2) For those policies and contracts issued on or after the operative date provided in subsection **[**14**]** **20** of section 376.670:

(a) Except as otherwise provided in subdivision (3) of this subsection and subsection 2 of this section, the minimum standard for the valuation of all such policies and contracts shall be the commissioners reserve valuation methods defined in paragraphs (b), (c), (d), (e), and (h) of this subdivision, three and one-half percent interest on all such policies and contracts except those contracts specified in subparagraph c. of **this** paragraph **[**(a) of this subdivision**]** which consist of single premium annuity contracts and in subparagraph d. of **this** paragraph **[**(a) of this subdivision**]** which consists of group annuity contracts where the interest rate shall be five percent, and except policies and contracts, other than annuity and pure endowment contracts, issued on or after September 28, 1975, where the interest rate shall be four percent interest for such policies issued prior to September 28, 1979, and four and one-half percent interest for such policies issued on or after September 28, 1979, and the following tables:

a. For all ordinary policies of life insurance issued prior to the operative date provided in subsection **[**10**]** **12** of section 376.670 on the standard basis, excluding any disability and accidental death benefits in such policies, the Commissioners 1941 Standard Ordinary Mortality Table, and for such policies issued on or after the operative date provided in subsection **[**10**]** **12** of section 376.670, and prior to the operative date of subsection **[**10b**]** **14** of section 376.670, the Commissioners 1958 Standard Ordinary Mortality Table; provided that for any category of such policies issued on or after September 28, 1979, on female risks all modified net premiums and present values referred to in this section may be calculated according to an age not more than six years younger than the actual age of the insured; and for such policies issued on or after the operative date of subsection **[**10b**]** **14** of section 376.670:

i. The Commissioners 1980 Standard Ordinary Mortality Table; or

ii. At the election of the company for any one or more specified plans of life insurance, the Commissioners 1980 Standard Ordinary Mortality Table with Ten-Year Select Mortality Factors; or

iii. Any ordinary mortality table, adopted after 1980 by the **[**National Association of Insurance Commissioners**]** **NAIC**, that is approved by regulation promulgated by the director for use in determining the minimum standard of valuation for such policies;

b. For all industrial life insurance policies issued on the standard basis, excluding any disability and accidental death benefits in such policies, the 1941 Standard Industrial Mortality Table for such policies issued prior to the operative date of subsection [10a] **13** of section 376.670 and for such policies issued on or after such operative date, the Commissioners 1961 Standard Industrial Mortality Table or any industrial mortality table, adopted after 1980 by the [National Association of Insurance Commissioners] **NAIC**, that is approved by regulation promulgated by the director for use in determining the minimum standard of valuation for such policies;

c. For individual annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies, the 1937 Standard Annuity Mortality Table or, at the option of the company, the Annuity Mortality Table for 1949, Ultimate, or any modification of either of these tables approved by the director;

d. For group annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies, the Group Annuity Mortality Table for 1951, any modification of such table approved by the director, or, at the option of the company, any of the tables or modifications of tables specified for individual annuity and pure endowment contracts;

e. For total and permanent disability benefits in or supplementary to ordinary policies or contracts, for policies or contracts issued on or after January 1, 1966, the tables of period two disablement rates and the 1930 to 1950 termination rates of the 1952 disability study of the Society of Actuaries, with due regard to the type of benefit or any tables of disablement rates and termination rates, adopted after 1980 by the [National Association of Insurance Commissioners] **NAIC**, that are approved by regulation promulgated by the director for use in determining the minimum standard of valuation for such policies; for policies or contracts issued on or after January 1, 1961, and prior to January 1, 1966, either such tables or at the option of the company, the Class (3) Disability Table (1926); and for policies issued prior to January 1, 1961, the Class (3) Disability Table (1926). Any such table shall, for active lives, be combined with a mortality table permitted for calculating the reserves for life insurance policies;

f. For accidental death benefits in or supplementary to policies issued on or after January 1, 1966, the 1959 Accidental Death Benefits Table or any accidental death benefits table, adopted after 1980 by the [National Association of Insurance Commissioners] **NAIC**, that is approved by regulation promulgated by the director for use in determining the minimum standard of valuation for such policies; for policies issued on or after January 1, 1961, and prior to January 1, 1966, either such table or, at the option of the company, the Inter-Company Double Indemnity Mortality Table; and for policies issued prior to January 1, 1961, the Inter-Company Double Indemnity Mortality Table. Either table shall be combined with a mortality table permitted for calculating the reserves for life insurance policies;

g. For group life insurance, life insurance issued on the substandard basis and other special benefits, such tables as may be approved by the director;

(b) Except as otherwise provided in paragraphs (d), (e), and (h) of this subdivision, reserves according to the commissioners reserve valuation method, for the life insurance and endowment benefits of policies providing for a uniform amount of insurance and requiring the payment of uniform premiums shall be the excess, if any, of the present value, at the date of valuation, of such future guaranteed benefits provided for by such policies, over the then present value of any future modified net premiums therefor. The modified net premiums for any such policy shall be such uniform percentage of the respective contract premiums for such benefits that the present value, at the date of issue of the policy, of all such modified net premiums shall be equal to the sum of the then present value of such benefits provided for by the policy and the excess of a. over b., as follows:

a. A net level annual premium equal to the present value, at the date of issue, of such benefits provided for after the first policy year, divided by the present value, at the date of issue, of an annuity of one per annum payable on the first and each subsequent anniversary of such policy on which a premium falls due; provided, however, that such net level annual premium

shall not exceed the net level annual premium on the nineteen year premium whole life plan for insurance of the same amount at an age one year higher than the age at issue of such policy;

b. A net one year term premium for such benefit provided for in the first policy year; provided, that for any life insurance policy issued on or after January 1, 1986, for which the contract premium in the first policy year exceeds that of the second year and for which no comparable additional benefit is provided in the first year for such excess and which provides an endowment benefit or a cash surrender value or a combination thereof in an amount greater than such excess premium, the reserve according to the commissioners reserve valuation method as of any policy anniversary occurring on or before the assumed ending date defined herein as the first policy anniversary on which the sum of any endowment benefit and any cash surrender value then available is greater than such excess premium shall, except as otherwise provided in paragraph (h) of this subdivision, be the greater of the reserve as of such policy anniversary calculated as described in paragraph (b) of this subdivision and the reserve as of such policy anniversary calculated as described in paragraph (b) of this subdivision, but with:

i. The value defined in subparagraph a. of paragraph (b) **of this subdivision** being reduced by fifteen percent of the amount of such excess first year premium;

ii. All present values of benefits and premiums being determined without reference to premiums or benefits provided for by the policy after the assumed ending date;

iii. The policy being assumed to mature on such date as an endowment; and

iv. The cash surrender value provided on such date being considered as an endowment benefit. In making the above comparison the mortality and interest bases stated in paragraph (a) of this subdivision and subsection 2 of this section shall be used;

(c) Reserves according to the commissioners reserve valuation method for:

a. Life insurance policies providing for a varying amount of insurance or requiring the payment of varying premiums;

b. Group annuity and pure endowment contracts purchased under a retirement plan or plan of deferred compensation, established or maintained by an employer (including a partnership or sole proprietorship) or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under section 408 of the Internal Revenue Code, as now or hereafter amended;

c. Disability and accidental death benefits in all policies and contracts; and

d. All other benefits, except life insurance and endowment benefits in life insurance policies and benefits provided by all other annuity and pure endowment contracts, shall be calculated by a method consistent with the principles of paragraph (b) of this subdivision;

(d) Paragraph (e) of this subdivision shall apply to all annuity and pure endowment contracts other than group annuity and pure endowment contracts purchased under a retirement plan or plan of deferred compensation, established or maintained by an employer (including a partnership or sole proprietorship), or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under section 408 of the Internal Revenue Code, as now or hereafter amended;

(e) Reserves according to the commissioners annuity reserve method for benefits under annuity or pure endowment contracts, excluding any disability and accidental death benefits in such contracts, shall be the greatest of the respective excesses of the present values, at the date of valuation, of the future guaranteed benefits, including guaranteed nonforfeiture benefits, provided for by such contracts at the end of each respective contract year, over the present value, at the date of valuation, of any future valuation considerations derived from future gross considerations, required by the terms of such contract, that become payable prior to the end of such respective contract year. The future guaranteed benefits shall be determined by using the mortality table, if any, and the interest rate, or rates, specified in such contracts for determining guaranteed benefits. The valuation considerations are the portions of the respective gross considerations applied under the terms of such contracts to determine nonforfeiture values;

(f) In no event shall a company's aggregate reserves for all life insurance policies, excluding disability and accidental death benefits, be less than the aggregate reserves calculated in accordance with the method set forth in paragraphs (b), (c), (d), (e), (h) and (i) of this subdivision and the mortality table or tables and rate or rates of interest used in calculating nonforfeiture benefits for such policies;

(g) In no event shall the aggregate reserves for all policies, contracts and benefits be less than the aggregate reserves determined by the qualified actuary to be necessary to render the opinion required by **[**subsection 4**]** **subsections 4 and 5** of this section;

(h) If in any contract year the gross premium charged by any life insurance company on any policy or contract is less than the valuation net premium for the policy or contract calculated by the method used in calculating the reserve thereon but using the minimum valuation standards of mortality and rate of interest, the minimum reserve required for such policy or contract shall be the greater of either the reserve calculated according to the mortality table, rate of interest, and method actually used for such policy or contract, or the reserve calculated by the method actually used for such policy or contract but using the minimum valuation standards of mortality and rate of interest and replacing the valuation net premium by the actual gross premium in each contract year for which the valuation net premium exceeds the actual gross premium. The minimum valuation standards of mortality and rate of interest referred to in this section are those standards stated in paragraph (a) of this subdivision and subsection 2 of this section; provided, that for any life insurance policy issued on or after January 1, 1986, for which the gross premium in the first policy year exceeds that of the second year and for which no comparable additional benefit is provided in the first year for such excess and which provides an endowment benefit or a cash surrender value or a combination thereof in an amount greater than such excess premium, the foregoing provisions of this paragraph shall be applied as if the method actually used in calculating the reserve for such policy were the method described in paragraph (b) of this subdivision. The minimum reserve at each policy anniversary of such a policy shall be the greater of the minimum reserve calculated in accordance with paragraphs (b) and (c) **of this subdivision** and the minimum reserve calculated in accordance with this paragraph;

(i) In the case of any plan of life insurance which provides for future premium determination, the amounts of which are to be determined by the insurance company based on then estimates of future experience, or in the case of any plan of life insurance or annuity which is of such a nature that the minimum reserves cannot be determined by the methods described in paragraphs (b) to (e) of this subdivision, and paragraph (h) of this subdivision, the reserves which are held under any such plan must:

a. Be appropriate in relation to the benefits and the pattern of premiums for that plan; and

b. Be computed by a method which is consistent with the principles of this section as determined by regulations promulgated by the director.

(3) Except as provided in subsection 2 of this section, the minimum standard for the valuation of all individual annuity and pure endowment contracts issued on or after the operative date of this subdivision, as defined herein, and for all annuities and pure endowments purchased on or after such operative date under group annuity and pure endowment contracts, shall be the commissioners reserve valuation methods defined in paragraphs (b), (c), (d), and (e) of subdivision (2) of this subsection, and the following tables and interest rates:

(a) For individual annuity and pure endowment contracts issued prior to September 28, 1979, excluding any disability and accidental death benefits in such contracts, the 1971 Individual Annuity Mortality Table, or any modification of this table approved by the director, and six percent interest for single premium immediate annuity contracts, and four percent interest for all other individual annuity and pure endowment contracts;

(b) For individual single premium immediate annuity contracts issued on or after September 28, 1979, excluding any disability and accidental death benefits in such contracts, the 1971 Individual Annuity Mortality Table, or any individual annuity mortality table adopted after 1980 by the **[**National Association of Insurance Commissioners**]** **NAIC**, that is approved by regulation

promulgated by the director for use in determining the minimum standard of valuation for such contracts, or any modification of these tables approved by the director, and seven and one-half percent interest;

(c) For individual annuity and pure endowment contracts issued on or after September 28, 1979, other than single premium immediate annuity contracts, excluding any disability and accidental death benefits in such contracts, the 1971 Individual Annuity Mortality Table, or any individual annuity mortality table adopted after 1980 by the [National Association of Insurance Commissioners] **NAIC**, that is approved by regulation promulgated by the director for use in determining the minimum standard of valuation for such contracts, or any modification of these tables approved by the director, and five and one-half percent interest for single premium deferred annuity and pure endowment contracts and four and one-half percent interest for all other such individual annuity and pure endowment contracts;

(d) For all annuities and pure endowments purchased prior to September 28, 1979, under group annuity and pure endowment contracts, excluding any disability and accidental death benefits purchased under such contracts, the 1971 Group Annuity Mortality Table, or any modification of this table approved by the director, and six percent interest;

(e) For all annuities and pure endowments purchased on or after September 28, 1979, under group annuity and pure endowment contracts, excluding any disability and accidental death benefits purchased under such contracts, the 1971 Group Annuity Mortality Table, or any group annuity mortality table adopted after 1980 by the [National Association of Insurance Commissioners] **NAIC**, that is approved by regulation promulgated by the director for use in determining the minimum standard of valuation for such annuities and pure endowments, or any modification of these tables approved by the director, and seven and one-half percent interest;

(f) On and after September 28, 1975, any company may file with the director a written notice of its election to comply with the provisions of this subdivision after a specified date before January 1, 1980, which shall be the operative date of this subdivision for such company, provided a company may elect a different operative date for individual annuity and pure endowment contracts from that elected for group annuity and pure endowment contracts. If a company makes no such election, the operative date of this subdivision for such company shall be January 1, 1980.

2. (1) The calendar year statutory valuation interest rates as defined in this subsection shall be the interest rates used in determining the minimum standard for the valuation of:

(a) All life insurance policies issued in a particular calendar year, on or after the operative date of subsection [10b] **14** of section 376.670;

(b) All individual annuity and pure endowment contracts issued in a particular calendar year on or after January 1, 1983;

(c) All annuities and pure endowment contracts purchased in a particular calendar year on or after January 1, 1983, under group annuity and pure endowment contracts; and

(d) The net increase, if any, in a particular calendar year after January 1, 1983, in amounts held under guaranteed interest contracts.

(2) The calendar year statutory valuation interest rates, I, shall be determined as follows and the results rounded to the nearer one-quarter of one percent:

(a) For life insurance:

$I = .03 + W (R_1 - .03) + W/2 (R_2 - .09)$;

(b) For single premium immediate annuities and for annuity benefits involving life contingencies arising from other annuities with cash settlement options and from guaranteed interest contracts with cash settlement options:

$I = .03 + W (R - .03)$, where R_1 is the lesser of R and .09; R_2 is the greater of R and .09; R is the reference interest rate defined in this subsection; and W is the weighting factor defined in this subsection;

(c) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on an issue year basis, except as stated in paragraph (b) of this

subdivision, the formula for life insurance stated in paragraph (a) of this subdivision shall apply to annuities and guaranteed interest contracts with guarantee durations in excess of ten years and the formula for single premium immediate annuities stated in paragraph (b) of this subdivision shall apply to annuities and guaranteed interest contracts with guarantee durations of ten years or less;

(d) For other annuities with no cash settlement options and for guaranteed interest contracts with no cash settlement options, the formula for single premium immediate annuities stated in paragraph (b) of this subdivision shall apply;

(e) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a change in fund basis, the formula for single premium immediate annuities stated in paragraph (b) of this subdivision shall apply. If the calendar year statutory valuation interest rate for any life insurance policies issued in any calendar year determined without reference to this sentence differs from the corresponding actual rate for similar policies issued in the immediately preceding calendar year by less than one-half of one percent, the calendar year statutory valuation interest rate for such life insurance policies shall be equal to the corresponding actual rate for the immediately preceding calendar year. For purposes of applying the immediately preceding sentence, the calendar year statutory valuation interest rate for life insurance policies issued in a calendar year shall be determined for 1980 (using the reference interest rate defined for 1979) and shall be determined for each subsequent calendar year regardless of when subsection **[**10b**] 14** of section 376.670 becomes operative.

(3) The weighting factors referred to in the formulas stated in subdivision (2) of this subsection are given in the following tables:

(a) Weighting factors for life insurance:

Guarantee Duration (Years)	Weighting Factors
10 or less	.50
More than 10, but not more than 20	.45
More than 20	.35

For life insurance, the guarantee duration is the maximum number of years the life insurance can remain in force on a basis guaranteed in the policy or under options to convert to plans of life insurance with premium rates or nonforfeiture values or both which are guaranteed in the original policy;

(b) Weighting factor for single premium immediate annuities and for annuity benefits involving life contingencies arising from other annuities with cash settlement options and guaranteed interest contracts with cash settlement options: .80;

(c) Weighting factors for other annuities and for guaranteed interest contracts, except as stated in paragraph (b) of this subdivision, shall be as specified in subparagraphs a., b., and c. of this paragraph, according to the rules and definitions in subparagraphs d., e., and f. of this paragraph:

a. For annuities and guaranteed interest contracts valued on an issue year basis:

Guarantee Duration	Weighting Factor for Plan Type		
(Years)	A	B	C
5 or less:	.80	.60	.50
More than 5, but not more than 10:	.75	.60	.50
More than 10, but not more than 20:	.65	.50	.45
More than 20:	.45	.35	.35;

b. For annuities and guaranteed interest contracts valued on a change in fund basis, the factors shown in subparagraph a. of this paragraph increased by:

Plan Type

A	B	C
.15	.25	.05;

c. For annuities and guaranteed interest contracts valued on an issue year basis (other than those with no cash settlement options) which do not guarantee interest on considerations received more than one year after issue or purchase and for annuities and guaranteed interest contracts valued on a change in fund basis which do not guarantee interest rates on considerations received more than twelve months beyond the valuation date, the factors shown in subparagraph a. of this paragraph or derived in subparagraph b. of this paragraph increased by:

Plan Type		
A	B	C
.05	.05	.05;

d. For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, the guarantee duration is the number of years for which the contract guarantees interest rates in excess of the calendar year statutory valuation interest rate for life insurance policies with guarantee duration in excess of twenty years. For other annuities with no cash settlement options and for guaranteed interest contracts with no cash settlement options, the guarantee duration is the number of years from the date of issue or date of purchase to the date annuity benefits are scheduled to commence;

e. Plan type as used in subparagraphs a., b., and c. of this paragraph is defined as follows:

Plan Type A: At any time policyholder may withdraw funds only with an adjustment to reflect changes in interest rates or asset values since receipt of the funds by the insurance company, or without such adjustment but in installments over five years or more, or as an immediate life annuity, or no withdrawal permitted;

Plan Type B: Before expiration of the interest rate guarantee, policyholder may withdraw funds only with an adjustment to reflect changes in interest rates or asset values since receipt of the funds by the insurance company, or without such adjustment but in installments over five years or more, or no withdrawal permitted. At the end of interest rate guarantee, funds may be withdrawn without such adjustment in a single sum or installments over fewer than five years;

Plan Type C: Policyholder may withdraw funds before expiration of interest rate guarantee in a single sum or installments over fewer than five years either without adjustment to reflect changes in interest rates or asset values since receipt of the funds by the insurance company, or subject only to a fixed surrender charge stipulated in the contract as a percentage of the fund;

f. A company may elect to value guaranteed interest contracts with cash settlement options and annuities with cash settlement options on either an issue year basis or on a change in fund basis. Guaranteed interest contracts with no cash settlement options and other annuities with no cash settlement options must be valued on an issue year basis. As used in this subsection an issue year basis of valuation refers to a valuation basis under which the interest rate used to determine the minimum valuation standard for the entire duration of the annuity or guaranteed interest contract is the calendar year valuation interest rate for the year of issue or year of purchase of the annuity or guaranteed interest contract, and the change in fund basis of valuation refers to a valuation basis under which the interest rate used to determine the minimum valuation standard applicable to each change in the fund held under the annuity or guaranteed interest contract is the calendar year valuation interest rate for the year of the change in the fund.

(4) The "reference interest rate" referred to in subdivision (2) of this subsection shall be defined as follows:

(a) For all life insurance, the lesser of the average over a period of thirty-six months and the average over a period of twelve months, ending on June thirtieth of the calendar year next preceding the year of issue, of the Monthly Average of the Composite Yield on Seasoned Corporate Bonds, as published by Moody's Investors Service, Inc.;

(b) For single premium immediate annuities and for annuity benefits involving life contingencies arising from other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, the average over a period of twelve months, ending on

June thirtieth of the calendar year of issue or purchase, of the Monthly Average of the Composite Yield on Seasoned Corporate Bonds, as published by Moody's Investors Service, Inc.;

(c) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a year of issue basis, except as stated in paragraph (b) of this subdivision, with guarantee duration in excess of ten years, the lesser of the average over a period of thirty-six months and the average over a period of twelve months, ending on June thirtieth of the calendar year of issue or purchase, of the Monthly Average of the Composite Yield on Seasoned Corporate Bonds, as published by Moody's Investors Service, Inc.;

(d) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a year of issue basis, except as stated in paragraph (b) of this subdivision, with guarantee duration of ten years or less, the average over a period of twelve months, ending on June thirtieth of the calendar year of issue or purchase, of the Monthly Average of the Composite Yield on Seasoned Corporate Bonds, as published by Moody's Investors Service, Inc.;

(e) For other annuities with no cash settlement options and for guaranteed interest contracts with no cash settlement options, the average over a period of twelve months, ending on June thirtieth of the calendar year of issue or purchase, of the Monthly Average of the Composite Yield on Seasoned Corporate Bonds, as published by Moody's Investors Service, Inc.;

(f) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a change in fund basis, except as stated in paragraph (b) of this subdivision, the average over a period of twelve months, ending on June thirtieth of the calendar year of the change in the fund, of the Monthly Average of the Composite Yield on Seasoned Corporate Bonds, as published by Moody's Investors Service, Inc.

(5) In the event that the Monthly Average of the Composite Yield on Seasoned Corporate Bonds is no longer published by Moody's Investors Service, Inc., or in the event that the **[**National Association of Insurance Commissioners**]** **NAIC** determines that the Monthly Average of the Composite Yield on Seasoned Corporate Bonds as published by Moody's Investors Service, Inc., is no longer appropriate for the determination of the reference interest rate, then an alternative method for determination of the reference interest rate, which is adopted by the **[**National Association of Insurance Commissioners**]** **NAIC** and approved by regulation promulgated by the director, may be substituted.

3. **[**The director shall promulgate a regulation containing the minimum standards applicable to the valuation of health, disability and sickness and accident plans**]** **For accident and health insurance contracts issued on or after the operative date of the valuation manual, the standard prescribed in the valuation manual is the minimum standard of valuation required under subsection 2 of section 376.370. For disability, accident and sickness, and accident and health insurance contracts issued on or after the operative date provided in subsection 20 of section 376.670 and prior to the operative date of the valuation manual, the minimum standard of valuation is the standard adopted by the director by regulation**.

4. (1) **This subsection shall apply to actuarial opinions of reserves prior to the date of the valuation manual.**

(2) Every life insurance company doing business in this state shall annually submit the opinion of a qualified actuary as to whether the reserves and related actuarial items held in support of the policies and contracts specified by the director by regulation are computed appropriately, are based on assumptions which satisfy contractual provisions, are consistent with prior reported amounts and comply with applicable laws of this state. The director by regulation shall define the specifics of this opinion and add any other items deemed to be necessary to its scope.

[(2)**]** **(3)** (a) Every life insurance company, except as exempted by or pursuant to regulation, shall also annually include in the opinion required by subdivision **[**(1)**]** **(2)** of this subsection, an opinion of the same qualified actuary as to whether the reserves and related actuarial items held in support of the policies and contracts specified by the director by

regulation, when considered in light of the assets held by the company with respect to the reserves and related actuarial items, including but not limited to the investment earnings on the assets and the considerations anticipated to be received and retained under the policies and contracts, make adequate provision for the company's obligations under the policies and contracts, including but not limited to the benefits under and expenses associated with the policies and contracts.

(b) The director may provide by regulation for a transition period for establishing any higher reserves which the qualified actuary may deem necessary in order to render the opinion required by this subsection.

[(3)**]** **(4)** Each opinion required by subdivision **[**(2)**]** **(3)** of this subsection shall be governed by the following provisions:

(a) A memorandum, in form and substance acceptable to the director as specified by regulation, shall be prepared to support each actuarial opinion; and

(b) If the insurance company fails to provide a supporting memorandum at the request of the director within a period specified by regulation or the director determines that the supporting memorandum provided by the insurance company fails to meet the standards prescribed by the regulations or is otherwise unacceptable to the director, the director may engage a qualified actuary at the expense of the company to review the opinion and the basis for the opinion and prepare such supporting memorandum as is required by the director.

[(4)**]** **(5)** Every opinion **required by this subsection** shall be governed by the following provisions:

(a) The opinion shall be submitted with the annual statement reflecting the valuation of such reserve liabilities for each year ending on or after December 31, 1993;

(b) The opinion shall apply to all business in force including individual and group health insurance plans, in form and substance acceptable to the director as specified by regulation;

(c) The opinion shall be based on standards adopted from time to time by the Actuarial Standards Board and on such additional standards as the director may by regulation prescribe;

(d) In the case of an opinion required to be submitted by a foreign or alien company, the director may accept the opinion filed by that company with the insurance supervisory official of another state if the director determines that the opinion reasonably meets the requirements applicable to a company domiciled in this state;

(e) For the purposes of this section, "qualified actuary" means a member in good standing of the American Academy of Actuaries who meets the requirements set forth in such regulations;

(f) Except in cases of fraud or willful misconduct, the qualified actuary shall not be liable for damages to any person, other than the insurance company and the director, for any act, error, omission, decision or conduct with respect to the actuary's opinion;

(g) Disciplinary action by the director against the company or the qualified actuary shall be defined in regulations by the director; and

(h) Any memorandum in support of the opinion, and any other material provided by the company to the director in connection therewith, shall be kept confidential by the director and shall not be made public and shall not be subject to subpoena, other than for the purpose of defending an action seeking damages from any person by reason of any action required by this section or by regulations promulgated hereunder; except that the memorandum or other material may otherwise be released by the director:

a. With the written consent of the company; or

b. To the American Academy of Actuaries upon request stating that the memorandum or other material is required for the purpose of professional disciplinary proceedings and setting forth procedures satisfactory to the director for preserving the confidentiality of the memorandum or other material. Once any portion of the confidential memorandum is cited by the company in its marketing or is cited before any governmental agency other than a state insurance department or is released by the company to the news media, all portions of the confidential memorandum shall be no longer confidential.

5. (1) This subsection shall apply to actuarial opinions of reserves after the operative date of the valuation manual.

(2) Every company with outstanding life insurance contracts, accident and health insurance contracts, or deposit- type contracts in Missouri and subject to regulation by the director shall annually submit the opinion of the appointed actuary as to whether the reserves and related actuarial items held in support of the policies and contracts are computed appropriately, are based on assumptions that satisfy contractual provisions, are consistent with prior reported amounts, and comply with applicable Missouri law. The valuation manual shall prescribe the specifics of such opinion, including any items deemed to be necessary to its scope.

(3) Every company with outstanding life insurance contracts, accident and health insurance contracts, or deposit- type contracts in Missouri and subject to regulation by the director, except as exempted in the valuation manual, shall also annually include in the opinion required under subdivision (2) of this subsection an opinion of the same appointed actuary as to whether the reserves and related actuarial items held in support of the policies and contracts specified in the valuation manual, when considered in light of the assets held by the company with respect to the reserves and related actuarial items including, but not limited to, the investment earnings on the assets and the considerations anticipated to be received and retained under the policies and contracts, make adequate provision for the company's obligations under the policies and contracts including, but not limited to, benefits under and expenses associated with the policies and contracts.

(4) Each opinion required by subdivision (3) of this subsection shall be governed by the following provisions:

(a) A memorandum, in form and substance as specified in the valuation manual and acceptable to the director, shall be prepared to support each actuarial opinion; and

(b) If the insurance company fails to provide a supporting memorandum at the request of the director within a period specified in the valuation manual or the director determines that the supporting memorandum provided by the insurance company fails to meet the standards prescribed by the valuation manual or is otherwise unacceptable to the director, the director may engage a qualified actuary at the expense of the company to review the opinion and the basis for the opinion and prepare the supporting memorandum required by the director.

(5) Every opinion required by this subsection shall be governed by the following:

(a) The opinion shall be in form and substance as specified in the valuation manual and acceptable to the director;

(b) The opinion shall be submitted with the annual statement reflecting the valuation of such reserve liabilities for each year ending on or after the operative date of the valuation manual;

(c) The opinion shall apply to all policies and contracts subject to subdivision (3) of this subsection, plus other actuarial liabilities as may be specified in the valuation manual;

(d) The opinion shall be based on standards adopted from time to time by the Actuarial Standards Board or its successor, and on such additional standards as may be prescribed in the valuation manual;

(e) In the case of an opinion required to be submitted by a foreign or alien company, the director may accept the opinion filed by such company with the insurance supervisory official of another state if the director determines that the opinion reasonably meets the requirements applicable to a company domiciled in Missouri;

(f) Except in cases of fraud or willful misconduct, the appointed actuary shall not be liable for damages to any person, other than the insurance company and the director, for any act, error, omission, decision, or conduct with respect to the appointed actuary's opinion; and

(g) Disciplinary action by the director against the company or the appointed actuary shall be defined in regulations by the director.

6. (1) For policies issued on or after the operative date of the valuation manual, the standard prescribed in the valuation manual is the minimum standard of valuation required under subsection 2 of section 376.370, except as provided under subdivision (5) or (7) of this subsection.

(2) The operative date of the valuation manual is January first of the first calendar year following the first July first as of which all of the following have occurred:

(a) The valuation manual has been adopted by the NAIC by an affirmative vote of at least forty-two members or three- fourths of the members voting, whichever is greater;

(b) The Standard Valuation Law as amended by the NAIC in 2009 or legislation including substantially similar terms and provisions has been enacted by states representing greater than seventy-five percent of the direct premiums written as reported in the following annual statements submitted for 2008: life, accident, and health annual statements; health annual statements; or fraternal annual statements;

(c) The Standard Valuation Law as amended by the NAIC in 2009 or legislation including substantially similar terms and provisions has been enacted by at least forty-two of the following fifty-five jurisdictions: the fifty states of the United States, American Samoa, the American Virgin Islands, the District of Columbia, Guam, and Puerto Rico; and

(d) The valuation manual becomes effective under an order of the director.

(3) Unless a change in the valuation manual specifies a later effective date, changes to the valuation manual shall be effective on January first following the date when all of the following have occurred:

(a) The change to the valuation manual has been adopted by the NAIC by an affirmative vote representing:

a. At least three-fourths of the members of the NAIC voting, but not less than a majority of the total membership; and

b. Members of the NAIC representing jurisdictions totaling greater than seventy-five percent of the direct premiums written as reported in the following annual statements most recently available prior to the vote in subparagraph a. of this paragraph: life, accident, and health annual statements; health annual statements; or fraternal annual statements;

(b) The valuation manual becomes effective under an order of the director.

(4) The valuation manual shall specify all of the following:

(a) Minimum valuation standards for and definitions of the policies or contracts subject to subsection 2 of section 376.370. Such minimum standards shall be:

a. The commissioners reserve valuation method for life insurance contracts, other than annuity contracts, subject to subsection 2 of section 376.370;

b. The commissioners annuity reserve valuation method for annuity contracts subject to subsection 2 of section 376.370; and

c. Minimum reserves for all other policies and contracts subject to subsection 2 of section 376.370;

(b) Which policies or contracts or types of policies or contracts are subject to the requirements of a principle-based valuation under subdivision (1) of subsection 7 of this section and the minimum valuation standards consistent with such requirements;

(c) For policies and contracts subject to principle-based valuation under subsection 7 of this section:

a. Requirements for the format of reports to the director under paragraph (c) of subdivision (2) of subsection 7 of this section and which shall include information necessary to determine if the valuation is appropriate and in compliance with sections 376.365 to 376.380;

b. Assumptions which shall be prescribed for risks over which the company does not have significant control or influence;

c. Procedures for corporate governance and oversight of the actuarial function, and a process for appropriate waiver or modification of such procedures;

(d) For policies not subject to a principle-based valuation under subsection 7 of this section, the minimum valuation standard shall either:

a. Be consistent with the minimum standard of valuation prior to the operative date of the valuation manual; or

b. Develop reserves that quantify the benefits and guarantees, and the funding, associated with the contracts and their risks at a level of conservatism that reflects conditions that include unfavorable events that have a reasonable probability of occurring;

(e) Other requirements including, but not limited to, those relating to reserve methods, models for measuring risk, generation of economic scenarios, assumptions, margins, use of company experience, risk measurement, disclosure, certifications, reports, actuarial opinions and memorandums, transition rules, and internal controls; and

(f) The data and form of the data required under subsection 8 of this section, to whom the data shall be submitted, and may specify other requirements, including data analyses and reporting of analyses.

(5) In the absence of a specific valuation requirement or if a specific valuation requirement in the valuation manual is not, in the opinion of the director, in compliance with sections 376.365 to 376.380, the company shall, with respect to such requirements, comply with minimum valuation standards prescribed by the director by regulation.

(6) The director may engage a qualified actuary, at the expense of the company, to perform an actuarial examination of the company and opine on the appropriateness of any reserve assumption or method used by the company, or to review and opine on a company's compliance with any requirement set forth in sections 376.365 to 376.380. The director may rely upon the opinion regarding provisions contained in sections 376.365 to 376.380 of a qualified actuary engaged by the director of another state, district, or territory of the United States. As used in this subdivision, engage includes employment and contracting.

(7) The director may require a company to change any assumption or method that in the opinion of the director is necessary in order to comply with the requirements of the valuation manual or sections 376.365 to 376.380, and the company shall adjust the reserves as required by the director. The director may take other disciplinary action as permitted under chapter 354 and chapters 374 to 385.

7. (1) A company shall establish reserves using a principle-based valuation that meets the following conditions for policies or contracts as specified in the valuation manual:

(a) Quantify the benefits and guarantees, and the funding, associated with the contracts and their risks at a level of conservatism that reflects conditions that include unfavorable events that have a reasonable probability of occurring during the lifetime of the contracts. For policies or contracts with significant tail risk, the company's valuation shall reflect conditions appropriately adverse to quantify the tail risk;

(b) Incorporate assumptions, risk analysis methods, and financial models and management techniques that are consistent with, but not necessarily identical to, those utilized within the company's overall risk assessment process, while recognizing potential differences in financial reporting structures and any prescribed assumptions or methods;

(c) Incorporate assumptions that are derived in one of the following manners:

a. The assumption is prescribed in the valuation manual; or

b. For assumptions that are not prescribed, the assumption shall:

(i) Be established utilizing the company's available experience to the extent it is relevant and statistically credible; or

(ii) To the extent that company data is not available, relevant, or statistically credible, be established utilizing other relevant statistically credible experience;

(d) Provide margins for uncertainty, including adverse deviation and estimation error, such that the greater the uncertainty the larger the margin and resulting reserve.

(2) A company using a principle-based valuation for one or more policies or contracts subject to this section as specified in the valuation manual shall:

(a) Establish procedures for corporate governance and oversight of the actuarial valuation function consistent with those described in the valuation manual;

(b) Provide to the director an annual certification of the effectiveness of the internal controls with respect to the principle-based valuation. Such controls shall be designed to ensure that all material risks inherent in the liabilities and associated assets subject to such valuation are included in the valuation and that valuations are made in accordance with the valuation manual. The certification shall be based on the controls in place as of the end of the preceding calendar year;

(c) Develop, and file with the director upon request, a principle-based valuation report that complies with standards prescribed in the valuation manual.

(3) A principle-based valuation may include a prescribed formulaic reserve component.

8. For policies in force on or after the operative date of the valuation manual, a company shall submit mortality, morbidity, policyholder behavior, or expense experience and other data as prescribed in the valuation manual.

9. (1) For purposes of this subsection, "confidential information" means:

(a) A memorandum in support of an opinion submitted under subsection 4 or 5 of this section and any other documents, materials, and other information including, but not limited to, all working papers and copies thereof created, produced, or obtained by or disclosed to the director or any other person in connection with such memorandum;

(b) All documents, materials, and other information including, but not limited to, all working papers and copies thereof created, produced, or obtained by or disclosed to the director or any other person in the course of an examination made under subdivision (6) of subsection 6 of this section; provided, however, that if an examination report or other material prepared in connection with an examination made under section 374.205 is not held as private and confidential information under section 374.205, an examination report or other material prepared in connection with an examination made under subdivision (6) of subsection 6 of this section shall not be confidential information to the same extent as if such examination report or other material had been prepared under section 374.205;

(c) Any reports, documents, materials, and other information developed by a company in support of or in connection with an annual certification by the company under paragraph (b) of subdivision (2) of subsection 7 of this section evaluating the effectiveness of the company's internal controls with respect to a principle-based valuation and any other documents, materials, and other information including, but not limited to, all working papers and copies thereof created, produced, or obtained by or disclosed to the director or any other person in connection with such reports, documents, material, and other information;

(d) Any principle-based valuation report developed under paragraph (c) of subdivision (2) of subsection 7 of this section and any other documents, materials, and other information including, but not limited to, all working papers and copies thereof created, produced, or obtained by or disclosed to the director or any other person in connection with such report; and

(e) Any documents, materials, data, and other information submitted by a company under subsection 8 of this section (collectively, "experience data") and any other documents, materials, data, and other information including, but not limited to, all working papers and copies thereof created or produced in connection with such experience data, in each case that include any potentially company-identifying or personally identifiable information, that is provided to or obtained by the director (together with any "experience data", the "experience materials") and any other documents, materials, data, and other information including, but not limited to, all

working papers and copies thereof created, produced, or obtained by or disclosed to the director or any other person in connection with such experience materials.

(2) (a) Except as provided in this subsection, a company's confidential information is confidential by law and privileged, and shall not be subject to chapter 610, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action; provided, however, that the director is authorized to use the confidential information in the furtherance of any regulatory or legal action brought against the company as a part of the director's official duties.

(b) Neither the director nor any person who received confidential information while acting under the authority of the director shall be permitted or required to testify in any private civil action concerning any confidential information.

(c) In order to assist in the performance of the director's duties, the director may share confidential information with:

a. Other state, federal, and international regulatory agencies and with the NAIC and its affiliates and subsidiaries; and

b. In the case of confidential information specified in paragraphs (a) and (d) of subdivision (1) of this subsection only, the Actuarial Board for Counseling and Discipline or its successor upon request stating that the confidential information is required for the purpose of professional disciplinary proceedings and with state, federal, and international law enforcement officials.

(d) The sharing of confidential information detailed in paragraph (c) of this subdivision shall be contingent on such recipient agreeing and having the legal authority to agree to maintain the confidentiality and privileged status of such documents, materials, data, and other information in the same manner and to the same extent as required for the director.

(e) The director may receive documents, materials, data, and other information, including otherwise confidential and privileged documents, materials, data, or information, from the NAIC and its affiliates and subsidiaries, from regulatory or law enforcement officials of other foreign or domestic jurisdictions, and from the Actuarial Board for Counseling and Discipline or its successor and shall maintain as confidential or privileged any document, material, data, or other information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or other information.

(f) The director may enter into agreements governing sharing and use of information consistent with this subdivision.

(g) No waiver of any applicable privilege or claim of confidentiality in the confidential information shall occur as a result of disclosure to the director under this section or as a result of sharing as authorized in paragraph (c) of this subdivision.

(h) A privilege established under the law of any state or jurisdiction that is substantially similar to the privilege established under this subdivision shall be available and enforced in any proceeding in, and in any court of, Missouri.

(i) In this subsection, regulatory agency, law enforcement agency, and the NAIC include, but are not limited to, their employees, agents, consultants and contractors.

(3) Notwithstanding subdivision (2) of this subsection, any confidential information specified in paragraphs (a) and (d) of subdivision (1) of this subsection:

(a) May be subject to subpoena for the purpose of defending an action seeking damages from the appointed actuary submitting the related memorandum in support of an opinion submitted under subsection 4 or 5 of this section or principle- based valuation report developed under paragraph (c) of subdivision (2) of subsection 7 of this section by reason of an action required by sections 376.365 to 376.380 or by regulations promulgated hereunder;

(b) May otherwise be released by the director with the written consent of the company; and

(c) Once any portion of a memorandum in support of an opinion submitted under subsection 4 or 5 of this section or a principle-based valuation report developed under paragraph (c) of subdivision (2) of subsection 7 of this section is cited by the company in its marketing, or is publicly volunteered to or before a governmental agency other than a state insurance department, or is released by the company to the news media, all portions of such memorandum or report shall no longer be confidential.

10. The director may exempt specific product forms or product lines of a domestic company that is licensed and doing business only in Missouri from the requirements of subsection 6 of this section provided:

(1) The director has issued an exemption in writing to the company and has not subsequently revoked the exemption in writing; and

(2) The company computes reserves using assumptions and methods used prior to the operative date of the valuation manual in addition to any requirements established by the director and promulgated by regulation.

For any company granted an exemption under this section, subsection 3 of section 376.370 and subsections 1 to 5 of this section shall be applicable. With respect to any company applying this exemption, any reference to subsection 6 of this section found in subsection 3 of section 376.370 and subsections 1 to 5 of this section shall not be applicable.

11. (1) A company that has less than three hundred million dollars of ordinary life premium and that is licensed and doing business in Missouri and that is subject to the requirements of subsections 6 and 7 of this section, may hold reserves based on the mortality tables and interest rates defined by the valuation manual for net premium reserves and using the methodology defined in the provisions of paragraphs (b) through (i) of subdivision (2) of subsection 1 of this section and subsection 3 of section 376.370 as they apply to ordinary life insurance in lieu of the reserves required by subsections 6 and 7 of this section, provided that:

(a) If the company is a member of a group of life insurers, the group has combined ordinary life premiums of less than six hundred million dollars;

(b) The company reported total adjusted capital of at least four hundred fifty percent of authorized control level risk-based capital in the risk-based capital report for the prior calendar year;

(c) The appointed actuary has provided an unqualified opinion on the reserves in accordance with subsections 4 and 5 of this section for the prior calendar year;

(d) The company has provided a certification by a qualified actuary that any universal life policy with a secondary guarantee issued after the operative date of the valuation manual meets the definition of a nonmaterial secondary guarantee universal life product as defined in the valuation manual.

(2) For purposes of subdivision (1) of this subsection, ordinary life premiums are measured as direct premium plus reinsurance assumed from an unaffiliated company, as reported in the prior calendar year annual statement.

(3) A domestic company meeting all of the above conditions may file a statement prior to July first with the director certifying that these conditions are met for the current calendar year based on premiums and other values from the prior calendar year financial statements. The director may reject such statement prior to September first and require a company to comply with the valuation manual requirements for life insurance reserves.

376.670. PROVISIONS WHICH SHALL BE CONTAINED IN LIFE INSURANCE POLICIES, EXCEPTIONS. — 1. **As used in this section, "operative date of the valuation manual" shall have the same meaning as set forth in section 376.365.**

2. In the case of policies issued on or after the operative date of this section, as defined in subsection **[**14**] 20 of this section**, no policy of life insurance, except as stated in subsection **[**13**]**

19 of this section, shall be delivered or issued for delivery in this state unless it shall contain in substance the following provisions, or corresponding provisions which in the opinion of the director of the department of insurance, financial institutions and professional registration are at least as favorable to the defaulting or surrendering policyholder as are the minimum requirements specified in this section and are essentially in compliance with subsection [12a] **18** of this section:

(1) That, in the event of default in any premium payment, the company will grant, upon proper request not later than sixty days after the due date of the premium in default, a paid-up nonforfeiture benefit on a plan stipulated in the policy, effective as of such due date, of such amount as may be herein specified. In lieu of such stipulated paid-up nonforfeiture benefit, the company may substitute, upon proper request not later than sixty days after the due date of the premium in default, an actuarially equivalent alternative paid-up nonforfeiture benefit which provides a greater amount or longer period of death benefits or, if applicable, a greater amount or earlier payment of endowment benefits;

(2) That, upon surrender of the policy within sixty days after the due date of any premium payment in default after premiums have been paid for at least three full years in the case of ordinary insurance or five full years in the case of industrial insurance, the company will pay, in lieu of any paid-up nonforfeiture benefit, a cash surrender value of such amount as may be herein specified;

(3) That a specified paid-up nonforfeiture benefit shall become effective as specified in the policy unless the person entitled to make such election elects another available option not later than sixty days after the due date of the premium in default;

(4) That, if the policy shall have become paid up by completion of all premium payments or if it is continued under any paid-up nonforfeiture benefit which became effective on or after the third policy anniversary in the case of ordinary insurance or the fifth policy anniversary in the case of industrial insurance, the company will pay, upon surrender of the policy within thirty days after any policy anniversary, a cash surrender value of such amount as may be herein specified;

(5) In the case of policies which cause, on a basis guaranteed in the policy, unscheduled changes in benefits or premiums, or which provide an option for changes in benefits or premiums other than a change to a new policy, a statement of the mortality table, interest rate, and method used in calculating cash surrender values and the paid-up nonforfeiture benefits available under the policy. In the case of all other policies, a statement of the mortality table and interest rate used in calculating the cash surrender values and the paid-up nonforfeiture benefits available under the policy, together with a table showing the cash surrender value, if any, and paid-up nonforfeiture benefit, if any, available under the policy on each policy anniversary either during the first twenty policy years or during the term of the policy, whichever is shorter, such values and benefits to be calculated upon the assumption that there are no dividends or paid-up additions credited to the policy and that there is no indebtedness to the company on the policy;

(6) A statement that the cash surrender values and the paid-up nonforfeiture benefits available under the policy are not less than the minimum values and benefits required by or pursuant to the insurance law of the state in which the policy is delivered; an explanation of the manner in which the cash surrender values and the paid-up nonforfeiture benefits are altered by the existence of any paid-up additions credited to the policy or any indebtedness to the company on the policy; if a detailed statement of the method of computation of the values and benefits shown in the policy is not stated therein, a statement that such method of computation has been filed with the insurance supervisory official of the state in which the policy is delivered; and a statement of the method to be used in calculating the cash surrender value and paid-up nonforfeiture benefit available under the policy on any policy anniversary beyond the last anniversary for which such values and benefits are consecutively shown in the policy.

[2.] **3.** Any of the foregoing provisions or portions thereof not applicable by reason of the plan of insurance may, to the extent inapplicable, be omitted from the policy.

[3.] **4.** The company shall reserve the right to defer the payment of any cash surrender value for a period of six months after demand therefor with surrender of the policy.

[4.] **5.** (1) Any cash surrender value available under the policy in the event of default in a premium payment due on any policy anniversary, whether or not required by subsection [1] **2 of this section**, shall be an amount not less than the excess, if any, of the present value, on such anniversary, of the future guaranteed benefits which would have been provided for by the policy if there had been no default, including any existing paid-up additions, over the sum of the then present value of the adjusted premiums as defined in subsections [6, 7, 8, 8a, 9, 10, 10a, and 10b] **7, 8, 9, 10, 11, 12, 13, and 14 of this section** corresponding to premiums which would have fallen due on and after such anniversary, and the amount of any indebtedness to the company on the policy.

(2) For any policy issued on or after the operative date of subsection [10b] **14** of this section which provides supplemental life insurance or annuity benefits at the option of the insured for an identifiable additional premium by rider or supplemental policy provision, the cash surrender value referred to in subdivision (1) of this subsection shall be an amount not less than the sum of the cash surrender value for an otherwise similar policy issued at the same age without such rider or supplemental policy provision and the cash surrender value for a policy which provides only the benefits otherwise provided by such rider or supplemental policy provision.

(3) For any family policy issued on or after the operative date of subsection [10b] **14** of this section which defines a primary insured and provides term insurance on the life of the spouse of the primary insured expiring before the spouse's age seventy-one, the cash surrender value referred to in subdivision (1) of this subsection shall be an amount not less than the sum of the cash surrender value for an otherwise similar policy issued at the same age without such term insurance on the life of the spouse and the cash surrender value for a policy which provides only the benefits otherwise provided by such term insurance on the life of the spouse.

(4) Any cash surrender value available within thirty days after any policy anniversary under any policy paid up by completion of all premium payments or any policy continued under any paid-up nonforfeiture benefit, whether or not required by subsection [1] **2 of this section**, shall be an amount not less than the present value, on such anniversary, of the future guaranteed benefits provided for the policy, including any existing paid-up additions, decreased by any indebtedness to the company on the policy.

[5.] **6.** Any paid-up nonforfeiture benefit available under the policy in the event of default in a premium payment due on any policy anniversary shall be such that its present value as of such anniversary shall be at least equal to the cash surrender value then provided for by the policy or, if none is provided for, that cash surrender value which would have been required by this section in the absence of the condition that premiums shall have been paid for at least a specified period.

[6.] **7.** This subsection and subsections [7, 8, 8a, and 9] **8, 9, 10, and 11** of this section shall not apply to policies issued on or after the operative date of subsection [10b] **14** of this section. Except as provided in subsection [8a] **10 of this section**, the adjusted premiums for any policy shall be calculated on an annual basis and shall be such uniform percentage of the respective premiums specified in the policy for each policy year, excluding any extra premiums charged because of impairments or special hazards, that the present value, at the date of issue of the policy, of all such adjusted premiums shall be equal to the sum of:

(1) The then present value of the future guaranteed benefits provided for by the policy;

(2) Two percent of the amount of insurance, if the insurance be uniform in amount, or of the equivalent uniform amount, as herein defined, if the amount of insurance varies with duration of the policy;

(3) Forty percent of the adjusted premium for the first policy year;

(4) Twenty-five percent of either the adjusted premiums for the first policy year or the adjusted premium for a whole life policy of the same uniform or equivalent uniform amount with uniform premiums for the whole of life issued at the same age for the same amount of insurance, whichever is less.

[7.] **8.** Provided, however, that in applying the percentages specified in subdivisions (3) and (4) of subsection [6] **7 of this section**, no adjusted premium shall be deemed to exceed four percent of the amount of insurance or uniform amount equivalent thereto. The date of issue of a policy for the purpose of subsections [6, 7, 8, 8a and 9] **7, 8, 9, 10, and 11 of this section** shall be the date as of which the rated age of the insured is determined.

[8.] **9.** In the case of a policy providing an amount of insurance varying with duration of the policy, the equivalent uniform amount thereof for the purpose of subsections [6, 7, 8, 8a and 9] **7, 8, 9, 10, and 11 of this section** shall be deemed to be the uniform amount of insurance provided by an otherwise similar policy, containing the same endowment benefit or benefits, if any, issued at the same age and for the same term, the amount of which does not vary with duration and the benefits under which have the same present value at the date of issue as the benefits under the policy; provided, however, that in the case of a policy providing a varying amount of insurance issued on the life of a child under age ten, the equivalent uniform amount may be computed as though the amount of insurance provided by the policy prior to the attainment of age ten were the amount provided by such policy at age ten.

[8a.] **10.** The adjusted premiums for any policy providing term insurance benefits by rider or supplemental policy provision shall be equal to (a) the adjusted premiums for an otherwise similar policy issued at the same age without such term insurance benefits, increased, during the period for which premiums for such term insurance benefits are payable, by (b) the adjusted premiums for such term insurance, the foregoing items (a) and (b) being calculated separately and as specified in subsections [6, 7 and 8] **7, 8, and 9 of this section** except that, for the purposes of subdivisions (2), (3) and (4) of subsection [6] **7 of this section**, the amount of insurance or equivalent uniform amount of insurance used in the calculation of the adjusted premiums referred to in (b) shall be equal to the excess of the corresponding amount determined for the entire policy over the amount used in the calculation of the adjusted premiums in (a).

[9.] **11.** Except as otherwise provided in subsections [10 and 10a] **12 and 13 of this section**, all adjusted premiums and present values referred to in this section shall, for all policies of ordinary insurance, be calculated on the basis of the Commissioners 1941 Standard Ordinary Mortality Table, provided that for any category of ordinary insurance issued on and after the effective date of this amendment on female risks, adjusted premiums and present values may be calculated according to an age not more than three years younger than the actual age of the insured and such calculations for all policies of industrial insurance shall be made on the basis of the 1941 Standard Industrial Mortality Table. All calculations shall be made on the basis of the rate of interest, not exceeding three and one-half percent per annum, specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits; provided, however, that in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than one hundred and thirty percent of the rates of mortality according to such applicable table; provided, further, that for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the company and approved by the director.

[10.] **12.** This subsection shall not apply to ordinary policies issued on or after the operative date of subsection [10b] **14 of this section**. In the case of ordinary policies issued on or after the operative date provided in this subsection, all adjusted premiums and present values referred to in this section shall be calculated on the basis of the Commissioners 1958 Standard Ordinary Mortality Table and the rate of interest specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits, provided that such rate of interest shall not exceed three and one-half percent per annum, except that a rate of interest not exceeding four percent per annum may be used for policies issued on or after September 28, 1975, and prior to September 28, 1979, and a rate of interest not exceeding five and one-half percent per annum may be used for policies issued on or after September 28, 1979, and provided that for any category of ordinary insurance issued on female risks, adjusted premiums and present values may

be calculated according to an age not more than six years younger than the actual age of the insured; provided, however, that in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the Commissioners 1958 Extended Term Insurance Table; provided, further, that for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the company and approved by the director. After the date when this subsection becomes effective, any company may file with the director a written notice of its election to comply with the provisions of this subsection after a specified date before January 1, 1966. After the filing of such notice, then upon such specified date, which shall be the operative date of this subsection for such company, this subsection shall become operative with respect to the ordinary policies thereafter issued by such company. If a company makes no such election, the operative date of this subsection for such company shall be January 1, 1966.

[10a.**]** **13.** This subsection shall not apply to industrial policies issued on or after the operative date of subsection **[**10b**] 14 of this section**. In the case of industrial policies issued on or after the operative date of this subsection as defined herein, all adjusted premiums and present values referred to in this section shall be calculated on the basis of the Commissioners 1961 Standard Industrial Mortality Table and the rate of interest specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits, provided that such rate of interest shall not exceed three and one-half percent per annum, except that a rate of interest not exceeding four percent per annum may be used for policies issued on or after September 28, 1975, and prior to September 28, 1979, and a rate of interest not exceeding five and one-half percent per annum may be used for policies issued on or after September 28, 1979; provided, however, that in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the Commissioners 1961 Industrial Extended Term Insurance Table; provided, further, that for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the company and approved by the director. After the date when this subsection becomes effective, any company may file with the director a written notice of its election to comply with the provisions of this subsection after a specified date before January 1, 1968. After the filing of such notice, then upon such specified date, which shall be the operative date of this subsection for such company, this subsection shall become operative with respect to the industrial policies thereafter issued by such company. If a company makes no such election, the operative date of this subsection for such company shall be January 1, 1968.

[10b.**]** **14.** (1) This subsection shall apply to all policies issued on or after the operative date of this subsection as defined herein. Except as provided in subdivision (7) of this subsection, the adjusted premiums for any policy shall be calculated on an annual basis and shall be such uniform percentage of the respective premiums specified in the policy for each policy year, excluding amounts payable as extra premiums to cover impairments or special hazards and also excluding any uniform annual contract charge or policy fee specified in the policy in a statement of the method to be used in calculating the cash surrender values and paid-up nonforfeiture benefits, that the present value, at the date of issue of the policy, of all adjusted premiums shall be equal to the sum of:

(a) The then present value of the future guaranteed benefits provided for by the policy; **provided, however, that the nonforfeiture interest rate shall not be less than four percent;**

(b) One percent of either the amount of insurance, if the insurance be uniform in amount, or the average amount of insurance at the beginning of each of the first ten policy years; and

(c) One hundred twenty-five percent of the nonforfeiture net level premium as hereinafter defined. In applying the percentage specified in paragraph (c) above, no nonforfeiture net level premium shall be deemed to exceed four percent of either the amount of insurance, if the insurance be uniform in amount, or the average amount of insurance at the beginning of each

of the first ten policy years. The date of issue of a policy for the purpose of this subsection shall be the date as of which the rated age of the insured is determined.

(2) The nonforfeiture net level premium shall be equal to the present value, at the date of issue of the policy, of the guaranteed benefits provided for by the policy divided by the present value, at the date of issue of the policy, of an annuity of one per annum payable on the date of issue of the policy and on each anniversary of such policy on which a premium falls due.

(3) In the case of policies which cause, on a basis guaranteed in the policy, unscheduled changes in benefits or premiums, or which provide an option for changes in benefits or premiums other than a change to a new policy, the adjusted premiums and present values shall initially be calculated on the assumption that future benefits and premiums do not change from those stipulated at the date of issue of the policy. At the time of any such change in the benefits or premiums the future adjusted premiums, nonforfeiture net level premiums and present values shall be recalculated on the assumption that future benefits and premiums do not change from those stipulated by the policy immediately after the change.

(4) Except as otherwise provided in subdivision (7) of this subsection, the recalculated future adjusted premiums for any such policy shall be such uniform percentage of the respective future premiums specified in the policy for each policy year, excluding amounts payable as extra premiums to cover impairments and special hazards, and also excluding any uniform annual contract charge or policy fee specified in the policy in a statement of the method to be used in calculating the cash surrender values and paid-up nonforfeiture benefits, that the present value, at the time of change to the newly defined benefits or premiums, of all such future adjusted premiums shall be equal to the excess of (A) the sum of the then present value of the then future guaranteed benefits provided for by the policy and the additional expense allowance, if any, over (B) the then cash surrender value, if any, or present value of any paid-up nonforfeiture benefit under the policy.

(5) The additional expense allowance, at the time of the change to the newly defined benefits or premiums, shall be the sum of:

(a) One percent of the excess, if positive, of the average amount of insurance at the beginning of each of the first ten policy years subsequent to the change over the average amount of insurance prior to the change at the beginning of each of the first ten policy years subsequent to the time of the most recent previous change, or, if there has been no previous change, the date of issue of the policy; and

(b) One hundred twenty-five percent of the increase, if positive, in the nonforfeiture net level premium.

(6) The recalculated nonforfeiture net level premium shall be equal to the result obtained by dividing (a) by (b) where:

(a) Equals the sum of:

a. The nonforfeiture net level premium applicable prior to the change times the present value of an annuity of one per annum payable on each anniversary of the policy on or subsequent to the date of the change on which a premium would have fallen due had the change not occurred; and

b. The present value of the increase in future guaranteed benefits provided for by the policy; and

(b) Equals the present value of an annuity of one per annum payable on each anniversary of the policy on or subsequent to the date of change on which a premium falls due.

(7) Notwithstanding any other provisions of this subsection to the contrary, in the case of a policy issued on a substandard basis which provides reduced graded amounts of insurance so that in each policy year such policy has the same tabular mortality cost as an otherwise similar policy issued on the standard basis which provides higher uniform amounts of insurance, adjusted premiums and present values for such substandard policy may be calculated as if it were issued to provide such higher uniform amounts of insurance on the standard basis.

(8) All adjusted premiums and present values referred to in this section shall for all policies of ordinary insurance be calculated on the basis of the Commissioners 1980 Standard Ordinary Mortality Table or, at the election of the company for any one or more specified plans of life insurance, the Commissioners 1980 Standard Ordinary Mortality Table with Ten-Year Select Mortality Factors. All adjusted premiums and present values referred to in this section shall for all policies of industrial insurance be calculated on the basis of the Commissioners 1961 Standard Industrial Mortality Table. All adjusted premiums and present values referred to in this section shall for all policies issued in a particular calendar year be calculated on the basis of a rate of interest not exceeding the nonforfeiture interest rate as defined in this subsection for policies issued in that calendar year.

(9) Except as provided in subdivision (8) of this subsection:

(a) At the option of the company, calculations for all policies issued in a particular calendar year may be made on the basis of a rate of interest not exceeding the nonforfeiture interest rate, as defined in this subsection, for policies issued in the immediately preceding calendar year;

(b) Under any paid-up nonforfeiture benefit, including any paid-up dividend additions, any cash surrender value available, whether or not required by subsection **[**1**] 2** of this section, shall be calculated on the basis of the mortality table and rate of interest used in determining the amount of such paid-up nonforfeiture benefit and paid-up dividend additions, if any;

(c) A company may calculate the amount of any guaranteed paid-up nonforfeiture benefit including any paid-up additions under the policy on the basis of an interest rate no lower than that specified in the policy for calculating cash surrender values;

(d) In calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the Commissioners 1980 Extended Term Insurance Table for policies of ordinary insurance and not more than the Commissioners 1961 Industrial Extended Term Insurance Table for policies of industrial insurance;

(e) For insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on appropriate modifications of the tables listed in **[**subdivision**] paragraph** (d) of this **[**subsection**] subdivision**;

(f) **For policies issued prior to the operative date of the valuation manual,** any ordinary mortality tables, adopted after 1980 by the **[**National Association of Insurance Commissioners**] NAIC**, that are approved by regulation promulgated by the director for use in determining the minimum nonforfeiture standard may be substituted for the Commissioners 1980 Standard Ordinary Mortality Table with or without Ten-Year Select Mortality Factors or for the Commissioners 1980 Extended Term Insurance Table;

(g) **For policies issued on or after the operative date of the valuation manual, the valuation manual shall provide the mortality table for use in determining the minimum nonforfeiture standard that may be substituted for the Commissioners 1980 Standard Ordinary Mortality Table with or without Ten-Year Select Mortality Factors or for the Commissioners 1980 Extended Term Insurance Table. If the director approves by regulation any ordinary mortality table adopted by the NAIC for use in determining the minimum nonforfeiture standard for policies issued on or after the operative date of the valuation manual, such minimum nonforfeiture standard supersedes the minimum nonforfeiture standard provided by the valuation manual;**

(h) For policies issued prior to the operative date of the valuation manual, any industrial mortality tables, adopted after 1980 by the **[**National Association of Insurance Commissioners**] NAIC**, that are approved by regulation promulgated by the director for use in determining the minimum nonforfeiture standard may be substituted for the Commissioners 1961 Standard Industrial Mortality Table or for the Commissioners 1961 Industrial Extended Term Insurance Table;

(i) For policies issued on or after the operative date of the valuation manual, the valuation manual shall provide the mortality table for use in determining the minimum

nonforfeiture standard that may be substituted for the Commissioners 1961 Standard Industrial Mortality Table or the Commissioners 1961 Industrial Extended Term Insurance Table. If the director approves by regulation any industrial mortality table adopted by the NAIC for use in determining the minimum nonforfeiture standard for policies issued on or after the operative date of the valuation manual, such minimum nonforfeiture standard supersedes the minimum nonforfeiture standard provided by the valuation manual.

(10) The nonforfeiture interest rate **is defined as follows:**

(a) For policies issued prior to the operative date of the valuation manual, the nonforfeiture rate per annum for any policy issued in a particular calendar year shall be equal to one hundred twenty-five percent of the calendar year statutory valuation interest rate for such policy as defined in section 376.380 rounded to the nearer one-quarter of one percent;

(b) For policies issued on or after the operative date of the valuation manual, the nonforfeiture interest rate per annum for any policy issued in a particular calendar year shall be provided by the valuation manual.

(11) Notwithstanding any other provision of law to the contrary, any refiling of nonforfeiture values or their methods of computation for any previously approved policy form which involves only a change in the interest rate or mortality table used to compute nonforfeiture values shall not require refiling of any other provisions of that policy form**[**;**]**.

(12) After the effective date of this subsection, any company may file with the director a written notice of its election to comply with the provisions of this subsection after a specified date before January 1, 1989, which shall be the operative date of this subsection for such company. If a company makes no such election, the operative date of this subsection for such company shall be January 1, 1989.

[10c.**]** **15.** In the case of any plan of life insurance which provides for future premium determination, the amounts of which are to be determined by the insurance company based on then estimates of future experience, or in the case of any plan of life insurance which is of such a nature that minimum values cannot be determined by the methods described in subsections 1 to **[**10b**]** **14** of this section, then:

(1) The director must be satisfied that the benefits provided under the plan are substantially as favorable to policyholders and insureds as the minimum benefits otherwise required by subsections 1 to **[**10b**]** **14** of this section;

(2) The director must be satisfied that the benefits and the pattern of premiums of that plan are not such as to mislead prospective policyholders or insureds;

(3) The cash surrender values and paid-up nonforfeiture benefits provided by the plan must not be less than the minimum values and benefits required for the plan computed by a method consistent with the principles of this section, as determined by regulations promulgated by the director.

[11.**]** **16.** Any cash surrender value and any paid-up nonforfeiture benefit, available under the policy in the event of default in a premium payment due at any time other than on the policy anniversary, shall be calculated with allowance for the lapse of time and the payment of fractional premiums beyond the last preceding policy anniversary. All values referred to in subsections **[**4, 5, 6, 7, 8, 8a, 9, 10, 10a and 10b**]** **5, 6, 7, 8, 9, 10, 11, 12, 13, and 14** of this section may be calculated upon the assumption that any death benefit is payable at the end of the policy year of death. The net value of any paid-up additions, other than paid-up term additions, shall be not less than the amounts used to provide such additions.

[12.**]** **17.** Notwithstanding the provisions of subsection **[**4**]** **5 of this section**, additional benefits payable:

(1) In the event of death or dismemberment by accident or accidental means;

(2) In the event of total and permanent disability;

(3) As reversionary annuity or deferred reversionary annuity benefits;

(4) As term insurance benefits provided by a rider or supplemental policy provision to which, if issued as a separate policy, this section would not apply;

(5) As term insurance on the life of a child or on the lives of children provided in a policy on the life of a parent of the child, if such term insurance expires before the child's age is twenty-six, is uniform in amount after the child's age is one, and has not become paid up by reason of the death of a parent of the child; and

(6) As other policy benefits additional to life insurance and endowment benefits, and premiums for all such additional benefits; shall be disregarded in ascertaining cash surrender values and nonforfeiture benefits required by this section, and no such additional benefits shall be required to be included in any paid-up nonforfeiture benefits.

[12a.**] 18.** (1) This subsection, in addition to all other applicable subsections of this section, shall apply to all policies issued on or after January 1, 1986. Any cash surrender value available under the policy in the event of default in a premium payment due on any policy anniversary shall be in an amount which does not differ by more than two-tenths of one percent of either the amount of insurance, if the insurance be uniform in amount, or the average amount of insurance at the beginning of each of the first ten policy years, from the sum of the greater of zero and the basic cash value hereinafter specified and the present value of any existing paid-up additions less the amount of any indebtedness to the company under the policy.

(2) The basic cash value shall be equal to the present value, on such anniversary, of the future guaranteed benefits which would have been provided for by the policy, excluding any existing paid-up additions and before deduction of any indebtedness to the company, if there had been no default, less the then present value of the nonforfeiture factors, as defined in subdivision (3) of this subsection, corresponding to premiums which would have fallen due on and after such anniversary. The effects on the basic cash value of supplemental life insurance or annuity benefits or of family coverage, as described in subsection **[**4**] 5** of this section or in subsections **[**6, 7, 8, 8a and 9**] 7, 8, 9, 10, and 11** of this section, whichever is applicable, shall be the same as are the effects specified in subsection **[**4**] 5** of this section or in subsections **[**6, 7, 8, 8a and 9**] 7, 8, 9, 10, and 11** of this section, whichever is applicable on the cash surrender values defined in that subsection.

(3) The nonforfeiture factor for each policy year shall be an amount equal to a percentage of the adjusted premium for the policy year, as defined in subsections **[**6, 7, 8, 8a and 9**] 7, 8, 9, 10, and 11** of this section or in subsection **[**10b**] 14** of this section, whichever is applicable. Except as is required by subdivision (4) of this subsection, such percentage:

(a) Must be the same percentage for each policy year between the second policy anniversary and the later of the fifth policy anniversary or the first policy anniversary at which there is available under the policy a cash surrender value in an amount, before including any paid-up additions and before deducting any indebtedness, of at least two-tenths of one percent of either the amount of insurance, if the insurance be uniform in amount, or the average amount of insurance at the beginning of each of the first ten policy years; and

(b) Must be such that no percentage after the later of the two policy anniversaries specified in paragraph (a) of this subdivision may apply to fewer than five consecutive policy years. No basic cash value may be less than the value which would be obtained if the adjusted premiums for the policy, as defined in subsections **[**6, 7, 8, 8a and 9**] 7, 8, 9, 10, and 11** of this section or in subsection **[**10b**] 14** of this section, whichever is applicable, were substituted for the nonforfeiture factors in the calculation of the basic cash value.

(4) All adjusted premiums and present values referred to in this subsection shall for a particular policy be calculated on the same mortality and interest bases as are used in demonstrating the policy's compliance with the other subsections of this section. The cash surrender values referred to in this subsection shall include any endowment benefits provided for by the policy.

(5) Any cash surrender value available other than in the event of default in a premium payment due on a policy anniversary, and the amount of any paid-up nonforfeiture benefit

available under the policy in the event of default in a premium payment shall be determined in manners consistent with the manners specified for determining the analogous minimum amounts in subsections [3, 4, 5, 10b and 11] **4, 5, 6, 14, and 16** of this section. The amounts of any cash surrender values and of any paid-up nonforfeiture benefits granted in connection with additional benefits such as those listed as subdivisions (1) to (6) in subsection [12] **17** shall conform with the principles of this subsection.

[13.] **19.** (1) This section shall not apply to any of the following:

(a) Reinsurance;

(b) Group insurance;

(c) Pure endowments;

(d) Annuities or reversionary annuity contracts;

(e) Term policies of uniform amounts, which provide no guaranteed nonforfeiture or endowment benefits, or renewals thereof of twenty years or less expiring before age seventy-one, for which uniform premiums are payable during the entire term of the policy;

(f) Term policies of decreasing amounts, which provide no guaranteed nonforfeiture or endowment benefits, on which each adjusted premium calculated as specified in subsections [6, 7, 8, 8a, 9, 10, 10a, and 10b] **7, 8, 9, 10, 11, 12, 13, and 14 of this section** is less than the adjusted premium so calculated on a term policy of uniform amount, or renewal thereof, which provides no guaranteed nonforfeiture or endowment benefits, issued at the same age and for the same initial amount of insurance, and for a term of twenty years or less expiring before age seventy-one, for which uniform premiums are payable during the entire term of the policy;

(g) Policies, which provide no guaranteed nonforfeiture or endowment benefits, for which no cash surrender value, if any, or present value of any paid-up nonforfeiture benefit, at the beginning of any policy year, calculated as specified in subsections [4 to 10b] **5 to 14** of this section, exceeds two and one-half percent of the amount of insurance at the beginning of the same policy year;

(h) Policies which shall be delivered outside this state through an agent or other representative of the company issuing the policies.

(2) For purposes of determining the applicability of this section, the expiration date for a joint term life insurance policy shall be the age at expiry of the oldest life.

[14.] **20.** After the effective date of this section, any company may file with the director a written notice of its election to comply with the provisions of this section after a specified date before January 1, 1948. After the filing of such notice, then upon such specified date, which shall be the operative date for such company, this section shall become operative with respect to the policies thereafter issued by such company. If a company makes no such election, the operative date of this section for such company shall be January 1, 1948.

456.950. DEFINITION — PROPERTY AND INTERESTS IN PROPERTY, IMMUNITY FROM CLAIMS, WHEN — DEATH OF SETTLOR, EFFECT OF — MARITAL PROPERTY RIGHTS, NOT AFFECTED BY TRANSFER — APPLICABILITY. — 1. As used in this section, "qualified spousal trust" means a trust:

(1) The settlors of which are [husband and wife] **married to each other** at the time of the creation of the trust; and

(2) The terms of which provide that during the joint lives of the settlors all property [or interests in property] transferred to, or held by, the trustee are:

(a) Held and administered in one trust for the benefit of both settlors, revocable by either **settlor** or both settlors [acting together] while either or both are alive, and each settlor having the right to receive distributions of income or principal, whether mandatory or within the discretion of the trustee, from the entire trust for the joint lives of the settlors and for the survivor's life; or

(b) Held and administered in two separate shares of one trust for the benefit of each of the settlors, with the trust revocable by each settlor with respect to that settlor's separate share of that trust without the participation or consent of the other settlor, and each settlor having the right to

receive distributions of income or principal, whether mandatory or within the discretion of the trustee, from that settlor's separate share for that settlor's life; or

(c) Held and administered under the terms and conditions contained in paragraphs (a) and (b) of this subdivision.

2. A qualified spousal trust may contain any other trust terms that are not inconsistent with the provisions of this section**, including, without limitation, a discretionary power to distribute trust property to a person in addition to a settlor.**

3. **[**Any property or interests in property that are at any time transferred to the trustee of a qualified spousal trust of which the husband and wife are the settlors, shall thereafter be administered as provided by the trust terms in accordance with paragraph (a), (b), or (c) of subdivision (2) of subsection 1 of this section. All trust property and interests in property that is deemed for purposes of this section to be held as tenants by the entirety, including the proceeds thereof, the income thereon, and any property into which such property, proceeds, or income may be converted, shall have the same immunity from the claims of the separate creditors of the settlors as would have existed if the settlors had continued to hold that property as husband and wife as tenants by the entirety. Property or interests in property held by a husband and wife as tenants by the entirety or as joint tenants or other form of joint ownership with right of survivorship shall be conclusively deemed for purposes of this section to be held as tenants by the entirety upon its transfer to the qualified spousal trust. All such transfers shall retain said immunity, so long as:

(1) Both settlors are alive and remain married; and

(2) The property, proceeds, or income continue to be held in trust by the trustee of the qualified spousal trust**] All property at any time held in a qualified spousal trust, without regard to how such property was titled prior to it being so held, shall have the same immunity from the claims of a separate creditor of either settlor as if such property were held outside the trust by the settlors as tenants by the entirety, unless otherwise provided in writing by the settlor or settlors who transferred such property to the trust, and such property shall be treated for that purpose, including without limitation, federal and state bankruptcy laws, as tenants by entirety property. Property held in a qualified spousal trust shall cease to receive immunity from the claims of creditors upon the dissolution of marriage of the settlors by a court**.

4. **[**Property or interests in property held by a husband and wife or held in the sole name of a husband or wife that are not held as tenants by the entirety or deemed held as tenants by the entirety for purposes of this section and are transferred to a qualified spousal trust shall be held as directed in the qualified spousal trust's governing instrument or in the instrument of transfer and the rights of any claimant to any interest in that property shall not be affected by this section**] As used in this section, "property" means any interest in any type of property held in a qualified spousal trust, the income thereon, and any property into which such interest, proceeds, or income may be converted**.

5. Upon the death of each settlor, all property **[**and interests in property**]** held by the trustee of the qualified spousal trust shall be distributed as directed by the then current terms of the governing instrument of such trust. Upon the death of the first settlor to die, if immediately prior to death the predeceased settlor's interest in the qualified spousal trust was then held in such settlor's separate share, the property **[**or interests in property**] held** in such settlor's separate share may pass into an irrevocable trust for the benefit of the surviving settlor upon such terms as the governing instrument shall direct, including without limitation a spendthrift provision as provided in section 456.5-502.

6. **The respective rights of settlors who are married to each other in any property for purposes of a dissolution of the settlors' marriage shall not be affected or changed by reason of the transfer of that property to, or its subsequent administration as an asset of, a qualified spousal trust during the marriage of the settlors, unless both settlors expressly agree otherwise in writing.**

7. No transfer [**by a husband and wife as settlors**] to a qualified spousal trust shall [affect or change either settlor's marital property rights to the transferred property or interest therein immediately prior to such transfer in the event of dissolution of marriage of the spouses, unless both spouses otherwise expressly agree in writing] **avoid or defeat the Missouri uniform transfer act in chapter 428**.

[7.] **8.** This section shall apply to all trusts which fulfill the criteria set forth in this section for a qualified spousal trust regardless of whether such trust was created before**, on,** or after August 28, 2011.

456.1-113. TRANSFER OF ASSETS TO TRUST SUBJECTS ASSETS TO TERMS OF THE TRUST. — Any transfer of an asset to a trustee of a trust, to such trust itself, or to a share of such trust, in a manner that is reasonably calculated to identify such trust or that share of such trust, subjects that asset to the terms of such trust or that share.

513.430. PROPERTY EXEMPT FROM ATTACHMENT — CONSTRUCTION OF SECTION. — 1. The following property shall be exempt from attachment and execution to the extent of any person's interest therein:

(1) Household furnishings, household goods, wearing apparel, appliances, books, animals, crops or musical instruments that are held primarily for personal, family or household use of such person or a dependent of such person, not to exceed three thousand dollars in value in the aggregate;

(2) A wedding ring not to exceed one thousand five hundred dollars in value and other jewelry held primarily for the personal, family or household use of such person or a dependent of such person, not to exceed five hundred dollars in value in the aggregate;

(3) Any other property of any kind, not to exceed in value six hundred dollars in the aggregate;

(4) Any implements or professional books or tools of the trade of such person or the trade of a dependent of such person not to exceed three thousand dollars in value in the aggregate;

(5) Any motor vehicles, not to exceed three thousand dollars in value in the aggregate;

(6) Any mobile home used as the principal residence but not attached to real property in which the debtor has a fee interest, not to exceed five thousand dollars in value;

(7) Any one or more unmatured life insurance contracts owned by such person, other than a credit life insurance contract**, and up to fifteen thousand dollars of any matured life insurance proceeds for actual funeral, cremation, or burial expenses where the deceased is the spouse, child, or parent of the beneficiary**;

(8) The amount of any accrued dividend or interest under, or loan value of, any one or more unmatured life insurance contracts owned by such person under which the insured is such person or an individual of whom such person is a dependent; provided, however, that if proceedings under Title 11 of the United States Code are commenced by or against such person, the amount exempt in such proceedings shall not exceed in value one hundred fifty thousand dollars in the aggregate less any amount of property of such person transferred by the life insurance company or fraternal benefit society to itself in good faith if such transfer is to pay a premium or to carry out a nonforfeiture insurance option and is required to be so transferred automatically under a life insurance contract with such company or society that was entered into before commencement of such proceedings. No amount of any accrued dividend or interest under, or loan value of, any such life insurance contracts shall be exempt from any claim for child support. Notwithstanding anything to the contrary, no such amount shall be exempt in such proceedings under any such insurance contract which was purchased by such person within one year prior to the commencement of such proceedings;

(9) Professionally prescribed health aids for such person or a dependent of such person;

(10) Such person's right to receive:

(a) A Social Security benefit, unemployment compensation or a public assistance benefit;

(b) A veteran's benefit;
(c) A disability, illness or unemployment benefit;
(d) Alimony, support or separate maintenance, not to exceed seven hundred fifty dollars a month;
(e) Any payment under a stock bonus plan, pension plan, disability or death benefit plan, profit-sharing plan, nonpublic retirement plan or any plan described, defined, or established pursuant to section 456.014, the person's right to a participant account in any deferred compensation program offered by the state of Missouri or any of its political subdivisions, or annuity or similar plan or contract on account of illness, disability, death, age or length of service, to the extent reasonably necessary for the support of such person and any dependent of such person unless:
a. Such plan or contract was established by or under the auspices of an insider that employed such person at the time such person's rights under such plan or contract arose;
b. Such payment is on account of age or length of service; and
c. Such plan or contract does not qualify under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, (26 U.S.C. Section 401(a), 403(a), 403(b), 408, 408A or 409);

except that any such payment to any person shall be subject to attachment or execution pursuant to a qualified domestic relations order, as defined by Section 414(p) of the Internal Revenue Code of 1986, as amended, issued by a court in any proceeding for dissolution of marriage or legal separation or a proceeding for disposition of property following dissolution of marriage by a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of marital property at the time of the original judgment of dissolution;
(f) Any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan, profit-sharing plan, health savings plan, or similar plan, including an inherited account or plan, that is qualified under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, whether such participant's or beneficiary's interest arises by inheritance, designation, appointment, or otherwise, except as provided in this paragraph. Any plan or arrangement described in this paragraph shall not be exempt from the claim of an alternate payee under a qualified domestic relations order; however, the interest of any and all alternate payees under a qualified domestic relations order shall be exempt from any and all claims of any creditor, other than the state of Missouri through its department of social services. As used in this paragraph, the terms "alternate payee" and "qualified domestic relations order" have the meaning given to them in Section 414(p) of the Internal Revenue Code of 1986, as amended. If proceedings under Title 11 of the United States Code are commenced by or against such person, no amount of funds shall be exempt in such proceedings under any such plan, contract, or trust which is fraudulent as defined in subsection 2 of section 428.024 and for the period such person participated within three years prior to the commencement of such proceedings. For the purposes of this section, when the fraudulently conveyed funds are recovered and after, such funds shall be deducted and then treated as though the funds had never been contributed to the plan, contract, or trust;
(11) The debtor's right to receive, or property that is traceable to, a payment on account of the wrongful death of an individual of whom the debtor was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor.
2. Nothing in this section shall be interpreted to exempt from attachment or execution for a valid judicial or administrative order for the payment of child support or maintenance any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan which is qualified pursuant to Section 408A of the Internal Revenue Code of 1986, as amended.

Approved July 10, 2015

SB 166 [SB 166]

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

Changes the name of the "I Have a Dream" specialty license plate to the "Dare to Dream" specialty license plate

AN ACT to repeal section 301.3165, RSMo, and to enact in lieu thereof one new section relating to special license plates.

SECTION
A. Enacting clause.
301.3165. DARE TO DREAM special license plate, application, fee.

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

SECTION A. ENACTING CLAUSE. — Section 301.3165, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.3165, to read as follows:

301.3165. DARE TO DREAM SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Any vehicle owner may apply for special "**[**I HAVE A**] DARE TO** DREAM" motor vehicle license plates as prescribed by this section for any vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight, after making an annual contribution of twenty-five dollars to the Martin Luther King, Jr. state celebration commission fund. If the contribution is made directly to the Martin Luther King, Jr. state celebration commission, the commission shall issue the individual making a contribution a receipt, verifying the contribution, that may be used to apply for the "**[**I HAVE A**] DARE TO** DREAM" license plate described in this section. If the contribution is made directly to the director of revenue, the director shall note the contribution and the owner may then apply for the "**[**I HAVE A**] DARE TO** DREAM" license plate. All contributions shall be credited to the Martin Luther King, Jr. state celebration commission fund as established in subsection 4 of this section and shall be used for the sole purpose of funding appropriate activities for the recognition and celebration of Martin Luther King, Jr. Day in Missouri.

2. Upon payment of a twenty-five dollar contribution to the Martin Luther King, Jr. state celebration commission fund as described in subsection 1 of this section, the payment of a fifteen dollar fee in addition to regular registration fees, and the presentment of other documents which may be required by law, the director shall issue to the vehicle owner a specialty personalized license plate which shall bear the emblem of the Martin Luther King, Jr. state celebration commission and the words "**[**I HAVE A**] DARE TO** DREAM" at the bottom of the plate in a manner prescribed by the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design of the standard license plate, shall be clearly visible at night, shall have a reflective white background in the area of the plate configuration, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section.

3. A vehicle owner who was previously issued a plate with words "**[**I HAVE A**] DARE TO** DREAM" as authorized by this section but who does not present proof of payment of an annual twenty-five dollar contribution to the Martin Luther King, Jr. state celebration commission fund at a subsequent time of registration shall be issued a new plate which does not bear the words "**[**I HAVE A**] DARE TO** DREAM", as otherwise provided by law.

4. There is established in the state treasury the "Martin Luther King, Jr. State Celebration Commission Fund". The state treasurer shall credit to and deposit in the fund all amounts received pursuant to this section, and any other amounts which may be received from grants, gifts, bequests, the federal government, or other sources granted or given for purposes of this section. The state treasurer shall be custodian of the fund. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the sole purpose of funding appropriate activities for the recognition and celebration of Martin Luther King, Jr. Day in Missouri. 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.

5. The director shall consult with the Martin Luther King, Jr. state celebration commission and the office of administration when formulating the design for the special license plate described in this section. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by 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, 2012, shall be invalid and void.

Approved July 6, 2015

SB 174 [HCS SS SCS SB 174]

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

Establishes the Missouri Achieving a Better Life Experience Program

AN ACT to amend chapter 166, RSMo, by adding thereto ten new sections relating to the Missouri Achieving a Better Life Experience program.

SECTION

A. Enacting clause.
166.600. Definitions.
166.605. Program created — ABLE board to administer, members, terms — powers — meetings — investment of funds.
166.610. Agreements, terms and conditions — contribution limits.
166.615. Deposit and investment of moneys.
166.620. Cancellation of participation agreement, penalty.
166.625. Assets exempt from taxation.
166.630. Assets used for ABLE program purposes only — no state property rights in assets.
166.635. Rulemaking authority.
166.640. State treasurer's office, semiannual review.
166.645. ABLE account moneys not part of total state revenues.

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

SECTION A. ENACTING CLAUSE. — Chapter 166, RSMo, are amended by adding thereto ten new sections, to be known as sections 166.600, 166.605, 166.610, 166.615, 166.620, 166.625, 166.630, 166.635, 166.640, and 166.645, to read as follows:

166.600. DEFINITIONS. — 1. As used in sections 166.600 to 166.645, except where the context clearly requires another interpretation, the following terms mean:

(1) "ABLE account", the same meaning as in Section 529A of the Internal Revenue Code;

(2) "Benefits", the payment of qualified disability expenses on behalf of a designated beneficiary from an ABLE account;

(3) "Board", the Missouri Achieving a Better Life Experience board established in section 166.605;

(4) "Designated beneficiary", the same meaning as in Section 529A of the Internal Revenue Code;

(5) "Eligible individual", the same meaning as in Section 529A of the Internal Revenue Code;

(6) "Financial institution", a bank, insurance company or registered investment company;

(7) "Internal Revenue Code", the Internal Revenue Code of 1986, as amended;

(8) "Missouri Achieving a Better Life Experience program" or "ABLE", the program created pursuant to sections 166.600 to 166.645;

(9) "Participant", a person who has entered into a participation agreement pursuant to sections 166.600 to 166.645 for the advance payment of qualified disability expenses on behalf of a designated beneficiary. Unless otherwise permitted under Section 529A of the Internal Revenue Code the participant shall be the designated beneficiary of the ABLE Account, except that if the designated beneficiary of the account is a minor or has a custodian or other fiduciary appointed for the purpose of managing his or her financial affairs, the parent or custodian or other fiduciary of the designated beneficiary may serve as the participant if such form of ownership is permitted or not prohibited by Section 529A of the Internal Revenue Code;

(10) "Participation agreement", an agreement between a participant and the board pursuant to and conforming with the requirements of sections 166.600 to 166.645; and

(11) "Qualified disability expenses", the same meaning as in Section 529A of the Internal Revenue Code.

166.605. PROGRAM CREATED — ABLE BOARD TO ADMINISTER, MEMBERS, TERMS — POWERS — MEETINGS — INVESTMENT OF FUNDS. — 1. There is hereby created the "Missouri Achieving a Better Life Experience Program". The program shall be administered by the Missouri ABLE board which shall consist of the Missouri state treasurer who shall serve as chairman, the director of the department of health and senior services or his or her designee, the commissioner of the office of administration or his or her designee, the director of the department of economic development or his or her designee, two persons having demonstrable experience and knowledge in the areas of finance or the investment and management of public funds, one of whom is selected by the president pro tempore of the senate and one of whom is selected by the speaker of the house of representatives, and one person having demonstrable experience and knowledge in the area of banking or deposit rate determination and placement of depository certificates of deposit or other deposit investments. Such member shall be appointed by the governor with the advice and consent of the senate. The three appointed members shall be appointed to serve for terms of four years from the date of appointment, or until their successors shall have been appointed and qualified. The members of the board shall be subject to the provisions of section 105.452. Any member who violates the provisions of section 105.452 shall be removed from the board.

2. In order to establish and administer the ABLE program, the board, in addition to its other powers and authority, shall have the power and authority to:

(1) Develop and implement the Missouri Achieving a Better Life Experience program;

(2) Promulgate reasonable rules and regulations and establish policies and procedures to implement sections 166.600 to 166.645 to permit the ABLE program to qualify as a "qualified ABLE program" pursuant to Section 529A of the Internal Revenue Code and to ensure ABLE program's compliance with all applicable laws;

(3) Develop and implement educational programs and related informational materials for participants, either directly or through a contractual arrangement with a financial institution for investment services, and their families, including special programs and materials to inform individuals with disabilities regarding methods for financing the lives of individuals with disabilities so as to maintain health, independence, and quality of life;

(4) Enter into agreements with any financial institution, or any state or federal agency or entity as required for the operation of the ABLE program pursuant to sections 166.600 to 166.645;

(5) Enter into participation agreements with participants;

(6) Accept any grants, gifts, legislative appropriations, and other moneys from the state, any unit of federal, state, or local government or any other person, firm, partnership, or corporation for deposit to the account of the ABLE program;

(7) Invest the funds received from participants in appropriate investment instruments to achieve long-term total return through a combination of capital appreciation and current income;

(8) Make appropriate payments and distributions on behalf of designated beneficiaries pursuant to participation agreements;

(9) Make refunds to participants upon the termination of participation agreements pursuant to the provisions, limitations, and restrictions set forth in sections 166.600 to 166.645 and the rules adopted by the board;

(10) Make provision for the payment of costs of administration and operation of the ABLE program;

(11) Effectuate and carry out all the powers granted by sections 166.600 to 166.645, and have all other powers necessary to carry out and effectuate the purposes, objectives and provisions of sections 166.600 to 166.645 pertaining to the ABLE program;

(12) Procure insurance, guarantees or other protections against any loss in connection with the assets or activities of the ABLE program; and

(13) Enter into agreements with other states to allow residents of that state to participate in the Missouri Achieving a Better Life Experience program.

3. Four members of the board shall constitute a quorum. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and perform all the duties of the board. No action shall be taken by the board except upon the affirmative vote of a majority of the members present. Any member of the board may designate a proxy for that member who will enjoy the full voting privileges of that member for the one meeting so specified by such member. No more than three proxies shall be considered members of the board for purposes of establishing a quorum.

4. The board shall meet within the state of Missouri at the time set at a previously scheduled meeting or by the request of any four members of the board. Notice of the meeting shall be delivered to all members of the board in person or by depositing notice in a United States post office in a properly stamped and addressed envelope not less than six days prior to the date fixed for the meeting. The board may meet at any time by unanimous mutual consent. There shall be at least one meeting in each quarter.

5. The funds of the ABLE program shall be invested only in those investments which a prudent person acting in a like capacity and familiar with these matters would use in the conduct of an enterprise of a like character and with like aims, as provided in section 105.688. For new contracts entered into after August 28, 2015, board members shall study investment plans of other states and contract with or negotiate to provide benefit

options the same as or similar to other states' qualified plans for the purpose of offering additional options for members of the plan. The board may delegate to duly appointed investment counselors authority to act in place of the board in the investment and reinvestment of all or part of the moneys and may also delegate to such counselors the authority to act in place of the board in the holding, purchasing, selling, assigning, transferring, or disposing of any or all of the securities and investments in which such moneys shall have been invested, as well as the proceeds of such investments and such moneys. Such investment counselors shall be registered as investment advisors with the United States Securities and Exchange Commission. In exercising or delegating its investment powers and authority, members of the board shall exercise ordinary business care and prudence under the facts and circumstances prevailing at the time of the action or decision. No member of the board shall be liable for any action taken or omitted with respect to the exercise of, or delegation of, these powers and authority if such member shall have discharged the duties of his or her position in good faith and with that degree of diligence, care, and skill which a prudent person acting in a like capacity and familiar with these matters would use in the conduct of an enterprise of a like character and with like aims.

6. No investment transaction authorized by the board shall be handled by any company or firm in which a member of the board has a substantial interest, nor shall any member of the board profit directly or indirectly from any such investment.

7. No member of the board or employee of the ABLE program shall receive any gain or profit from any funds or transaction of the ABLE program. Any member of the board, employee, or agent of the ABLE program accepting any gratuity or compensation for the purpose of influencing such member of the board's, employee's, or agent's action with respect to the investment or management of the funds of the ABLE program shall thereby forfeit the office and in addition thereto be subject to the penalties prescribed for bribery.

166.610. AGREEMENTS, TERMS AND CONDITIONS — CONTRIBUTION LIMITS. — 1. The board may enter into ABLE program participation agreements with participants on behalf of designated beneficiaries pursuant to the provisions of sections 166.600 to 166.645, including the following terms and conditions:

(1) A participation agreement shall stipulate the terms and conditions of the ABLE program in which the participant makes contributions;

(2) A participation agreement shall specify the method for calculating the return on the contribution made by the participant;

(3) A participation agreement shall clearly and prominently disclose to participants the risk associated with depositing moneys with the board;

(4) Participation agreements shall be organized and presented in a way and with language that is easily understandable by the general public; and

(5) A participation agreement shall clearly and prominently disclose to participants the existence of any load charge or similar charge assessed against the accounts of the participants for administration or services.

2. The board shall establish the maximum amount of contributions which may be made annually to an ABLE account, which shall be the same as the amount allowed by Section 529A of the Internal Revenue Code of 1986, as amended.

3. The board shall establish a total contribution limit for savings accounts established under the ABLE program with respect to a designated beneficiary which shall in no event be less than the amount established as the contribution limit by the Missouri higher education savings program board for qualified tuition savings programs established under sections 166.400 to 166.450. No contribution shall be made to an ABLE account for a designated beneficiary if it would cause the balance of the ABLE account of the

designated beneficiary to exceed the total contribution limit established by the board. The board may establish other requirements that it deems appropriate to provide adequate safeguards to prevent contributions on behalf of a designated beneficiary from exceeding what is necessary to provide for the qualified disability expenses of the designated beneficiary.

4. The board shall establish the minimum length of time that contributions and earnings must be held by the ABLE program to qualify as tax exempt pursuant to section 166.625. Any contributions or earnings that are withdrawn or distributed from an ABLE account prior to the expiration of the minimum length of time, as established by the board, shall be subject to a penalty pursuant to section 166.620.

166.615. DEPOSIT AND INVESTMENT OF MONEYS. — All money paid by a participant in connection with a participation agreement shall be deposited as received and shall be promptly invested by the board. Contributions and earnings thereon accumulated on behalf of participants in the ABLE program may be used, as provided in the participation agreement, for qualified disability expenses.

166.620. CANCELLATION OF PARTICIPATION AGREEMENT, PENALTY. — Any participant may cancel a participation agreement at will. The board shall impose a penalty equal to or greater than ten percent of the earnings of an ABLE account for any distribution that is not:

(1) Used exclusively for qualified disability expenses of the designated beneficiary;

(2) Made because of death of the designated beneficiary; or

(3) Held in the fund for the minimum length of time established by the board.

166.625. ASSETS EXEMPT FROM TAXATION. — 1. Notwithstanding any law to the contrary, the assets of the ABLE program held by the board and the assets of any ABLE account and any income therefrom shall be exempt from all taxation by the state or any of its political subdivisions. Income earned or received from an ABLE account or deposit shall not be subject to state income tax imposed pursuant to chapter 143. The exemption from taxation pursuant to this section shall apply only to assets and income maintained, accrued, or expended pursuant to the requirements of the ABLE program established pursuant to sections 166.600 to 166.645, and no exemption shall apply to assets and income expended for any other purposes. Annual contributions made to the ABLE program held by the board up to and including eight thousand dollars per participating taxpayer, and up to sixteen thousand dollars for married individuals filing a joint tax return, shall be subtracted in determining Missouri adjusted gross income pursuant to section 143.121.

2. If any deductible contributions to or earnings from any such program referred to in this section are distributed and not used to pay qualified disability expenses or are not held for the minimum length of time established by the appropriate Missouri board, the amount so distributed shall be added to the Missouri adjusted gross income of the participant, or, if the participant is not living, the designated beneficiary.

3. The provisions of this section shall apply to tax years beginning on or after January 1, 2015.

166.630. ASSETS USED FOR ABLE PROGRAM PURPOSES ONLY — NO STATE PROPERTY RIGHTS IN ASSETS. — The assets of the ABLE program shall at all times be preserved, invested, and expended only for the purposes set forth in this section and in accordance with the participation agreements, and no property rights therein shall exist in favor of the state.

166.635. RULEMAKING AUTHORITY. — 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, 2015, shall be invalid and void.

166.640. STATE TREASURER'S OFFICE, SEMIANNUAL REVIEW. — The director of investment of the state treasurer's office shall, on a semiannual basis, review the financial status and investment policy of the program as well as the participation rate in the program. The director of investment shall also review the continued viability of the program and the administration of the program by the board. The director of investment shall report the findings annually to the board, which shall subsequently disclose such findings at a public meeting.

166.645. ABLE ACCOUNT MONEYS NOT PART OF TOTAL STATE REVENUES. — Money accruing to and deposited in individual ABLE accounts shall not be part of "total state revenues" as defined in sections 17 and 18 of article X of the Constitution of the State of Missouri and the expenditure of such revenues shall not be an expense of state government under section 20 of article X of the Constitution of the State of Missouri.

Approved June 29, 2015

SB 190 [SCS SB 190]

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

Removes the expiration of the Kansas City transportation sales tax and modifies provisions relating to audits of transportation development districts

AN ACT to repeal section 92.402, RSMo, and to enact in lieu thereof one new section relating to public mass transportation sales taxes.

SECTION
A. Enacting clause.
92.402. Tax, how imposed — rate of tax — boundary changes, procedure, effect of.

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

SECTION A. ENACTING CLAUSE. — Section 92.402, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 92.402, to read as follows:

92.402. TAX, HOW IMPOSED — RATE OF TAX — BOUNDARY CHANGES, PROCEDURE, EFFECT OF. — 1. Any city may, by a majority vote of its council or governing body, impose a sales tax for the benefit of the public mass transportation system operating within such city as provided in sections 92.400 to 92.421.

2. The sales tax may be imposed at a rate not to exceed one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any city adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525. Seven and one-half percent of the sales tax shall be distributed to the interstate transportation authority pursuant to the

provisions of section 92.421. The **[**remainder of the tax in excess of such seven and one-half percent shall expire on December 31, 2015, on which date the**]** authority shall be in full compliance with handicapped accessibility pursuant to the terms of the Americans with Disabilities Act.

3. Within ten days after the adoption of any ordinance imposing such a sales tax, the city clerk shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance of the council or governing body. The ordinance shall reflect the effective date thereof and shall be accompanied by a map of the city clearly showing the boundaries thereof.

4. If the boundaries of a city in which such sales tax has been imposed shall thereafter be changed or altered, the city clerk shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance adding or detaching territory from the city. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map of the city clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the tax imposed by sections 92.400 to 92.421 shall be effective in the added territory or abolished in the detached territory on the effective date of the change of the city boundary.

Approved July 13, 2015

SB 194 [SB 194]

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

Extends the date that a business must commence operations to qualify for a business facility tax credit

AN ACT to repeal section 135.155, RSMo, and to enact in lieu thereof one new section relating to tax credits for business facilities.

SECTION
A. Enacting clause.
135.155. Prohibition on certain enterprises receiving certain incentives — expansion deemed new business facility — certain properties considered one facility, when.

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

SECTION A. ENACTING CLAUSE. — Section 135.155, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 135.155, to read as follows:

135.155. PROHIBITION ON CERTAIN ENTERPRISES RECEIVING CERTAIN INCENTIVES — EXPANSION DEEMED NEW BUSINESS FACILITY — CERTAIN PROPERTIES CONSIDERED ONE FACILITY, WHEN. — 1. Notwithstanding any provision of the law to the contrary, no revenue-producing enterprise other than headquarters as defined in subsection 10 of section 135.110 shall receive the incentives set forth in sections 135.100 to 135.150 for facilities commencing operations on or after January 1, 2005. No headquarters shall receive the incentives set forth in subsections 9 to 14 of section 135.110 for facilities commencing or expanding operations on or after January 1, **[**2020**]** **2025**.

2. Notwithstanding subsection 9 of section 135.110 to the contrary, expansions at headquarters facilities shall each be considered a separate new business facility and each be entitled to the credits as set forth in subsections 9 to 14 of section 135.110 if the number of new

business facility employees attributed to each such expansion is at least twenty-five and the amount of new business facility investment attributed to each such expansion is at least one million dollars. In any year in which a new business facility is not created, the jobs and investment for that year shall be included in calculating the credits for the most recent new business facility and not an earlier created new business facility.

3. Notwithstanding any provision of law to the contrary, for headquarters, buildings on multiple noncontiguous real properties shall be considered one facility if the buildings are located within the same county or within the same municipality.

Approved June 22, 2015

SB 210 [CCS HCS SCS SB 210]

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

Extends the sunset on certain healthcare provider reimbursement allowance taxes and modifies provisions relating to MO HealthNet and DSH payments

AN ACT to repeal sections 190.839, 198.439, 208.152, 208.437, 208.480, 338.550, and 633.401, RSMo, and to enact in lieu thereof eight new sections relating to health care.

SECTION

A. Enacting clause.
190.839. Expiration date.
198.439. Expiration date.
208.152. Medical services for which payment will be made — co-payments may be required — reimbursement for services — notification upon change in interpretation or application of reimbursement.
208.437. Reimbursement allowance period — notification of balance due, when — delinquent payments, procedure, basis for denial of licensure — expiration date.
208.480. Federal reimbursement allowance expiration date.
208.482. Disproportionate share hospital payments, restriction on audit recoupments — expiration date.
338.550. Expiration date of tax, when.
633.401. Definitions — assessment imposed, formula — rates of payment — fund created, use of moneys — record-keeping requirements — report — appeal process — rulemaking authority — expiration date.

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

SECTION A. ENACTING CLAUSE. — Sections 190.839, 198.439, 208.152, 208.437, 208.480, 338.550, and 633.401, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 190.839, 198.439, 208.152, 208.437, 208.480, 208.482, 338.550, and 633.401, to read as follows:

190.839. EXPIRATION DATE. — Sections 190.800 to 190.839 shall expire on September 30, **[**2015**]** **2016**.

198.439. EXPIRATION DATE. — Sections 198.401 to 198.436 shall expire on September 30, **[**2015**]** **2016**.

208.152. MEDICAL SERVICES FOR WHICH PAYMENT WILL BE MADE — CO-PAYMENTS MAY BE REQUIRED — REIMBURSEMENT FOR SERVICES — NOTIFICATION UPON CHANGE IN INTERPRETATION OR APPLICATION OF REIMBURSEMENT. — 1. MO HealthNet payments shall be made on behalf of those eligible needy persons as defined in section 208.151 who are unable to provide for it in whole or in part, with any payments to be made on the basis of the reasonable

cost of the care or reasonable charge for the services as defined and determined by the MO HealthNet division, unless otherwise hereinafter provided, for the following:

(1) Inpatient hospital services, except to persons in an institution for mental diseases who are under the age of sixty- five years and over the age of twenty-one years; provided that the MO HealthNet division shall provide through rule and regulation an exception process for coverage of inpatient costs in those cases requiring treatment beyond the seventy-fifth percentile professional activities study (PAS) or the MO HealthNet children's diagnosis length-of-stay schedule; and provided further that the MO HealthNet division shall take into account through its payment system for hospital services the situation of hospitals which serve a disproportionate number of low-income patients;

(2) All outpatient hospital services, payments therefor to be in amounts which represent no more than eighty percent of the lesser of reasonable costs or customary charges for such services, determined in accordance with the principles set forth in Title XVIII A and B, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. Section 301, et seq.), but the MO HealthNet division may evaluate outpatient hospital services rendered under this section and deny payment for services which are determined by the MO HealthNet division not to be medically necessary, in accordance with federal law and regulations;

(3) Laboratory and X-ray services;

(4) Nursing home services for participants, except to persons with more than five hundred thousand dollars equity in their home or except for persons in an institution for mental diseases who are under the age of sixty-five years, when residing in a hospital licensed by the department of health and senior services or a nursing home licensed by the department of health and senior services or appropriate licensing authority of other states or government-owned and -operated institutions which are determined to conform to standards equivalent to licensing requirements in Title XIX of the federal Social Security Act (42 U.S.C. Section 301, et seq.), as amended, for nursing facilities. The MO HealthNet division may recognize through its payment methodology for nursing facilities those nursing facilities which serve a high volume of MO HealthNet patients. The MO HealthNet division when determining the amount of the benefit payments to be made on behalf of persons under the age of twenty-one in a nursing facility may consider nursing facilities furnishing care to persons under the age of twenty- one as a classification separate from other nursing facilities;

(5) Nursing home costs for participants receiving benefit payments under subdivision (4) of this subsection for those days, which shall not exceed twelve per any period of six consecutive months, during which the participant is on a temporary leave of absence from the hospital or nursing home, provided that no such participant shall be allowed a temporary leave of absence unless it is specifically provided for in his plan of care. As used in this subdivision, the term "temporary leave of absence" shall include all periods of time during which a participant is away from the hospital or nursing home overnight because he is visiting a friend or relative;

(6) Physicians' services, whether furnished in the office, home, hospital, nursing home, or elsewhere;

(7) Drugs and medicines when prescribed by a licensed physician, dentist, podiatrist, or an advanced practice registered nurse; except that no payment for drugs and medicines prescribed on and after January 1, 2006, by a licensed physician, dentist, podiatrist, or an advanced practice registered nurse may be made on behalf of any person who qualifies for prescription drug coverage under the provisions of P.L. 108-173;

(8) Emergency ambulance services and, effective January 1, 1990, medically necessary transportation to scheduled, physician-prescribed nonelective treatments;

(9) Early and periodic screening and diagnosis of individuals who are under the age of twenty-one to ascertain their physical or mental defects, and health care, treatment, and other measures to correct or ameliorate defects and chronic conditions discovered thereby. Such services shall be provided in accordance with the provisions of Section 6403 of P.L. 101- 239 and federal regulations promulgated thereunder;

(10) Home health care services;

(11) Family planning as defined by federal rules and regulations; provided, however, that such family planning services shall not include abortions unless such abortions are certified in writing by a physician to the MO HealthNet agency that, in the physician's professional judgment, the life of the mother would be endangered if the fetus were carried to term;

(12) Inpatient psychiatric hospital services for individuals under age twenty-one as defined in Title XIX of the federal Social Security Act (42 U.S.C. Section 1396d, et seq.);

(13) Outpatient surgical procedures, including presurgical diagnostic services performed in ambulatory surgical facilities which are licensed by the department of health and senior services of the state of Missouri; except, that such outpatient surgical services shall not include persons who are eligible for coverage under Part B of Title XVIII, Public Law 89-97, 1965 amendments to the federal Social Security Act, as amended, if exclusion of such persons is permitted under Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act, as amended;

(14) Personal care services which are medically oriented tasks having to do with a person's physical requirements, as opposed to housekeeping requirements, which enable a person to be treated by his or her physician on an outpatient rather than on an inpatient or residential basis in a hospital, intermediate care facility, or skilled nursing facility. Personal care services shall be rendered by an individual not a member of the participant's family who is qualified to provide such services where the services are prescribed by a physician in accordance with a plan of treatment and are supervised by a licensed nurse. Persons eligible to receive personal care services shall be those persons who would otherwise require placement in a hospital, intermediate care facility, or skilled nursing facility. Benefits payable for personal care services shall not exceed for any one participant one hundred percent of the average statewide charge for care and treatment in an intermediate care facility for a comparable period of time. Such services, when delivered in a residential care facility or assisted living facility licensed under chapter 198 shall be authorized on a tier level based on the services the resident requires and the frequency of the services. A resident of such facility who qualifies for assistance under section 208.030 shall, at a minimum, if prescribed by a physician, qualify for the tier level with the fewest services. The rate paid to providers for each tier of service shall be set subject to appropriations. Subject to appropriations, each resident of such facility who qualifies for assistance under section 208.030 and meets the level of care required in this section shall, at a minimum, if prescribed by a physician, be authorized up to one hour of personal care services per day. Authorized units of personal care services shall not be reduced or tier level lowered unless an order approving such reduction or lowering is obtained from the resident's personal physician. Such authorized units of personal care services or tier level shall be transferred with such resident if he or she transfers to another such facility. Such provision shall terminate upon receipt of relevant waivers from the federal Department of Health and Human Services. If the Centers for Medicare and Medicaid Services determines that such provision does not comply with the state plan, this provision shall be null and void. The MO HealthNet division shall notify the revisor of statutes as to whether the relevant waivers are approved or a determination of noncompliance is made;

(15) Mental health services. The state plan for providing medical assistance under Title XIX of the Social Security Act, 42 U.S.C. Section 301, as amended, shall include the following mental health services when such services are provided by community mental health facilities operated by the department of mental health or designated by the department of mental health as a community mental health facility or as an alcohol and drug abuse facility or as a child-serving agency within the comprehensive children's mental health service system established in section 630.097. The department of mental health shall establish by administrative rule the definition and criteria for designation as a community mental health facility and for designation as an alcohol and drug abuse facility. Such mental health services shall include:

(a) Outpatient mental health services including preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management;

(b) Clinic mental health services including preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management;

(c) Rehabilitative mental health and alcohol and drug abuse services including home and community-based preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health or alcohol and drug abuse professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management. As used in this section, mental health professional and alcohol and drug abuse professional shall be defined by the department of mental health pursuant to duly promulgated rules. With respect to services established by this subdivision, the department of social services, MO HealthNet division, shall enter into an agreement with the department of mental health. Matching funds for outpatient mental health services, clinic mental health services, and rehabilitation services for mental health and alcohol and drug abuse shall be certified by the department of mental health to the MO HealthNet division. The agreement shall establish a mechanism for the joint implementation of the provisions of this subdivision. In addition, the agreement shall establish a mechanism by which rates for services may be jointly developed;

(16) Such additional services as defined by the MO HealthNet division to be furnished under waivers of federal statutory requirements as provided for and authorized by the federal Social Security Act (42 U.S.C. Section 301, et seq.) subject to appropriation by the general assembly;

(17) The services of an advanced practice registered nurse with a collaborative practice agreement to the extent that such services are provided in accordance with chapters 334 and 335, and regulations promulgated thereunder;

(18) Nursing home costs for participants receiving benefit payments under subdivision (4) of this subsection to reserve a bed for the participant in the nursing home during the time that the participant is absent due to admission to a hospital for services which cannot be performed on an outpatient basis, subject to the provisions of this subdivision:

(a) The provisions of this subdivision shall apply only if:

a. The occupancy rate of the nursing home is at or above ninety-seven percent of MO HealthNet certified licensed beds, according to the most recent quarterly census provided to the department of health and senior services which was taken prior to when the participant is admitted to the hospital; and

b. The patient is admitted to a hospital for a medical condition with an anticipated stay of three days or less;

(b) The payment to be made under this subdivision shall be provided for a maximum of three days per hospital stay;

(c) For each day that nursing home costs are paid on behalf of a participant under this subdivision during any period of six consecutive months such participant shall, during the same period of six consecutive months, be ineligible for payment of nursing home costs of two otherwise available temporary leave of absence days provided under subdivision (5) of this subsection; and

(d) The provisions of this subdivision shall not apply unless the nursing home receives notice from the participant or the participant's responsible party that the participant intends to

return to the nursing home following the hospital stay. If the nursing home receives such notification and all other provisions of this subsection have been satisfied, the nursing home shall provide notice to the participant or the participant's responsible party prior to release of the reserved bed;

(19) Prescribed medically necessary durable medical equipment. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

(20) Hospice care. As used in this subdivision, the term "hospice care" means a coordinated program of active professional medical attention within a home, outpatient and inpatient care which treats the terminally ill patient and family as a unit, employing a medically directed interdisciplinary team. The program provides relief of severe pain or other physical symptoms and supportive care to meet the special needs arising out of physical, psychological, spiritual, social, and economic stresses which are experienced during the final stages of illness, and during dying and bereavement and meets the Medicare requirements for participation as a hospice as are provided in 42 CFR Part 418. The rate of reimbursement paid by the MO HealthNet division to the hospice provider for room and board furnished by a nursing home to an eligible hospice patient shall not be less than ninety-five percent of the rate of reimbursement which would have been paid for facility services in that nursing home facility for that patient, in accordance with subsection (c) of Section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989);

(21) Prescribed medically necessary dental services. Such services shall be subject to appropriations. An electronic web- based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

(22) Prescribed medically necessary optometric services. Such services shall be subject to appropriations. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

(23) Blood clotting products-related services. For persons diagnosed with a bleeding disorder, as defined in section 338.400, reliant on blood clotting products, as defined in section 338.400, such services include:

(a) Home delivery of blood clotting products and ancillary infusion equipment and supplies, including the emergency deliveries of the product when medically necessary;

(b) Medically necessary ancillary infusion equipment and supplies required to administer the blood clotting products; and

(c) Assessments conducted in the participant's home by a pharmacist, nurse, or local home health care agency trained in bleeding disorders when deemed necessary by the participant's treating physician;

(24) The MO HealthNet division shall, by January 1, 2008, and annually thereafter, report the status of MO HealthNet provider reimbursement rates as compared to one hundred percent of the Medicare reimbursement rates and compared to the average dental reimbursement rates paid by third-party payors licensed by the state. The MO HealthNet division shall, by July 1, 2008, provide to the general assembly a four-year plan to achieve parity with Medicare reimbursement rates and for third-party payor average dental reimbursement rates. Such plan shall be subject to appropriation and the division shall include in its annual budget request to the governor the necessary funding needed to complete the four-year plan developed under this subdivision.

2. Additional benefit payments for medical assistance shall be made on behalf of those eligible needy children, pregnant women and blind persons with any payments to be made on the basis of the reasonable cost of the care or reasonable charge for the services as defined and determined by the MO HealthNet division, unless otherwise hereinafter provided, for the following:

(1) Dental services;

(2) Services of podiatrists as defined in section 330.010;

(3) Optometric services as defined in section 336.010;

(4) Orthopedic devices or other prosthetics, including eye glasses, dentures, hearing aids, and wheelchairs;

(5) Hospice care. As used in this subdivision, the term "hospice care" means a coordinated program of active professional medical attention within a home, outpatient and inpatient care which treats the terminally ill patient and family as a unit, employing a medically directed interdisciplinary team. The program provides relief of severe pain or other physical symptoms and supportive care to meet the special needs arising out of physical, psychological, spiritual, social, and economic stresses which are experienced during the final stages of illness, and during dying and bereavement and meets the Medicare requirements for participation as a hospice as are provided in 42 CFR Part 418. The rate of reimbursement paid by the MO HealthNet division to the hospice provider for room and board furnished by a nursing home to an eligible hospice patient shall not be less than ninety-five percent of the rate of reimbursement which would have been paid for facility services in that nursing home facility for that patient, in accordance with subsection (c) of Section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989);

(6) Comprehensive day rehabilitation services beginning early posttrauma as part of a coordinated system of care for individuals with disabling impairments. Rehabilitation services must be based on an individualized, goal-oriented, comprehensive and coordinated treatment plan developed, implemented, and monitored through an interdisciplinary assessment designed to restore an individual to optimal level of physical, cognitive, and behavioral function. The MO HealthNet division shall establish by administrative rule the definition and criteria for designation of a comprehensive day rehabilitation service facility, benefit limitations and payment mechanism. 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 subdivision 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, 2005, shall be invalid and void.

3. The MO HealthNet division may require any participant receiving MO HealthNet benefits to pay part of the charge or cost until July 1, 2008, and an additional payment after July 1, 2008, as defined by rule duly promulgated by the MO HealthNet division, for all covered services except for those services covered under subdivisions (14) and (15) of subsection 1 of this section and sections 208.631 to 208.657 to the extent and in the manner authorized by Title XIX of the federal Social Security Act (42 U.S.C. Section 1396, et seq.) and regulations thereunder. When substitution of a generic drug is permitted by the prescriber according to section 338.056, and a generic drug is substituted for a name-brand drug, the MO HealthNet division may not lower or delete the requirement to make a co-payment pursuant to regulations of Title XIX of the federal Social Security Act. A provider of goods or services described under this section must collect from all participants the additional payment that may be required by the MO HealthNet division under authority granted herein, if the division exercises that authority, to remain eligible as a provider. Any payments made by participants under this section shall be in addition to and not in lieu of payments made by the state for goods or services described herein except the participant portion of the pharmacy professional dispensing fee shall be in addition to and not in lieu of payments to pharmacists. A provider may collect the co- payment at the time a service is provided or at a later date. A provider shall not refuse to provide a service if a participant is unable to pay a required payment. If it is the routine business practice of a provider to terminate future services to an individual with an unclaimed debt, the provider may include uncollected co-payments under this practice. Providers who elect not to undertake the

provision of services based on a history of bad debt shall give participants advance notice and a reasonable opportunity for payment. A provider, representative, employee, independent contractor, or agent of a pharmaceutical manufacturer shall not make co-payment for a participant. This subsection shall not apply to other qualified children, pregnant women, or blind persons. If the Centers for Medicare and Medicaid Services does not approve the **[**Missouri**]** MO HealthNet state plan amendment submitted by the department of social services that would allow a provider to deny future services to an individual with uncollected co- payments, the denial of services shall not be allowed. The department of social services shall inform providers regarding the acceptability of denying services as the result of unpaid co-payments.

4. The MO HealthNet division shall have the right to collect medication samples from participants in order to maintain program integrity.

5. Reimbursement for obstetrical and pediatric services under subdivision (6) of subsection 1 of this section shall be timely and sufficient to enlist enough health care providers so that care and services are available under the state plan for MO HealthNet benefits at least to the extent that such care and services are available to the general population in the geographic area, as required under subparagraph (a)(30)(A) of 42 U.S.C. Section 1396a and federal regulations promulgated thereunder.

6. Beginning July 1, 1990, reimbursement for services rendered in federally funded health centers shall be in accordance with the provisions of subsection 6402(c) and Section 6404 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989) and federal regulations promulgated thereunder.

7. Beginning July 1, 1990, the department of social services shall provide notification and referral of children below age five, and pregnant, breast-feeding, or postpartum women who are determined to be eligible for MO HealthNet benefits under section 208.151 to the special supplemental food programs for women, infants and children administered by the department of health and senior services. Such notification and referral shall conform to the requirements of Section 6406 of P.L. 101-239 and regulations promulgated thereunder.

8. Providers of long-term care services shall be reimbursed for their costs in accordance with the provisions of Section 1902 (a)(13)(A) of the Social Security Act, 42 U.S.C. Section 1396a, as amended, and regulations promulgated thereunder.

9. Reimbursement rates to long-term care providers with respect to a total change in ownership, at arm's length, for any facility previously licensed and certified for participation in the MO HealthNet program shall not increase payments in excess of the increase that would result from the application of Section 1902 (a)(13)(C) of the Social Security Act, 42 U.S.C. Section 1396a (a)(13)(C).

10. The MO HealthNet division, may enroll qualified residential care facilities and assisted living facilities, as defined in chapter 198, as MO HealthNet personal care providers.

11. Any income earned by individuals eligible for certified extended employment at a sheltered workshop under chapter 178 shall not be considered as income for purposes of determining eligibility under this section.

12. If the Missouri Medicaid audit and compliance unit changes any interpretation or application of the requirements for reimbursement for MO HealthNet services from the interpretation or application that has been applied previously by the state in any audit of a MO HealthNet provider, the Missouri Medicaid audit and compliance unit shall notify all affected MO HealthNet providers five business days before such change shall take effect. Failure of the Missouri Medicaid audit and compliance unit to notify a provider of such change shall entitle the provider to continue to receive and retain reimbursement until such notification is provided and shall waive any liability of such provider for recoupment or other loss of any payments previously made prior to the five business days after such notice has been sent. Each provider shall provide the Missouri Medicaid audit and compliance unit a valid email address and shall agree to receive communications electronically. The notification required under this section shall be delivered in writing by the United States Postal Service or electronic mail to each provider.

13. Nothing in this section shall be construed to abrogate or limit the department's statutory requirement to promulgate rules under chapter 536.

208.437. REIMBURSEMENT ALLOWANCE PERIOD — NOTIFICATION OF BALANCE DUE, WHEN — DELINQUENT PAYMENTS, PROCEDURE, BASIS FOR DENIAL OF LICENSURE — EXPIRATION DATE. — 1. A Medicaid managed care organization reimbursement allowance period as provided in sections 208.431 to 208.437 shall be from the first day of July to the thirtieth day of June. The department shall notify each Medicaid managed care organization with a balance due on the thirtieth day of June of each year the amount of such balance due. If any managed care organization fails to pay its managed care organization reimbursement allowance within thirty days of such notice, the reimbursement allowance shall be delinquent. The reimbursement allowance may remain unpaid during an appeal.

2. Except as otherwise provided in this section, if any reimbursement allowance imposed under the provisions of sections 208.431 to 208.437 is unpaid and delinquent, the department of social services may compel the payment of such reimbursement allowance in the circuit court having jurisdiction in the county where the main offices of the Medicaid managed care organization are located. In addition, the director of the department of social services or the director's designee may cancel or refuse to issue, extend or reinstate a Medicaid contract agreement to any Medicaid managed care organization which fails to pay such delinquent reimbursement allowance required by sections 208.431 to 208.437 unless under appeal.

3. Except as otherwise provided in this section, failure to pay a delinquent reimbursement allowance imposed under sections 208.431 to 208.437 shall be grounds for denial, suspension or revocation of a license granted by the department of insurance, financial institutions and professional registration. The director of the department of insurance, financial institutions and professional registration may deny, suspend or revoke the license of a Medicaid managed care organization with a contract under 42 U.S.C. Section 1396b(m) which fails to pay a managed care organization's delinquent reimbursement allowance unless under appeal.

4. Nothing in sections 208.431 to 208.437 shall be deemed to effect or in any way limit the tax-exempt or nonprofit status of any Medicaid managed care organization with a contract under 42 U.S.C. Section 1396b(m) granted by state law.

5. Sections 208.431 to 208.437 shall expire on September 30, **[**2015**] 2016**.

208.480. FEDERAL REIMBURSEMENT ALLOWANCE EXPIRATION DATE. — Notwithstanding the provisions of section 208.471 to the contrary, sections 208.453 to 208.480 shall expire on September 30, **[**2015**] 2016**.

208.482. DISPROPORTIONATE SHARE HOSPITAL PAYMENTS, RESTRICTION ON AUDIT RECOUPMENTS — EXPIRATION DATE. — **1. The MO HealthNet division shall not recover disproportionate share hospital audit recoupments from any tier 1 safety net hospital, excluding department of mental health state operated psychiatric hospitals, for which an intergovernmental transfer was used for the nonfederal share of its disproportionate share hospital payments. General revenue funds shall not be used to offset any expenditure of funds to pay such recoupments to the federal government.**

2. The provisions of this section shall expire on September 30, 2022.

338.550. EXPIRATION DATE OF TAX, WHEN. — 1. The pharmacy tax required by sections 338.500 to 338.550 shall expire ninety days after any one or more of the following conditions are met:

(1) The aggregate dispensing fee as appropriated by the general assembly paid to pharmacists per prescription is less than the fiscal year 2003 dispensing fees reimbursement amount; or

(2) The formula used to calculate the reimbursement as appropriated by the general assembly for products dispensed by pharmacies is changed resulting in lower reimbursement to the pharmacist in the aggregate than provided in fiscal year 2003; or

(3) September 30, [2015] **2016**.

The director of the department of social services shall notify the revisor of statutes of the expiration date as provided in this subsection. The provisions of sections 338.500 to 338.550 shall not apply to pharmacies domiciled or headquartered outside this state which are engaged in prescription drug sales that are delivered directly to patients within this state via common carrier, mail or a carrier service.

2. Sections 338.500 to 338.550 shall expire on September 30, [2015] **2016**.

633.401. DEFINITIONS — ASSESSMENT IMPOSED, FORMULA — RATES OF PAYMENT — FUND CREATED, USE OF MONEYS — RECORD-KEEPING REQUIREMENTS — REPORT — APPEAL PROCESS — RULEMAKING AUTHORITY — EXPIRATION DATE. — 1. For purposes of this section, the following terms mean:

(1) "Engaging in the business of providing health benefit services", accepting payment for health benefit services;

(2) "Intermediate care facility for the intellectually disabled", a private or department of mental health facility which admits persons who are intellectually disabled or developmentally disabled for residential habilitation and other services pursuant to chapter 630. Such term shall include habilitation centers and private or public intermediate care facilities for the intellectually disabled that have been certified to meet the conditions of participation under 42 CFR, Section 483, Subpart 1;

(3) "Net operating revenues from providing services of intermediate care facilities for the intellectually disabled" shall include, without limitation, all moneys received on account of such services pursuant to rates of reimbursement established and paid by the department of social services, but shall not include charitable contributions, grants, donations, bequests and income from nonservice related fund-raising activities and government deficit financing, contractual allowance, discounts or bad debt;

(4) "Services of intermediate care facilities for the intellectually disabled" has the same meaning as the term "services of intermediate care facilities for the mentally retarded", as used in Title 42 United States Code, Section 1396b(w)(7)(A)(iv), as amended, and as such qualifies as a class of health care services recognized in federal Public Law 102-234, the Medicaid Voluntary Contribution and Provider Specific Tax Amendment of 1991.

2. Beginning July 1, 2008, each provider of services of intermediate care facilities for the intellectually disabled shall, in addition to all other fees and taxes now required or paid, pay assessments on their net operating revenues for the privilege of engaging in the business of providing services of the intermediate care facilities for the intellectually disabled or developmentally disabled in this state.

3. Each facility's assessment shall be based on a formula set forth in rules and regulations promulgated by the department of mental health.

4. For purposes of determining rates of payment under the medical assistance program for providers of services of intermediate care facilities for the intellectually disabled, the assessment imposed pursuant to this section on net operating revenues shall be a reimbursable cost to be reflected as timely as practicable in rates of payment applicable within the assessment period, contingent, for payments by governmental agencies, on all federal approvals necessary by federal law and regulation for federal financial participation in payments made for beneficiaries eligible for medical assistance under Title XIX of the federal Social Security Act.

5. Assessments shall be submitted by or on behalf of each provider of services of intermediate care facilities for the intellectually disabled on a monthly basis to the director of the department of mental health or his or her designee and shall be made payable to the director of the department of revenue.

6. In the alternative, a provider may direct that the director of the department of social services offset, from the amount of any payment to be made by the state to the provider, the amount of the assessment payment owed for any month.

7. Assessment payments shall be deposited in the state treasury to the credit of the "Intermediate Care Facility Intellectually Disabled Reimbursement Allowance Fund", which is hereby created in the state treasury. All investment earnings of this fund shall be credited to the fund. Notwithstanding the provisions of section 33.080 to the contrary, any unexpended balance in the intermediate care facility intellectually disabled reimbursement allowance fund at the end of the biennium shall not revert to the general revenue fund but shall accumulate from year to year. The state treasurer shall maintain records that show the amount of money in the fund at any time and the amount of any investment earnings on that amount.

8. Each provider of services of intermediate care facilities for the intellectually disabled shall keep such records as may be necessary to determine the amount of the assessment for which it is liable under this section. On or before the forty-fifth day after the end of each month commencing July 1, 2008, each provider of services of intermediate care facilities for the intellectually disabled shall submit to the department of social services a report on a cash basis that reflects such information as is necessary to determine the amount of the assessment payable for that month.

9. Every provider of services of intermediate care facilities for the intellectually disabled shall submit a certified annual report of net operating revenues from the furnishing of services of intermediate care facilities for the intellectually disabled. The reports shall be in such form as may be prescribed by rule by the director of the department of mental health. Final payments of the assessment for each year shall be due for all providers of services of intermediate care facilities for the intellectually disabled upon the due date for submission of the certified annual report.

10. The director of the department of mental health shall prescribe by rule the form and content of any document required to be filed pursuant to the provisions of this section.

11. Upon receipt of notification from the director of the department of mental health of a provider's delinquency in paying assessments required under this section, the director of the department of social services shall withhold, and shall remit to the director of the department of revenue, an assessment amount estimated by the director of the department of mental health from any payment to be made by the state to the provider.

12. In the event a provider objects to the estimate described in subsection 11 of this section, or any other decision of the department of mental health related to this section, the provider of services may request a hearing. If a hearing is requested, the director of the department of mental health shall provide the provider of services an opportunity to be heard and to present evidence bearing on the amount due for an assessment or other issue related to this section within thirty days after collection of an amount due or receipt of a request for a hearing, whichever is later. The director shall issue a final decision within forty-five days of the completion of the hearing. After reconsideration of the assessment determination and a final decision by the director of the department of mental health, an intermediate care facility for the intellectually disabled provider's appeal of the director's final decision shall be to the administrative hearing commission in accordance with sections 208.156 and 621.055.

13. Notwithstanding any other provision of law to the contrary, appeals regarding this assessment shall be to the circuit court of Cole County or the circuit court in the county in which the facility is located. The circuit court shall hear the matter as the court of original jurisdiction.

14. Nothing in this section shall be deemed to affect or in any way limit the tax-exempt or nonprofit status of any intermediate care facility for the intellectually disabled granted by state law.

15. The director of the department of mental health shall promulgate rules and regulations to implement 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, 2008, shall be invalid and void.

16. The provisions of this section shall expire on September 30, **[**2015**] 2016**.

Approved July 1, 2015

SB 231 [HCS SB 231]

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

Modifies provisions relating to watercraft

AN ACT to repeal sections 142.815, 144.030, and 306.100, RSMo, and to enact in lieu thereof four new sections relating to watercraft.

SECTION
A. Enacting clause.
142.815. Exemptions allowed for nonhighway use.
144.030. Exemptions from state and local sales and use taxes.
306.100. Classification of vessels — equipment requirements.
306.910. Recreational water use — definitions — brochure, distribution, limitation on cost of.

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

SECTION A. ENACTING CLAUSE. — Sections 142.815, 144.030, and 306.100, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 142.815, 144.030, 306.100, and 306.910, to read as follows:

142.815. EXEMPTIONS ALLOWED FOR NONHIGHWAY USE. — 1. Motor fuel used for the following nonhighway purposes is exempt from the fuel tax imposed by this chapter, and a refund may be claimed by the consumer, except as provided for in subdivision (1) of this subsection, if the tax has been paid and no refund has been previously issued:

(1) Motor fuel used for nonhighway purposes including fuel for farm tractors or stationary engines owned or leased and operated by any person and used exclusively for agricultural purposes and including, beginning January 1, 2006, bulk sales of one hundred gallons or more of gasoline made to farmers and delivered by the ultimate vender to a farm location for agricultural purposes only. As used in this section, the term "farmer" shall mean any person engaged in farming in an authorized farm corporation, family farm, or family farm corporation as defined in section 350.010. At the discretion of the ultimate vender, the refund may be claimed by the ultimate vender on behalf of the consumer for sales made to farmers and to persons engaged in construction for agricultural purposes as defined in section 142.800. After December 31, 2000, the refund may be claimed only by the consumer and may not be claimed by the ultimate vender unless bulk sales of gasoline are made to a farmer after January 1, 2006, as provided in this subdivision and the farmer provides an exemption certificate to the ultimate vender, in which case the ultimate vender may make a claim for refund under section 142.824 but shall be liable for any erroneous refund;

(2) Kerosene sold for use as fuel to generate power in aircraft engines, whether in aircraft or for training, testing or research purposes of aircraft engines;

(3) Diesel fuel used as heating oil, or in railroad locomotives or any other motorized flanged-wheel rail equipment, or used for other nonhighway purposes other than as expressly exempted pursuant to another provision.

2. Subject to the procedural requirements and conditions set out in this chapter, the following uses are exempt from the tax imposed by section 142.803 on motor fuel, and a deduction or a refund may be claimed:

(1) Motor fuel for which proof of export is available in the form of a terminal-issued destination state shipping paper and which is either:

(a) Exported by a supplier who is licensed in the destination state or through the bulk transfer system;

(b) Removed by a licensed distributor for immediate export to a state for which all the applicable taxes and fees (however nominated in that state) of the destination state have been paid to the supplier, as a trustee, who is licensed to remit tax to the destination state; or which is destined for use within the destination state by the federal government for which an exemption has been made available by the destination state subject to procedural rules and regulations promulgated by the director; or

(c) Acquired by a licensed distributor and which the tax imposed by this chapter has previously been paid or accrued either as a result of being stored outside of the bulk transfer system immediately prior to loading or as a diversion across state boundaries properly reported in conformity with this chapter and was subsequently exported from this state on behalf of the distributor; The exemption pursuant to paragraph (a) of this subdivision shall be claimed by a deduction on the report of the supplier which is otherwise responsible for remitting the tax upon removal of the product from a terminal or refinery in this state. The exemption pursuant to paragraphs (b) and (c) of this subdivision shall be claimed by the distributor, upon a refund application made to the director within three years. A refund claim may be made monthly or whenever the claim exceeds one thousand dollars;

(2) Undyed K-1 kerosene sold at retail through dispensers which have been designed and constructed to prevent delivery directly from the dispenser into a vehicle fuel supply tank, and undyed K-1 kerosene sold at retail through nonbarricaded dispensers in quantities of not more than twenty-one gallons for use other than for highway purposes. Exempt use of undyed kerosene shall be governed by rules and regulations of the director. If no rules or regulations are promulgated by the director, then the exempt use of undyed kerosene shall be governed by rules and regulations of the Internal Revenue Service. A distributor or supplier delivering to a retail facility shall obtain an exemption certificate from the owner or operator of such facility stating that its sales conform to the dispenser requirements of this subdivision. A licensed distributor, having obtained such certificate, may provide a copy to his or her supplier and obtain undyed kerosene without the tax levied by section 142.803. Having obtained such certificate in good faith, such supplier shall be relieved of any responsibility if the fuel is later used in a taxable manner. An ultimate vendor who obtained undyed kerosene upon which the tax levied by section 142.803 had been paid and makes sales qualifying pursuant to this subsection may apply for a refund of the tax pursuant to application, as provided in section 142.818, to the director provided the ultimate vendor did not charge such tax to the consumer;

(3) Motor fuel sold to the United States or any agency or instrumentality thereof. This exemption shall be claimed as provided in section 142.818;

(4) Motor fuel used solely and exclusively as fuel to propel motor vehicles on the public roads and highways of this state when leased or owned and when being operated by a federally recognized Indian tribe in the performance of essential governmental functions, such as providing police, fire, health or water services. The exemption for use pursuant to this subdivision shall be made available to the tribal government upon a refund application stating that the motor fuel was purchased for the exclusive use of the tribe in performing named essential governmental services;

(5) That portion of motor fuel used to operate equipment attached to a motor vehicle, if the motor fuel was placed into the fuel supply tank of a motor vehicle that has a common fuel

reservoir for travel on a highway and for the operation of equipment, or if the motor fuel was placed in a separate fuel tank and used only for the operation of auxiliary equipment. The exemption for use pursuant to this subdivision shall be claimed by a refund claim filed by the consumer who shall provide evidence of an allocation of use satisfactory to the director;

(6) Motor fuel acquired by a consumer out-of-state and carried into this state, retained within and consumed from the same vehicle fuel supply tank within which it was imported, except interstate motor fuel users;

(7) Motor fuel which was purchased tax-paid and which was lost or destroyed as a direct result of a sudden and unexpected casualty or which had been accidentally contaminated so as to be unsalable as highway fuel as shown by proper documentation as required by the director. The exemption pursuant to this subdivision shall be refunded to the person or entity owning the motor fuel at the time of the contamination or loss. Such person shall notify the director in writing of such event and the amount of motor fuel lost or contaminated within ten days from the date of discovery of such loss or contamination, and within thirty days after such notice, shall file an affidavit sworn to by the person having immediate custody of such motor fuel at the time of the loss or contamination, setting forth in full the circumstances and the amount of the loss or contamination and such other information with respect thereto as the director may require;

(8) Dyed diesel fuel or dyed kerosene used for an exempt purpose. This exemption shall be claimed as follows:

(a) A supplier or importer shall take a deduction against motor fuel tax owed on their monthly report for those gallons of dyed diesel fuel or dyed kerosene imported or removed from a terminal or refinery destined for delivery to a point in this state as shown on the shipping papers;

(b) This exemption shall be claimed by a deduction on the report of the supplier which is otherwise responsible for remitting the tax on removal of the product from a terminal or refinery in this state;

(c) This exemption shall be claimed by the distributor, upon a refund application made to the director within three years. A refund claim may be made monthly or whenever the claim exceeds one thousand dollars**[.];**

(9) Motor fuel delivered to any marina within this state that sells such fuel solely for use in any watercraft, as such term is defined in section 306.010, and not accessible to other motor vehicles, is exempt from the fuel tax imposed by this chapter. Any motor fuel distributor that delivers motor fuel to any marina in this state for use solely in any watercraft, as such term is defined in section 306.010, may claim the exemption provided in this subsection. Any motor fuel customer who purchases motor fuel for use in any watercraft, as such term is defined in section 306.010, at a location other than a marina within this state may claim the exemption provided in this subsection by filing a claim for refund of the fuel tax.

144.030. EXEMPTIONS FROM STATE AND LOCAL SALES AND USE TAXES. — 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

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

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

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

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

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

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

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

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

(8) Animals or poultry used for breeding or feeding purposes, or captive wildlife;

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

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

(11) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

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

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

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

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

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

(17) Tangible personal property purchased by a rural water district;

(18) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation, provided, however, that a municipality or other political subdivision may enter into revenue-sharing agreements with private persons, firms, or corporations providing goods or services, including management services, in or for the place of amusement, entertainment or recreation, games or athletic events, and provided further that nothing in this subdivision shall exempt from tax any amounts retained by any private person, firm, or corporation under such revenue-sharing agreement;

(19) All sales of insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including

hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales or rental of medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and ambulatory aids, all sales or rental of manual and powered wheelchairs, stairway lifts, Braille writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales or rental of scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities, and drugs required by the Food and Drug Administration to meet the over-the-counter drug product labeling requirements in 21 CFR 201.66, or its successor, as prescribed by a health care practitioner licensed to prescribe;

(20) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

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

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

(23) All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as defined in section 142.028, natural gas, propane, and electricity used by an eligible new generation cooperative or an eligible new generation processing entity as defined in section 348.432, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and trailers, and any freight charges on any exempt item. As used in this subdivision, the term "feed additives" means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term "farm machinery and equipment" means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement

parts thereon and any accessories for and upgrades to such farm machinery and equipment, rotary mowers used exclusively for agricultural purposes, and supplies and lubricants used exclusively, solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and one-half of each purchaser's purchase of diesel fuel therefor which is:

(a) Used exclusively for agricultural purposes;

(b) Used on land owned or leased for the purpose of producing farm products; and

(c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

(24) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use:

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

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

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

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

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

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

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

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

(30) All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

(31) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways;

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

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

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

(35) All sales of grain bins for storage of grain for resale;

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

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

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

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

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

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

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

(41) All materials, replacement parts, and equipment purchased for use directly upon, and for the modification, replacement, repair, and maintenance of aircraft, aircraft power plants, and aircraft accessories;

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

(43) All sales of motor fuel, as defined in section 142.800, used in any watercraft, as defined in section 306.010.

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

306.100. CLASSIFICATION OF VESSELS — EQUIPMENT REQUIREMENTS. — 1. For the purpose of this section, vessels shall be divided into four classes as follows:

(1) Class A, less than sixteen feet in length;

(2) Class 1, at least sixteen and less than twenty-six feet in length;

(3) Class 2, at least twenty-six and less than forty feet in length;

(4) Class 3, forty feet and over.

2. All vessels shall display from sunset to sunrise the following lights when under way, and during such time no other lights, continuous spotlights or docking lights, or other nonprescribed lights shall be exhibited:

(1) Vessels of classes A and 1:

(a) A bright white light aft to show all around the horizon;

(b) A combined light in the forepart of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points (22 1/2 degrees) abaft the beam on their respective sides;

(2) Vessels of classes 2 and 3:

(a) A bright white light in the forepart of the vessel as near the stem as practicable, so constructed as to show the unbroken light over an arc of the horizon of twenty points (225 degrees) of the compass, so fixed as to throw the light ten points (112 1/2 degrees) on each side of the vessel; namely, from right ahead to two points (22 1/2 degrees) abaft the beam on either side;

(b) A bright white light aft to show all around the horizon and higher than the white light forward;

(c) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of ten points (112 1/2 degrees) of the compass, so fixed as to throw the light from right ahead to two points (22 1/2 degrees) abaft the beam on the starboard side; on the port side a red light so constructed as to show an unbroken light over an arc of the horizon of ten points (112 1/2 degrees) of the compass, so fixed as to throw the light from right ahead to two points (22 1/2 degrees) abaft the beam on the portside. The side lights shall be fitted with inboard screens so set as to prevent these lights from being seen across the bow;

(3) Vessels of classes A and 1 when propelled by sail alone shall exhibit the combined light prescribed by this section and a twelve point (135 degree) white light aft. Vessels of classes 2 and 3, when so propelled, shall exhibit the colored side lights, suitably screened, prescribed by this section and a twelve point (135 degree) white light aft;

(4) All vessels between the hours of sunset and sunrise that are not under way, moored at permanent dockage or attached to an immovable object on shore so that they do not extend more than fifty feet from the shore shall display one three-hundred-sixty-degree white light visible three hundred sixty degrees around the horizon;

(5) Every white light prescribed by this section shall be of such character as to be visible at a distance of at least two miles. Every colored light prescribed by this section shall be of such character as to be visible at a distance of at least one mile. The word "visible" in this subsection, when applied to lights, shall mean visible on a dark night with clear atmosphere;

(6) When propelled by sail and machinery every vessel shall carry the lights required by this section for a motorboat propelled by machinery only.

3. Any watercraft not defined as a vessel shall, from sunset to sunrise, carry, ready at hand, a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert collision.

4. Any vessel may carry and exhibit the lights required by the federal regulations for preventing collisions at sea, in lieu of the lights required by subsection 2 of this section.

5. All other watercraft over sixty-five feet in length and those propelled solely by wind effect on the sail shall display lights prescribed by federal regulations.

6. Any watercraft used by a person engaged in the act of sport fishing is not required to display any lights required by this section if no other vessel is within the immediate vicinity of the first vessel, the vessel is using an electric trolling motor and the vessel is within fifty feet of the shore.

7. Every vessel, except those in class A, shall have on board at least one wearable personal flotation device of type I, II or III for each person on board and each person being towed who is not wearing one. Every such vessel shall also have on board at least one type IV throwable personal flotation device.

8. All class A motorboats and all watercraft traveling on the waters of this state shall have on board at least one type I, II, III or IV personal flotation device for each person on board and each person being towed who is not wearing one.

9. All lifesaving devices required by subsections 7 and 8 of this section shall be United States Coast Guard approved, in serviceable condition and so placed as to be readily accessible.

10. Every vessel which is carrying or using flammable or toxic fluid in any enclosure for any purpose, and which is not an entirely open vessel, shall have an efficient natural or mechanical ventilation system which must be capable of removing resulting gases prior to and during the time the vessel is occupied by any person.

11. Motorboats shall carry on board at least the following United States Coast Guard approved fire extinguishers:

(1) Every class A and every class 1 motorboat carrying or using gasoline or any other flammable or toxic fluid, one B1 type fire extinguisher;

(2) Every class 2 motorboat**[**, one B2 or two B1 type fire extinguishers;**]:**

(a) Two B1 type fire extinguishers; or
(b) One B2 type fire extinguisher; or
(c) A fixed fire extinguishing system and one B1 type fire extinguisher; and
(3) Every class 3 motorboat:
(a) Three B1 type fire extinguishers; or
(b) One B2 type and one B1 type fire extinguisher; or
(c) A fixed fire extinguishing system and one B2 type fire extinguisher; or
(d) A fixed fire extinguishing system and two B1 type fire extinguishers.

12. All class 1 and 2 motorboats and vessels shall have a sounding device. All class 3 motorboats and vessels shall have at least a sounding device and one bell.

13. No person shall operate any watercraft which is not equipped as required by this section.

14. A water patrol division officer may direct the operator of any watercraft being operated without sufficient personal flotation devices, fire-fighting devices or in an overloaded or other unsafe condition or manner to take whatever immediate and reasonable steps are necessary for the safety of those aboard when, in the judgment of the officer, such operation creates a hazardous condition. The officer may direct the operator to return the watercraft to the nearest safe mooring and to remain there until the situation creating the hazardous condition is corrected.

15. A water patrol division officer may remove any unmanned or unattended watercraft from the water when, in the judgment of the officer, the watercraft creates a hazardous condition.

16. Nothing in this section shall prohibit the use of additional specialized lighting used in the act of sport fishing.

306.910. RECREATIONAL WATER USE — DEFINITIONS — BROCHURE, DISTRIBUTION, LIMITATION ON COST OF. — **1. For purposes of this section, the following terms shall mean:**

(1) "Outfitter", any individual, group, corporation, or other business entity which is a registered member of the Missouri Canoe and Floaters Association;

(2) "Water patrol division", the water patrol division of the state highway patrol;

(3) "Watercraft", any canoe, kayak, raft, innertube, or other flotation device propelled by the use of paddles, oars, or other nonmotorized means of propulsion.

2. By January 1, 2016, the water patrol division shall develop an informational brochure regarding the laws, regulations, and associated penalties relating to recreational water use as they pertain to individuals participating in the recreational use of the state's streams or rivers.

3. The water patrol division shall distribute the informational brochures developed under this section to all campgrounds and outfitters that rent or provide watercraft for use on a stream or river.

4. No more than one hundred thousand dollars shall be expended on the development and printing of the informational brochure under this section.

5. The water patrol division shall distribute the informational brochures developed under this section to all county commissioners in this state.

Approved June 24, 2015

SB 239 [SS SB 239]

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

Creates a statutory cause of action for damages against health care providers

AN ACT to repeal sections 1.010, 538.205, and 538.210, RSMo, and to enact in lieu thereof three new sections relating to a statutory cause of action against healthcare providers.

SECTION
A. Enacting clause.
1.010. Common law in force — effect on statutes — failure to render health care services, no common law cause of action.
538.205. Definitions.
538.210. No common law cause of action — limitation on noneconomic damages — jury not to be informed of limit — limit — punitive damages, requirements — annual increase on damages limit, amount — nonseverability clause.

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

SECTION A. ENACTING CLAUSE. — Sections 1.010, 538.205, and 538.210, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 1.010, 538.205, and 538.210, to read as follows:

1.010. COMMON LAW IN FORCE — EFFECT ON STATUTES — FAILURE TO RENDER HEALTH CARE SERVICES, NO COMMON LAW CAUSE OF ACTION. — 1. The common law of England and all statutes and acts of parliament made prior to the fourth year of the reign of James the First, of a general nature, which are not local to that kingdom and not repugnant to or inconsistent with the Constitution of the United States, the constitution of this state, or the statute laws in force for the time being, are the rule of action and decision in this state, any custom or usage to the contrary notwithstanding, but no act of the general assembly or law of this state shall be held to be invalid, or limited in its scope or effect by the courts of this state, for the reason that it is in derogation of, or in conflict with, the common law, or with such statutes or acts of parliament; but all acts of the general assembly, or laws, shall be liberally construed, so as to effectuate the true intent and meaning thereof**.**

2. The general assembly expressly excludes from this section the common law of England as it relates to claims arising out of the rendering of or failure to render health care services by a health care provider, it being the intent of the general assembly to replace those claims with statutory causes of action.

538.205. DEFINITIONS. — As used in sections 538.205 to 538.230, the following terms shall mean:

(1) **"Catastrophic personal injury", a physical injury resulting in:**

(a) Quadriplegia defined as the permanent loss of functional use of all four limbs;

(b) Paraplegia defined as the permanent loss of functional use of two limbs;

(c) Loss of two or more limbs;

(d) An injury to the brain that results in permanent cognitive impairment resulting in the permanent inability to make independent decisions or engage in one or more of the following activities of daily living: eating, dressing, bathing, toileting, transferring, and walking;

(e) An injury that causes irreversible failure of one or more major organ systems; or

(f) Vision loss such that the patient's central visual acuity is no more than twenty/two-hundred in the better eye with the best correction or whose field of vision in the better eye is restricted to a degree that its widest diameter subtends an angle no greater than twenty degrees;

(2) "Economic damages", damages arising from pecuniary harm including, without limitation, medical damages, and those damages arising from lost wages and lost earning capacity;

[(2)**]** **(3)** "Equitable share", the share of a person or entity in an obligation that is the same percentage of the total obligation as the person's or entity's allocated share of the total fault, as found by the trier of fact;

[(3)**]** **(4)** "Future damages", damages that the trier of fact finds will accrue after the damages findings are made;

[(4)**]** **(5)** "Health care provider", any physician, hospital, health maintenance organization, ambulatory surgical center, long-term care facility including those licensed under chapter 198, dentist, registered or licensed practical nurse, optometrist, podiatrist, pharmacist, chiropractor, professional physical therapist, psychologist, physician-in-training, and any other person or entity that provides health care services under the authority of a license or certificate;

[(5)**]** **(6)** "Health care services", any services that a health care provider renders to a patient in the ordinary course of the health care provider's profession or, if the health care provider is an institution, in the ordinary course of furthering the purposes for which the institution is organized. Professional services shall include, but are not limited to, transfer to a patient of goods or services incidental or pursuant to the practice of the health care provider's profession or in furtherance of the purposes for which an institutional health care provider is organized;

[(6)**]** **(7)** "Medical damages", damages arising from reasonable expenses for necessary drugs, therapy, and medical, surgical, nursing, x-ray, dental, custodial and other health and rehabilitative services;

[(7)**]** **(8)** "Noneconomic damages", damages arising from nonpecuniary harm including, without limitation, pain, suffering, mental anguish, inconvenience, physical impairment, disfigurement, loss of capacity to enjoy life, and loss of consortium but shall not include punitive damages;

[(8)**]** **(9)** "Past damages", damages that have accrued when the damages findings are made;

[(9)**]** **(10)** "Physician employee", any person or entity who works for hospitals for a salary or under contract and who is covered by a policy of insurance or self-insurance by a hospital for acts performed at the direction or under control of the hospital;

[(10)**]** **(11)** "Punitive damages", damages intended to punish or deter willful, wanton or malicious misconduct, including exemplary damages and damages for aggravating circumstances;

[(11)**]** **(12)** "Self-insurance", a formal or informal plan of self-insurance or no insurance of any kind.

538.210. NO COMMON LAW CAUSE OF ACTION — LIMITATION ON NONECONOMIC DAMAGES — JURY NOT TO BE INFORMED OF LIMIT — LIMIT — PUNITIVE DAMAGES, REQUIREMENTS — ANNUAL INCREASE ON DAMAGES LIMIT, AMOUNT — NONSEVERABILITY CLAUSE. — 1. **A statutory cause of action for damages against a health care provider for personal injury or death arising out of the rendering of or failure to render health care services is hereby created, replacing any such common law cause of action. The elements of such cause of action are that the health care provider failed to use that degree of skill and learning ordinarily used under the same or similar circumstances by members of the defendant's profession and that such failure directly caused or contributed to cause the plaintiff's injury or death.**

2. (1) In any action against a health care provider for damages for personal injury **[**or death**]** arising out of the rendering of or the failure to render health care services, no plaintiff shall recover more than **[**three**]** **four** hundred **[**fifty**]** thousand dollars for noneconomic damages irrespective of the number of defendants.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, in any action against a health care provider for damages for a catastrophic personal injury arising out of the rendering or failure to render heath care services, no plaintiff shall recover more than seven hundred thousand dollars for noneconomic damages irrespective of the number of defendants.

(3) In any action against a health care provider for damages for death arising out of the rendering of or the failure to render health care services, no plaintiff shall recover

more than seven hundred thousand dollars for noneconomic damages irrespective of the number of defendants.

[2.] **3.** (1) Such limitation shall also apply to any individual or entity, or their employees or agents that provide, refer, coordinate, consult upon, or arrange for the delivery of health care services to the plaintiff; and

(2) Who is a defendant in a lawsuit brought against a health care provider under this chapter, or who is a defendant in any lawsuit that arises out of the rendering of or the failure to render health care services.

(3) No individual or entity whose liability is limited by the provisions of this chapter shall be liable to any plaintiff based on the actions or omissions of any other entity or person who is not an employee of such individual or entity whose liability is limited by the provisions of this chapter.

Such limitation shall apply to all claims for contribution.

[3.] **4.** In any action against a health care provider for damages for personal injury or death arising out of the rendering of or the failure to render health care services, where the trier of fact is a jury, such jury shall not be instructed by the court with respect to the limitation on an award of noneconomic damages, nor shall counsel for any party or any person providing testimony during such proceeding in any way inform the jury or potential jurors of such limitation.

[4.] **5.** For purposes of sections 538.205 to 538.230, any spouse claiming damages for loss of consortium of their spouse shall be considered to be the same plaintiff as their spouse.

[5.] **6.** Any provision of law or court rule to the contrary notwithstanding, an award of punitive damages against a health care provider governed by the provisions of sections 538.205 to 538.230 shall be made only upon a showing by a plaintiff that the health care provider demonstrated willful, wanton or malicious misconduct with respect to his actions which are found to have injured or caused or contributed to cause the damages claimed in the petition.

[6.] **7.** For purposes of sections 538.205 to 538.230, all individuals and entities asserting a claim for a wrongful death under section 537.080 shall be considered to be one plaintiff.

8. The limitations on awards for noneconomic damages provided for in this section shall be increased by one and seven-tenths percent on an annual basis effective January first of each year. The current value of the limitation shall be calculated by the director of the department of insurance, who shall furnish that value to the secretary of state, who shall publish such value in the Missouri Register on the first business day following January first, but the value shall otherwise be exempt from the provisions of section 536.021.

9. In any claim for damages under this chapter, and upon post-trial motion following a jury verdict with noneconomic damages exceeding four hundred thousand dollars, the trial court shall determine whether the limitation in subsection 2 of this section shall apply based on the severity of the most severe injuries.

10. If a court of competent jurisdiction enters a final judgment on the merits that is not subject to appeal and that declares any provision or part of either section 1.010 or this section to be unconstitutional or unenforceable, then section 1.010 and this section, as amended by this act and in their entirety, are invalid and shall have no legal effect as of the date of such judgment, and this act, including its repealing clause, shall likewise be invalid and of no legal effect. In such event, the versions of sections 1.010 and this section that were in effect prior to the enactment of this act shall remain in force.

Approved May 7, 2015

SB 244 [HCS SB 244]

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

Creates the Senior Savings Protection Act

AN ACT to amend chapter 409, RSMo, by adding thereto seven new sections relating to the financial exploitation of certain elderly and disabled individuals.

SECTION

A. Enacting clause.
409.600. Citation of law.
409.605. Definitions.
409.610. Notification of agencies and family members.
409.615. Refusal of request for disbursement, when — expiration.
409.620. Immunity from liability, when.
409.625. Records, provided to agencies or law enforcement, when.
409.630. Website for training resources to prevent and detect financial exploitation.

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

SECTION A. ENACTING CLAUSE. — Chapter 409, RSMo, is amended by adding thereto seven new sections, to be known as sections 409.600, 409.605, 409.610, 409.615, 409.620, 409.625, and 409.630, to read as follows:

409.600. CITATION OF LAW. — Sections 409.600 to 409.630 may be cited as the "Senior Savings Protection Act".

409.605. DEFINITIONS. — As used in sections 409.600 to 409.630, the following terms shall mean:

(1) "Agencies", the department of health and senior services and the commissioner of securities;

(2) "Agent", shall have the same meaning as in section 409.1-102;

(3) "Broker-dealer", shall have the same meaning as in section 409.1-102;

(4) "Financial exploitation", the wrongful or unauthorized taking, withholding, appropriation, or use of money, real property, or personal property of a qualified adult;

(5) "Immediate family member", a spouse, child, parent, or sibling of a qualified adult;

(6) "Qualified adult":

(a) A person sixty years of age or older; or

(b) A person who:

a. Has a disability as defined in section 192.2005; and

b. Is between the ages of eighteen and fifty-nine.

(7) "Qualified individual", a person associated with a broker-dealer who serves in a supervisory, compliance, or legal capacity as part of his or her job.

409.610. NOTIFICATION OF AGENCIES AND FAMILY MEMBERS. — If a qualified individual reasonably believes that financial exploitation of a qualified adult has occurred, has been attempted, or is being attempted, the qualified individual may notify the agencies. Subsequent to notifying the agencies, an agent or qualified individual may notify an immediate family member, legal guardian, conservator, co- trustee, successor trustee, or agent under a power of attorney of the qualified adult of such belief.

409.615. REFUSAL OF REQUEST FOR DISBURSEMENT, WHEN — EXPIRATION. — 1. A qualified individual may refuse a request for disbursement from the account of a qualified adult, or an account on which a qualified adult is a beneficiary or beneficial owner, if:

(1) The qualified individual reasonably believes that the requested disbursement will result in financial exploitation of the qualified adult; and

(2) The broker-dealer or qualified individual:

(a) Within two business days makes a reasonable effort to notify all parties authorized to transact business on the account orally or in writing, unless such parties are reasonably believed to have engaged in suspected or attempted financial exploitation of the qualified adult; and

(b) Within three business days notifies the agencies.

2. Any refusal of a disbursement as authorized by this section shall expire upon the sooner of:

(1) The time when the broker-dealer or qualified individual reasonably believes that the disbursement will not result in financial exploitation of the qualified adult; or

(2) Ten business days after the initial refusal of disbursement by the qualified individual.

3. A court of competent jurisdiction may enter an order extending the refusal of a disbursement or any other protective relief.

409.620. IMMUNITY FROM LIABILITY, WHEN. — Notwithstanding any other provision of law to the contrary, a broker-dealer, agent, or qualified individual who, in good faith and exercising reasonable care, complies with sections 409.610 or 409.615 shall be immune from any civil liability under those sections.

409.625. RECORDS, PROVIDED TO AGENCIES OR LAW ENFORCEMENT, WHEN. — A broker-dealer may provide access to or copies of records that are relevant to the suspected financial exploitation of a qualified adult to the agencies or law enforcement. The records may include historical records or records relating to the most recent disbursement as well as disbursements that comprise the suspected financial exploitation of a qualified adult. All records made available to the agencies under this section shall not be considered a public record as defined under chapter 610.

409.630. WEBSITE FOR TRAINING RESOURCES TO PREVENT AND DETECT FINANCIAL EXPLOITATION. — No later than September 1, 2016, the commissioner of securities shall develop and make available a website that includes training resources to assist broker-dealers and agents in the prevention and detection of financial exploitation of qualified adults. Such resources shall include, at a minimum, indicators of financial exploitation of qualified adults and potential steps broker-dealers and agents may take to prevent suspected financial exploitation of qualified adults as authorized by law.

Approved June 12, 2015

SB 254 [CCS#2 HCS SB 254]

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

Modifies provisions relating to motor vehicle license plates

AN ACT to repeal sections 301.130, 301.142, 301.196, 301.3097, 302.010, 302.525, 302.574, 478.007, 577.013, and 577.014, RSMo, section 302.060 as enacted by senate bill no. 491,

ninety-seventh general assembly, second regular session, section 302.304 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 302.309 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 577.001 as enacted by house bill no. 1371, ninety-seventh general assembly, second regular session, section 577.010 as enacted by house bill no. 1371, ninety-seventh general assembly, second regular session, and section 577.012 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and to enact in lieu thereof seventeen new sections relating to motor vehicles, with an effective date for certain sections and penalty provisions.

SECTION
A. Enacting clause.
301.130. License plates, required slogan and information — special plates — plates, how displayed — tabs to be used — rulemaking authority, procedure.
301.142. Definitions — plates for disabled and placard for windshield, issued when — physician statements, requirements — death of disabled person, effect — lost or stolen placard, replacement of, fee — recertification and review by director, when — penalties for certain fraudulent acts.
301.196. Transferors of interest in motor vehicles or trailers, notice to revenue, when, form — exceptions.
301.474. Korean Defense Service Medal, special license plates, application, fee.
301.3097. God Bless America special license plate, application, fee.
302.010. Definitions. Definitions.
302.060. Beginning January 1, 2017 — License not to be issued to whom, exceptions — reinstatement requirements.
302.304. Beginning January 1, 2017 — Notice of points — suspension or revocation of license, when, duration — reinstatement, condition, point reduction, fee — failure to maintain proof of financial responsibility, effect — point reduction prior to conviction, effect — surrender of license — reinstatement of license when drugs or alcohol involved, assignment recommendation, judicial review — fees for program — supplemental fees.
302.309. Beginning January 1, 2017 — Return of license, when — limited driving privilege, when granted, application, when denied — judicial review of denial by director of revenue — rulemaking.
302.525. Suspension or revocation, when effective, duration — restricted driving privilege — effect of suspension or revocation by court on charges arising out of same occurrence — revocation due to alcohol-related offenses, requirements. Suspension or revocation, when effective, duration — restricted driving privilege — effect of suspension or revocation by court on charges arising out of same occurrence — revocation due to alcohol-related offenses, requirements.
302.574. Beginning January 1, 2017 — Temporary permit issued by officer, when — report required, contents — revocation of license, procedure — reinstatement, when — fees — proof of interlock device, when — violations, penalty.
478.007. DWI, alternative disposition of cases, docket or court may be established — private probation services, when (Jackson County).
577.001. Beginning January 1, 2017 — Chapter definitions.
577.010. Beginning January 1, 2017 — Driving while intoxicated — sentencing restrictions.
577.012. Beginning January 1, 2017 — Driving with excessive blood alcohol content — sentencing restrictions.
577.013. Beginning January 1, 2017 — Boating while intoxicated — sentencing restrictions.
577.014. Beginning January 1, 2017 — Boating with excessive blood alcohol content — penalties — sentencing restrictions.
B. Emergency clause .

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

SECTION A. ENACTING CLAUSE. — Sections 301.130, 301.142, 301.196, 301.3097, 302.010, 302.525, 302.574, 478.007, 577.013, and 577.014, RSMo, section 302.060 as enacted by senate bill no. 491, ninety- seventh general assembly, second regular session, section 302.304 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 302.309 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 577.001 as enacted by house bill no. 1371, ninety-seventh general assembly, second regular session, section 577.010 as enacted by house bill no. 1371, ninety-seventh general assembly, second regular session, and section 577.012 as enacted by senate bill no. 491, ninety- seventh general assembly, second regular session, are repealed and seventeen new sections enacted in lieu thereof, to be known as sections 301.130, 301.142, 301.196,

301.474, 301.3097, 302.010, 302.060, 302.304, 302.309, 302.525, 302.574, 478.007, 577.001, 577.010, 577.012, 577.013, and 577.014, to read as follows:

301.130. LICENSE PLATES, REQUIRED SLOGAN AND INFORMATION — SPECIAL PLATES — PLATES, HOW DISPLAYED — TABS TO BE USED — RULEMAKING AUTHORITY, PROCEDURE. — 1. The director of revenue, upon receipt of a proper application for registration, required fees and any other information which may be required by law, shall issue to the applicant a certificate of registration in such manner and form as the director of revenue may prescribe and a set of license plates, or other evidence of registration, as provided by this section. Each set of license plates shall bear the name or abbreviated name of this state, the words "SHOW-ME STATE", the month and year in which the registration shall expire, and an arrangement of numbers or letters, or both, as shall be assigned from year to year by the director of revenue. The plates shall also contain fully reflective material with a common color scheme and design for each type of license plate issued pursuant to this chapter. The plates shall be clearly visible at night, and shall be aesthetically attractive. Special plates for qualified disabled veterans will have the "DISABLED VETERAN" wording on the license plates in preference to the words "SHOW- ME STATE" and special plates for members of the National Guard will have the "NATIONAL GUARD" wording in preference to the words "SHOW-ME STATE".

2. The arrangement of letters and numbers of license plates shall be uniform throughout each classification of registration. The director may provide for the arrangement of the numbers in groups or otherwise, and for other distinguishing marks on the plates.

3. All property-carrying commercial motor vehicles to be registered at a gross weight in excess of twelve thousand pounds, all passenger-carrying commercial motor vehicles, local transit buses, school buses, trailers, semitrailers, motorcycles, motortricycles, motorscooters and driveaway vehicles shall be registered with the director of revenue as provided for in subsection 3 of section 301.030, or with the state highways and transportation commission as otherwise provided in this chapter, but only one license plate shall be issued for each such vehicle, except as provided in this subsection. The applicant for registration of any property- carrying commercial vehicle registered at a gross weight in excess of twelve thousand pounds may request and be issued two license plates for such vehicle, and if such plates are issued, the director of revenue shall provide for distinguishing marks on the plates indicating one plate is for the front and the other is for the rear of such vehicle. The director may assess and collect an additional charge from the applicant in an amount not to exceed the fee prescribed for personalized license plates in subsection 1 of section 301.144.

4. The plates issued to manufacturers and dealers shall bear the letters and numbers as prescribed by section 301.560, and the director may place upon the plates other letters or marks to distinguish commercial motor vehicles and trailers and other types of motor vehicles.

5. No motor vehicle or trailer shall be operated on any highway of this state unless it shall have displayed thereon the license plate or set of license plates issued by the director of revenue or the state highways and transportation commission and authorized by section 301.140. Each such plate shall be securely fastened to the motor vehicle or trailer in a manner so that all parts thereof shall be plainly visible and reasonably clean so that the reflective qualities thereof are not impaired. Each such plate may be encased in a transparent cover so long as the plate is plainly visible and its reflective qualities are not impaired. License plates shall be fastened to all motor vehicles except trucks, tractors, truck tractors or truck- tractors licensed in excess of twelve thousand pounds on the front and rear of such vehicles not less than eight nor more than forty-eight inches above the ground, with the letters and numbers thereon right side up. The license plates on trailers, motorcycles, motortricycles and motorscooters shall be displayed on the rear of such vehicles **either horizontally or vertically**, with the letters and numbers **[**thereon right side up**]** **plainly visible**. The license plate on buses, other than school buses, and on trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand pounds shall be displayed on the front of such vehicles not less than eight nor more than forty-eight inches above

the ground, with the letters and numbers thereon right side up or if two plates are issued for the vehicle pursuant to subsection 3 of this section, displayed in the same manner on the front and rear of such vehicles. The license plate or plates authorized by section 301.140, when properly attached, shall be prima facie evidence that the required fees have been paid.

6. (1) The director of revenue shall issue annually or biennially a tab or set of tabs as provided by law as evidence of the annual payment of registration fees and the current registration of a vehicle in lieu of the set of plates. Beginning January 1, 2010, the director may prescribe any additional information recorded on the tab or tabs to ensure that the tab or tabs positively correlate with the license plate or plates issued by the department of revenue for such vehicle. Such tabs shall be produced in each license bureau office.

(2) The vehicle owner to whom a tab or set of tabs is issued shall affix and display such tab or tabs in the designated area of the license plate, no more than one per plate.

(3) A tab or set of tabs issued by the director of revenue when attached to a vehicle in the prescribed manner shall be prima facie evidence that the registration fee for such vehicle has been paid.

(4) Except as otherwise provided in this section, the director of revenue shall issue plates for a period of at least six years.

(5) For those commercial motor vehicles and trailers registered pursuant to section 301.041, the plate issued by the highways and transportation commission shall be a permanent nonexpiring license plate for which no tabs shall be issued. Nothing in this section shall relieve the owner of any vehicle permanently registered pursuant to this section from the obligation to pay the annual registration fee due for the vehicle. The permanent nonexpiring license plate shall be returned to the highways and transportation commission upon the sale or disposal of the vehicle by the owner to whom the permanent nonexpiring license plate is issued, or the plate may be transferred to a replacement commercial motor vehicle when the owner files a supplemental application with the Missouri highways and transportation commission for the registration of such replacement commercial motor vehicle. Upon payment of the annual registration fee, the highways and transportation commission shall issue a certificate of registration or other suitable evidence of payment of the annual fee, and such evidence of payment shall be carried at all times in the vehicle for which it is issued.

(6) Upon the sale or disposal of any vehicle permanently registered under this section, or upon the termination of a lease of any such vehicle, the permanent nonexpiring plate issued for such vehicle shall be returned to the highways and transportation commission and shall not be valid for operation of such vehicle, or the plate may be transferred to a replacement vehicle when the owner files a supplemental application with the Missouri highways and transportation commission for the registration of such replacement vehicle. If a vehicle which is permanently registered under this section is sold, wrecked or otherwise disposed of, or the lease terminated, the registrant shall be given credit for any unused portion of the annual registration fee when the vehicle is replaced by the purchase or lease of another vehicle during the registration year.

7. The director of revenue and the highways and transportation commission may prescribe rules and regulations for the effective administration of this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

8. Notwithstanding the provisions of any other law to the contrary, owners of motor vehicles other than apportioned motor vehicles or commercial motor vehicles licensed in excess of eighteen thousand pounds gross weight may apply for special personalized license plates. Vehicles licensed for eighteen thousand pounds that display special personalized license plates shall be subject to the provisions of subsections 1 and 2 of section 301.030.

9. No later than January 1, 2009, the director of revenue shall commence the reissuance of new license plates of such design as directed by the director consistent with the terms, conditions, and provisions of this section and this chapter. Except as otherwise provided in this section, in addition to all other fees required by law, applicants for registration of vehicles with license plates

that expire during the period of reissuance, applicants for registration of trailers or semitrailers with license plates that expire during the period of reissuance and applicants for registration of vehicles that are to be issued new license plates during the period of reissuance shall pay the cost of the plates required by this subsection. The additional cost prescribed in this subsection shall not be charged to persons receiving special license plates issued under section 301.073 or 301.443. Historic motor vehicle license plates registered pursuant to section 301.131 and specialized license plates are exempt from the provisions of this subsection. Except for new, replacement, and transfer applications, permanent nonexpiring license plates issued to commercial motor vehicles and trailers registered under section 301.041 are exempt from the provisions of this subsection.

301.142. DEFINITIONS — PLATES FOR DISABLED AND PLACARD FOR WINDSHIELD, ISSUED WHEN — PHYSICIAN STATEMENTS, REQUIREMENTS — DEATH OF DISABLED PERSON, EFFECT — LOST OR STOLEN PLACARD, REPLACEMENT OF, FEE — RECERTIFICATION AND REVIEW BY DIRECTOR, WHEN — PENALTIES FOR CERTAIN FRAUDULENT ACTS. — 1. As used in sections 301.141 to 301.143, the following terms mean:

(1) "Department", the department of revenue;

(2) "Director", the director of the department of revenue;

(3) "Other authorized health care practitioner" includes advanced practice registered nurses licensed pursuant to chapter 335, physician assistants licensed pursuant to chapter 334, chiropractors licensed pursuant to chapter 331, podiatrists licensed pursuant to chapter 330, **assistant physicians, physical therapists licensed pursuant to chapter 334,** and optometrists licensed pursuant to chapter 336;

(4) "Physically disabled", a natural person who is blind, as defined in section 8.700, or a natural person with medical disabilities which prohibits, limits, or severely impairs one's ability to ambulate or walk, as determined by a licensed physician or other authorized health care practitioner as follows:

(a) The person cannot ambulate or walk fifty or less feet without stopping to rest due to a severe and disabling arthritic, neurological, orthopedic condition, or other severe and disabling condition; or

(b) The person cannot ambulate or walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or

(c) Is restricted by a respiratory or other disease to such an extent that the person's forced respiratory expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest; or

(d) Uses portable oxygen; or

(e) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American Heart Association; or

(f) A person's age, in and of itself, shall not be a factor in determining whether such person is physically disabled or is otherwise entitled to disabled license plates and/or disabled windshield hanging placards within the meaning of sections 301.141 to 301.143;

(5) "Physician", a person licensed to practice medicine pursuant to chapter 334;

(6) "Physician's statement", a statement personally signed by a duly authorized person which certifies that a person is disabled as defined in this section;

(7) "Temporarily disabled person", a disabled person as defined in this section whose disability or incapacity is expected to last no more than one hundred eighty days;

(8) "Temporary windshield placard", a placard to be issued to persons who are temporarily disabled persons as defined in this section, certification of which shall be indicated on the physician's statement;

(9) "Windshield placard", a placard to be issued to persons who are physically disabled as defined in this section, certification of which shall be indicated on the physician's statement.

2. Other authorized health care practitioners may furnish to a disabled or temporarily disabled person a physician's statement for only those physical health care conditions for which such health care practitioner is legally authorized to diagnose and treat.

3. A physician's statement shall:

(1) Be on a form prescribed by the director of revenue;

(2) Set forth the specific diagnosis and medical condition which renders the person physically disabled or temporarily disabled as defined in this section;

(3) Include the physician's or other authorized health care practitioner's license number; and

(4) Be personally signed by the issuing physician or other authorized health care practitioner.

4. If it is the professional opinion of the physician or other authorized health care practitioner issuing the statement that the physical disability of the applicant, user, or member of the applicant's household is permanent, it shall be noted on the statement. Otherwise, the physician or other authorized health care practitioner shall note on the statement the anticipated length of the disability which period may not exceed one hundred eighty days. If the physician or health care practitioner fails to record an expiration date on the physician's statement, the director shall issue a temporary windshield placard for a period of thirty days.

5. A physician or other authorized health care practitioner who issues or signs a physician's statement so that disabled plates or a disabled windshield placard may be obtained shall maintain in such disabled person's medical chart documentation that such a certificate has been issued, the date the statement was signed, the diagnosis or condition which existed that qualified the person as disabled pursuant to this section and shall contain sufficient documentation so as to objectively confirm that such condition exists.

6. The medical or other records of the physician or other authorized health care practitioner who issued a physician's statement shall be open to inspection and review by such practitioner's licensing board, in order to verify compliance with this section. Information contained within such records shall be confidential unless required for prosecution, disciplinary purposes, or otherwise required to be disclosed by law.

7. Owners of motor vehicles who are residents of the state of Missouri, and who are physically disabled, owners of motor vehicles operated at least fifty percent of the time by a physically disabled person, or owners of motor vehicles used to primarily transport physically disabled members of the owner's household may obtain disabled person license plates. Such owners, upon application, accompanied by the documents and fees provided for in this section, a current physician's statement which has been issued within ninety days proceeding the date the application is made and proof of compliance with the state motor vehicle laws relating to registration and licensing of motor vehicles, shall be issued motor vehicle license plates for vehicles, other than commercial vehicles with a gross weight in excess of twenty-four thousand pounds, upon which shall be inscribed the international wheelchair accessibility symbol and the word "DISABLED" in addition to a combination of letters and numbers. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

8. The director shall further issue, upon request, to such applicant one, and for good cause shown, as the director may define by rule and regulations, not more than two, removable disabled windshield hanging placards for use when the disabled person is occupying a vehicle or when a vehicle not bearing the permanent handicap plate is being used to pick up, deliver, or collect the physically disabled person issued the disabled motor vehicle license plate or disabled windshield hanging placard.

9. No additional fee shall be paid to the director for the issuance of the special license plates provided in this section, except for special personalized license plates and other license plates described in this subsection. Priority for any specific set of special license plates shall be given to the applicant who received the number in the immediately preceding license period subject to the applicant's compliance with the provisions of this section and any applicable rules or

regulations issued by the director. If determined feasible by the advisory committee established in section 301.129, any special license plate issued pursuant to this section may be adapted to also include the international wheelchair accessibility symbol and the word "DISABLED" as prescribed in this section and such plate may be issued to any applicant who meets the requirements of this section and the other appropriate provision of this chapter, subject to the requirements and fees of the appropriate provision of this chapter.

10. Any physically disabled person, or the parent or guardian of any such person, or any not-for-profit group, organization, or other entity which transports more than one physically disabled person, may apply to the director of revenue for a removable windshield placard. The placard may be used in motor vehicles which do not bear the permanent handicap symbol on the license plate. Such placards must be hung from the front, middle rearview mirror of a parked motor vehicle and may not be hung from the mirror during operation. These placards may only be used during the period of time when the vehicle is being used by a disabled person, or when the vehicle is being used to pick up, deliver, or collect a disabled person. When there is no rearview mirror, the placard shall be displayed on the dashboard on the driver's side.

11. The removable windshield placard shall conform to the specifications, in respect to size, color, and content, as set forth in federal regulations published by the Department of Transportation. The removable windshield placard shall be renewed every four years. The director may stagger the expiration dates to equalize workload. Only one removable placard may be issued to an applicant who has been issued disabled person license plates. Upon request, one additional windshield placard may be issued to an applicant who has not been issued disabled person license plates.

12. A temporary windshield placard shall be issued to any physically disabled person, or the parent or guardian of any such person who otherwise qualifies except that the physical disability, in the opinion of the physician, is not expected to exceed a period of one hundred eighty days. The temporary windshield placard shall conform to the specifications, in respect to size, color, and content, as set forth in federal regulations published by the Department of Transportation. The fee for the temporary windshield placard shall be two dollars. Upon request, and for good cause shown, one additional temporary windshield placard may be issued to an applicant. Temporary windshield placards shall be issued upon presentation of the physician's statement provided by this section and shall be displayed in the same manner as removable windshield placards. A person or entity shall be qualified to possess and display a temporary removable windshield placard for six months and the placard may be renewed once for an additional six months if a physician's statement pursuant to this section is supplied to the director of revenue at the time of renewal.

13. Application for license plates or windshield placards issued pursuant to this section shall be made to the director of revenue and shall be accompanied by a statement signed by a licensed physician or other authorized health care practitioner which certifies that the applicant, user, or member of the applicant's household is a physically disabled person as defined by this section.

14. The placard shall be renewable only by the person or entity to which the placard was originally issued. Any placard issued pursuant to this section shall only be used when the physically disabled occupant for whom the disabled plate or placard was issued is in the motor vehicle at the time of parking or when a physically disabled person is being delivered or collected. A disabled license plate and/or a removable windshield hanging placard are not transferable and may not be used by any other person whether disabled or not.

15. At the time the disabled plates or windshield hanging placards are issued, the director shall issue a registration certificate which shall include the applicant's name, address, and other identifying information as prescribed by the director, or if issued to an agency, such agency's name and address. This certificate shall further contain the disabled license plate number or, for windshield hanging placards, the registration or identifying number stamped on the placard. The validated registration receipt given to the applicant shall serve as the registration certificate.

16. The director shall, upon issuing any disabled registration certificate for license plates and/or windshield hanging placards, provide information which explains that such plates or windshield hanging placards are nontransferable, and the restrictions explaining who and when a person or vehicle which bears or has the disabled plates or windshield hanging placards may be used or be parked in a disabled reserved parking space, and the penalties prescribed for violations of the provisions of this act.

17. Every new applicant for a disabled license plate or placard shall be required to present a new physician's statement dated no more than ninety days prior to such application. Renewal applicants will be required to submit a physician's statement dated no more than ninety days prior to such application upon their first renewal occurring on or after August 1, 2005. Upon completing subsequent renewal applications, a physician's statement dated no more than ninety days prior to such application shall be required every fourth year. Such physician's statement shall state the expiration date for the temporary windshield placard. If the physician fails to record an expiration date on the physician's statement, the director shall issue the temporary windshield placard for a period of thirty days. The director may stagger the requirement of a physician's statement on all renewals for the initial implementation of a four-year period.

18. The director of revenue upon receiving a physician's statement pursuant to this subsection shall check with the state board of registration for the healing arts created in section 334.120, or the Missouri state board of nursing established in section 335.021, with respect to physician's statements signed by advanced practice registered nurses, or the Missouri state board of chiropractic examiners established in section 331.090, with respect to physician's statements signed by licensed chiropractors, or with the board of optometry established in section 336.130, with respect to physician's statements signed by licensed optometrists, or the state board of podiatric medicine created in section 330.100, with respect to physician's statements signed by physicians of the foot or podiatrists to determine whether the physician is duly licensed and registered pursuant to law. If such applicant obtaining a disabled license plate or placard presents proof of disability in the form of a statement from the United States Veterans' Administration verifying that the person is permanently disabled, the applicant shall be exempt from the four-year certification requirement of this subsection for renewal of the plate or placard. Initial applications shall be accompanied by the physician's statement required by this section. Notwithstanding the provisions of paragraph (f) of subdivision (4) of subsection 1 of this section, any person seventy-five years of age or older who provided the physician's statement with the original application shall not be required to provide a physician's statement for the purpose of renewal of disabled persons license plates or windshield placards.

19. The boards shall cooperate with the director and shall supply information requested pursuant to this subsection. The director shall, in cooperation with the boards which shall assist the director, establish a list of all Missouri physicians and other authorized health care practitioners and of any other information necessary to administer this section.

20. Where the owner's application is based on the fact that the vehicle is used at least fifty percent of the time by a physically disabled person, the applicant shall submit a statement stating this fact, in addition to the physician's statement. The statement shall be signed by both the owner of the vehicle and the physically disabled person. The applicant shall be required to submit this statement with each application for license plates. No person shall willingly or knowingly submit a false statement and any such false statement shall be considered perjury and may be punishable pursuant to section 301.420.

21. The director of revenue shall retain all physicians' statements and all other documents received in connection with a person's application for disabled license plates and/or disabled windshield placards.

22. The director of revenue shall enter into reciprocity agreements with other states or the federal government for the purpose of recognizing disabled person license plates or windshield placards issued to physically disabled persons.

23. When a person to whom disabled person license plates or a removable or temporary windshield placard or both have been issued dies, the personal representative of the decedent or such other person who may come into or otherwise take possession of the disabled license plates or disabled windshield placard shall return the same to the director of revenue under penalty of law. Failure to return such plates or placards shall constitute a class B misdemeanor.

24. The director of revenue may order any person issued disabled person license plates or windshield placards to submit to an examination by a chiropractor, osteopath, or physician, or to such other investigation as will determine whether such person qualifies for the special plates or placards.

25. If such person refuses to submit or is found to no longer qualify for special plates or placards provided for in this section, the director of revenue shall collect the special plates or placards, and shall furnish license plates to replace the ones collected as provided by this chapter.

26. In the event a removable or temporary windshield placard is lost, stolen, or mutilated, the lawful holder thereof shall, within five days, file with the director of revenue an application and an affidavit stating such fact, in order to purchase a new placard. The fee for the replacement windshield placard shall be four dollars.

27. Fraudulent application, renewal, issuance, procurement or use of disabled person license plates or windshield placards shall be a class A misdemeanor. It is a class B misdemeanor for a physician, chiropractor, podiatrist or optometrist to certify that an individual or family member is qualified for a license plate or windshield placard based on a disability, the diagnosis of which is outside their scope of practice or if there is no basis for the diagnosis.

301.196. TRANSFERORS OF INTEREST IN MOTOR VEHICLES OR TRAILERS, NOTICE TO REVENUE, WHEN, FORM — EXCEPTIONS. — 1. Beginning January 1, 2006, except as otherwise provided in this section, the transferor of an interest in a motor vehicle or trailer listed on the face of a Missouri title, excluding salvage titles and junking certificates, shall notify the department of revenue of the transfer within thirty days of the date of transfer. The notice shall be in a form determined by the department by rule and shall contain:

(1) **The name of the transferor;**

(2) A description of the motor vehicle or trailer sufficient to identify it;

[(2)**]** **(3)** The vehicle identification number of the motor vehicle or trailer;

[(3)**]** **(4)** The name and address of the transferee;

[(4)**]** **(5)** The date of birth of the transferee, unless the transferee is not a natural person;

[(5)**]** **(6)** The date of the transfer or sale;

[(6)**]** **(7)** The purchase price of the motor vehicle or trailer, if applicable;

[(7)**]** **(8)** The number of the transferee's drivers license, unless the transferee does not have a drivers license;

[(8) The printed name and signature**]** **(9) The transferor's electronic signature if transmitted electronically or the signatures** of the transferee **and transferor if not submitted electronically. For the purposes of this section, "transmitted electronically" shall have the same meaning as an electronic signature as defined in section 432.205**;

[(9)**]** **(10)** Any other information required by the department by rule.

2. **A notice of sale substantially complying with the requirements of this section is effective even though it contains minor errors which are not materially misleading.**

3. For purposes of giving notice under this section, if the transfer occurs by operation of law, the personal representative, receiver, trustee, sheriff, or other representative or successor in interest of the person whose interest is transferred shall be considered the transferor. Repossession by a creditor shall not be considered a transfer of ownership requiring such notice.

[3.**]** **4.** The requirements of this section shall not apply to transfers when there is no complete change of ownership interest or upon award of ownership of a motor vehicle or trailer made by court order, or transfers of ownership of a motor vehicle or trailer to or between vehicle

dealers, or transfers of ownership of a motor vehicle or trailer to an insurance company due to a theft or casualty loss, or transfers of beneficial ownership of a motor vehicle owned by a trust.

[4.] **5.** Notification under this section is only required for transfers of ownership that would otherwise require registration and an application for certificate of title in this state under section 301.190, and is for informational purposes only and does not constitute an assignment or release of any interest in the vehicle.

[5.] **6.** Retail sales made by licensed dealers including sales of new vehicles shall be reported pursuant to the provisions of section 301.280.

301.474. KOREAN DEFENSE SERVICE MEDAL, SPECIAL LICENSE PLATES, APPLICATION, FEE. — 1. Any person who has been awarded the military service award known as the "Korea Defense Service Medal" may apply for special motor vehicle license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.

2. Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof as a recipient of the Korea Defense Service Medal as the director may require.

3. Upon presentation of such proof of eligibility, payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law the director of revenue shall issue to the vehicle owner a special personalized license plate which shall bear the words "KOREA DEFENSE SERVICE MEDAL" at the bottom of the plate in a manner prescribed by the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive as prescribed by section 301.130.

4. Such plates shall also bear an image of the Korea Defense Service Medal.

5. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued under this section.

6. There shall be no limit on the number of license plates any person qualified under this section may obtain so long as each set of license plates issued under this section is issued for vehicles owned solely or jointly by such person.

7. License plates issued under the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person.

8. The director may consult with any organization which represents the interests of persons receiving the Korea Defense Service Medal when formulating the design for the special license plates described in this section.

9. The director shall make all necessary rules and regulations for the administration of this section and shall design all necessary forms required by 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 under 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, 2015, shall be invalid and void.

301.3097. GOD BLESS AMERICA SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Any vehicle owner may apply for "God Bless America" license plates for any motor vehicle the

person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. Upon making a ten dollar contribution to the World War **[II] I** memorial **trust** fund the vehicle owner may apply for the "God Bless America" plate. If the contribution is made directly to the Missouri veterans' commission they shall issue the individual making the contribution a receipt, verifying the contribution, that may be used to apply for the "God Bless America" license plate. If the contribution is made directly to the director of revenue pursuant to section 301.3031, the director shall note the contribution and the owner may then apply for the "God Bless America" plate. The applicant for such plate must pay a fifteen dollar fee in addition to the regular registration fees and present any other documentation required by law for each set of "God Bless America" plates issued pursuant to this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. The "God Bless America" plate shall bear the emblem of the American flag in a form prescribed by the director of revenue and shall have the words "GOD BLESS AMERICA" in place of the words "SHOW-ME-STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

2. The director of revenue may promulgate rules and regulations for the administration 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, 2002, shall be invalid and void.

302.010. Definitions. Definitions. — Except where otherwise provided, when used in this chapter, the following words and phrases mean:

(1) "Circuit court", each circuit court in the state;

(2) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying freight and merchandise, or more than fifteen passengers;

(3) "Conviction", any final conviction; also a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction, except that when any conviction as a result of which points are assessed pursuant to section 302.302 is appealed, the term "conviction" means the original judgment of conviction for the purpose of determining the assessment of points, and the date of final judgment affirming the conviction shall be the date determining the beginning of any license suspension or revocation pursuant to section 302.304;

(4) "Criminal history check", a search of criminal records, including criminal history record information as defined in section 43.500, maintained by the Missouri state highway patrol in the Missouri criminal records repository or by the Federal Bureau of Investigation as part of its criminal history records, including, but not limited to, any record of conviction, plea of guilty or nolo contendre, or finding of guilty in any state for any offense related to alcohol, controlled substances, or drugs;

(5) "Director", the director of revenue acting directly or through the director's authorized officers and agents;

(6) "Farm tractor", every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry;

(7) "Highway", any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways, or alleys in any municipality;

(8) "Incompetent to drive a motor vehicle", a person who has become physically incapable of meeting the prescribed requirements of an examination for an operator's license, or who has

been adjudged by a probate division of the circuit court in a capacity hearing of being incapacitated;

(9) "License", a license issued by a state to a person which authorizes a person to operate a motor vehicle;

(10) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks except motorized bicycles, as defined in section 307.180;

(11) "Motorcycle", a motor vehicle operated on two wheels; however, this definition shall not include motorized bicycles as defined in section 301.010;

(12) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle operated with any conveyance, temporary or otherwise, requiring the use of a third wheel;

(13) "Moving violation", that character of traffic violation where at the time of violation the motor vehicle involved is in motion, except that the term does not include the driving of a motor vehicle without a valid motor vehicle registration license, or violations of sections 304.170 to 304.240, inclusive, relating to sizes and weights of vehicles;

(14) "Municipal court", every division of the circuit court having original jurisdiction to try persons for violations of city ordinances;

(15) "Nonresident", every person who is not a resident of this state;

(16) "Operator", every person who is in actual physical control of a motor vehicle upon a highway;

(17) "Owner", a person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of sections 302.010 to 302.540;

(18) "Record" includes, but is not limited to, papers, documents, facsimile information, microphotographic process, electronically generated or electronically recorded information, digitized images, deposited or filed with the department of revenue;

(19) "Residence address", "residence", or "resident address" shall be the location at which a person has been physically present, and that the person regards as home. A residence address is a person's true, fixed, principal, and permanent home, to which a person intends to return and remain, even though currently residing elsewhere;

(20) "Restricted driving privilege", a **sixty-day** driving privilege issued by the director of revenue following a suspension of driving privileges for the limited purpose of driving in connection with the driver's business, occupation, employment, formal program of secondary, postsecondary or higher education, or for an alcohol education or treatment program or certified ignition interlock provider**, or a ninety-day "interlock restricted privilege" issued by the director of revenue for the limited purpose of driving in connection with the driver's business, occupation, employment, seeking medical treatment for such driver or a dependent family member, attending school or other institution of higher education, attending alcohol or drug treatment programs, seeking the required services of a certified ignition interlock provider, fulfilling court obligations, including required appearances and probation and parole obligations, religious services, the care of a child or children, including scheduled visitation or custodial obligations pursuant to a court order, fueling requirements for any vehicle utilized, and seeking basic nutritional requirements**;

(21) "School bus", when used in sections 302.010 to 302.540, means any motor vehicle, either publicly or privately owned, used to transport students to and from school, or to transport pupils properly chaperoned to and from any place within the state for educational purposes. The term "school bus" shall not include a bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interstate transportation of passengers when such bus is not traveling a specific school bus route but is:

(a) On a regularly scheduled route for the transportation of fare-paying passengers; or

(b) Furnishing charter service for the transportation of persons enrolled as students on field trips or other special trips or in connection with other special events;

(22) "School bus operator", an operator who operates a school bus as defined in subdivision (21) of this section in the transportation of any schoolchildren and who receives compensation for such service. The term "school bus operator" shall not include any person who transports schoolchildren as an incident to employment with a school or school district, such as a teacher, coach, administrator, secretary, school nurse, or janitor unless such person is under contract with or employed by a school or school district as a school bus operator;

(23) "Signature", any method determined by the director of revenue for the signing, subscribing or verifying of a record, report, application, driver's license, or other related document that shall have the same validity and consequences as the actual signing by the person providing the record, report, application, driver's license or related document;

(24) "Substance abuse traffic offender program", a program certified by the division of alcohol and drug abuse of the department of mental health to provide education or rehabilitation services pursuant to a professional assessment screening to identify the individual needs of the person who has been referred to the program as the result of an alcohol- or drug-related traffic offense. Successful completion of such a program includes participation in any education or rehabilitation program required to meet the needs identified in the assessment screening. The assignment recommendations based upon such assessment shall be subject to judicial review as provided in subsection 14 of section 302.304 and subsections 1 and 5 of section 302.540;

(25) "Vehicle", any mechanical device on wheels, designed primarily for use, or used on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by handicapped persons.

302.060. BEGINNING JANUARY 1, 2017 — LICENSE NOT TO BE ISSUED TO WHOM, EXCEPTIONS — REINSTATEMENT REQUIREMENTS. — 1. The director shall not issue any license and shall immediately deny any driving privilege:

(1) To any person who is under the age of eighteen years, if such person operates a motor vehicle in the transportation of persons or property as classified in section 302.015;

(2) To any person who is under the age of sixteen years, except as hereinafter provided;

(3) To any person whose license has been suspended, during such suspension, or to any person whose license has been revoked, until the expiration of one year after such license was revoked;

(4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;

(5) To any person who has previously been adjudged to be incapacitated and who at the time of application has not been restored to partial capacity;

(6) To any person who, when required by this law to take an examination, has failed to pass such examination;

(7) To any person who has an unsatisfied judgment against such person, as defined in chapter 303, until such judgment has been satisfied or the financial responsibility of such person, as described in section 303.120, has been established;

(8) To any person whose application shows that the person has been convicted within one year prior to such application of violating the laws of this state relating to failure to stop after an accident and to disclose the person's identity or driving a motor vehicle without the owner's consent;

(9) To any person who has been convicted more than twice of violating state law, or a county or municipal ordinance where the defendant was represented by or waived the right to an attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten years from the date of conviction of the last offense of violating such law or ordinance relating to driving while intoxicated, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits

and conduct since such conviction, including the results of a criminal history check as defined in section 302.010. If the court finds that the petitioner has not been found guilty of, and has no pending charges for any offense related to alcohol, controlled substances or drugs and has no other alcohol-related enforcement contacts as defined in section 302.525 during the preceding ten years and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court shall order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540. No person may obtain a license pursuant to the provisions of this subdivision through court action more than one time;

(10) To any person who has been found guilty of acting with criminal negligence while driving while intoxicated to cause the death of another person, or to any person who has been convicted twice within a five-year period of violating state law, county or municipal ordinance of driving while intoxicated, or any other intoxication-related traffic offense as defined in section 577.001, except that, after the expiration of five years from the date of conviction of the last offense of violating such law or ordinance, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction, including the results of a criminal history check as defined in section 302.010. If the court finds that the petitioner has not been found guilty of, and has no pending charges for any offense related to alcohol, controlled substances, or drugs and has no other alcohol-related enforcement contacts as defined in section 302.525 during the preceding five years, and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court shall order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540;

(11) To any person who is otherwise disqualified pursuant to the provisions of chapter 302, chapter 303, or section 544.046;

(12) To any person who is under the age of eighteen years, if such person's parents or legal guardians file a certified document with the department of revenue stating that the director shall not issue such person a driver's license. Each document filed by the person's parents or legal guardians shall be made upon a form furnished by the director and shall include identifying information of the person for whom the parents or legal guardians are denying the driver's license. The document shall also contain identifying information of the person's parents or legal guardians. The document shall be certified by the parents or legal guardians to be true and correct. This provision shall not apply to any person who is legally emancipated. The parents or legal guardians may later file an additional document with the department of revenue which reinstates the person's ability to receive a driver's license.

2. Any person whose license is reinstated under the provisions of subdivision (9) or (10) of subsection 1 of this section shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock device required for reinstatement under this subsection and for obtaining a limited driving privilege under paragraph (a) or (b) of subdivision (8) of subsection 3 of section 302.309 shall have a photo identification technology feature, and a court may require a global positioning system feature for such device. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device **within the last three months of the six-month period of required installation of the ignition interlock device**, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended **[**for an additional six months**]** **until the person has completed three consecutive**

months with no violations as described in this section. If the person fails to maintain such proof with the director, the license shall be suspended **[**for the remainder of the six-month period or**]** until proof as required by this section is filed with the director. **[**Upon the completion of the six-month period, the license shall be shown as reinstated, if the person is otherwise eligible.**]**

3. Any person who petitions the court for reinstatement of his or her license pursuant to subdivision (9) or (10) of subsection 1 of this section shall make application with the Missouri state highway patrol as provided in section 43.540, and shall submit two sets of fingerprints collected pursuant to standards as determined by the highway patrol. One set of fingerprints shall be used by the highway patrol to search the criminal history repository and the second set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files. At the time of application, the applicant shall supply to the highway patrol the court name and case number for the court where he or she has filed his or her petition for reinstatement. The applicant shall pay the fee for the state criminal history check pursuant to section 43.530 and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history record. The Missouri highway patrol, upon receipt of the results of the criminal history check, shall forward a copy of the results to the circuit court designated by the applicant and to the department. Notwithstanding the provisions of section 610.120, all records related to any criminal history check shall be accessible and available to the director and the court.

302.304. BEGINNING JANUARY 1, 2017 — NOTICE OF POINTS — SUSPENSION OR REVOCATION OF LICENSE, WHEN, DURATION — REINSTATEMENT, CONDITION, POINT REDUCTION, FEE — FAILURE TO MAINTAIN PROOF OF FINANCIAL RESPONSIBILITY, EFFECT — POINT REDUCTION PRIOR TO CONVICTION, EFFECT — SURRENDER OF LICENSE — REINSTATEMENT OF LICENSE WHEN DRUGS OR ALCOHOL INVOLVED, ASSIGNMENT RECOMMENDATION, JUDICIAL REVIEW — FEES FOR PROGRAM — SUPPLEMENTAL FEES. — 1. The director shall notify by ordinary mail any operator of the point value charged against the operator's record when the record shows four or more points have been accumulated in a twelve-month period.

2. In an action to suspend or revoke a license or driving privilege under this section points shall be accumulated on the date of conviction. No case file of any conviction for a driving violation for which points may be assessed pursuant to section 302.302 may be closed until such time as a copy of the record of such conviction is forwarded to the department of revenue.

3. The director shall suspend the license and driving privileges of any person whose driving record shows the driver has accumulated eight points in eighteen months.

4. The license and driving privilege of any person whose license and driving privilege have been suspended under the provisions of sections 302.010 to 302.540 except those persons whose license and driving privilege have been suspended under the provisions of subdivision (8) of subsection 1 of section 302.302 or has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 and who has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, and is otherwise eligible, shall be reinstated as follows:

(1) In the case of an initial suspension, thirty days after the effective date of the suspension;

(2) In the case of a second suspension, sixty days after the effective date of the suspension;

(3) In the case of the third and subsequent suspensions, ninety days after the effective date of the suspension.

Unless proof of financial responsibility is filed with the department of revenue, a suspension shall continue in effect for two years from its effective date.

5. The period of suspension of the driver's license and driving privilege of any person under the provisions of subdivision (8) of subsection 1 of section 302.302 or who has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving privilege as

defined in section 302.010. Upon completion of such period of restricted driving privilege, upon compliance with other requirements of law and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. If a person, otherwise subject to the provisions of this subsection, files proof of installation with the department of revenue that any vehicle operated by such person is equipped with a functioning, certified ignition interlock device, there shall be no period of suspension. However, in lieu of a suspension the person shall instead complete a ninety-day period of restricted driving privilege. If the person fails to maintain such proof of the device with the director of revenue as required, the restricted driving privilege shall be terminated. Upon completion of such ninety-day period of restricted driving privilege, upon compliance with other requirements of law, and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. However, if the monthly monitoring reports during such ninety-day period indicate that the ignition interlock device has registered a confirmed blood alcohol concentration level above the alcohol setpoint established by the department of transportation or such reports indicate that the ignition interlock device has been tampered with or circumvented, then the license and driving privilege of such person shall not be reinstated until the person completes an additional thirty-day period of restricted driving privilege.

6. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, or, if applicable, if the person fails to maintain proof that any vehicle operated is equipped with a functioning, certified ignition interlock device installed pursuant to subsection 5 of this section, the person's driving privilege and license shall be resuspended.

7. The director shall revoke the license and driving privilege of any person when the person's driving record shows such person has accumulated twelve points in twelve months or eighteen points in twenty-four months or twenty-four points in thirty-six months. The revocation period of any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303 and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, except as provided in subsection 2 of section 302.541, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, the person's license and driving privilege shall be rerevoked. Any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 shall, upon receipt of the notice of termination of the revocation from the director, pass the complete driver examination and apply for a new license before again operating a motor vehicle upon the highways of this state.

8. If, prior to conviction for an offense that would require suspension or revocation of a person's license under the provisions of this section, the person's total points accumulated are reduced, pursuant to the provisions of section 302.306, below the number of points required for suspension or revocation pursuant to the provisions of this section, then the person's license shall not be suspended or revoked until the necessary points are again obtained and accumulated.

9. If any person shall neglect or refuse to surrender the person's license, as provided herein, the director shall direct the state highway patrol or any peace or police officer to secure possession thereof and return it to the director.

10. Upon the issuance of a reinstatement or termination notice after a suspension or revocation of any person's license and driving privilege under the provisions of sections 302.010 to 302.540, the accumulated point value shall be reduced to four points, except that the points of any person serving as a member of the Armed Forces of the United States outside the limits of the United States during a period of suspension or revocation shall be reduced to zero upon the date of the reinstatement or termination of notice. It shall be the responsibility of such member of the Armed Forces to submit copies of official orders to the director of revenue to

substantiate such overseas service. Any other provision of sections 302.010 to 302.540 to the contrary notwithstanding, the effective date of the four points remaining on the record upon reinstatement or termination shall be the date of the reinstatement or termination notice.

11. No credit toward reduction of points shall be given during periods of suspension or revocation or any period of driving under a limited driving privilege granted by a court or the director of revenue.

12. Any person or nonresident whose license or privilege to operate a motor vehicle in this state has been suspended or revoked under this or any other law shall, before having the license or privilege to operate a motor vehicle reinstated, pay to the director a reinstatement fee of twenty dollars which shall be in addition to all other fees provided by law.

13. Notwithstanding any other provision of law to the contrary, if after two years from the effective date of any suspension or revocation issued under this chapter, except any suspension or revocation issued under section 302.410, 302.462, or 302.574, the person or nonresident has not paid the reinstatement fee of twenty dollars, the director shall reinstate such license or privilege to operate a motor vehicle in this state. Any person who has had his or her license suspended or revoked under section 302.410, 302.462, or 302.574, shall be required to pay the reinstatement fee.

14. No person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision (8), (9) or (10) of subsection 1 of section 302.302 shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, or a program determined to be comparable by the department of mental health. Assignment recommendations, based upon the needs assessment as described in subdivision (24) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.001 or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

15. The fees for the program authorized in subsection 14 of this section, or a portion thereof to be determined by the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee in an amount to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010 or a program determined to be comparable by the department of mental health. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rate established

pursuant to the provisions of section 32.065, plus three percentage points. The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053.

16. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program.

17. Any person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a conviction for an intoxication-related traffic offense as defined under section 577.001, and who has a prior alcohol-related enforcement contact as defined under section 302.525, shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement of the license. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device **within the last three months of the six-month period of required installation of the ignition interlock device**, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended **[**for an additional six months**] until the person has completed three consecutive months with no violations as described in this section**. If the person fails to maintain such proof with the director, the license shall be resuspended or revoked and the person shall be guilty of a class A misdemeanor.

302.309. BEGINNING JANUARY 1, 2017 — RETURN OF LICENSE, WHEN — LIMITED DRIVING PRIVILEGE, WHEN GRANTED, APPLICATION, WHEN DENIED — JUDICIAL REVIEW OF DENIAL BY DIRECTOR OF REVENUE — RULEMAKING. — 1. Whenever any license is suspended pursuant to sections 302.302 to 302.309, the director of revenue shall return the license to the operator immediately upon the termination of the period of suspension and upon compliance with the requirements of chapter 303.

2. Any operator whose license is revoked pursuant to these sections, upon the termination of the period of revocation, shall apply for a new license in the manner prescribed by law.

3. (1) All circuit courts, the director of revenue, or a commissioner operating under section 478.007 shall have jurisdiction to hear applications and make eligibility determinations granting limited driving privileges, except as provided under subdivision (8) of this subsection. Any application may be made in writing to the director of revenue and the person's reasons for requesting the limited driving privilege shall be made therein.

(2) When any court of record having jurisdiction or the director of revenue finds that an operator is required to operate a motor vehicle in connection with any of the following:

(a) A business, occupation, or employment;

(b) Seeking medical treatment for such operator;

(c) Attending school or other institution of higher education;

(d) Attending alcohol or drug treatment programs;

(e) Seeking the required services of a certified ignition interlock device provider; or

(f) Any other circumstance the court or director finds would create an undue hardship on the operator,

the court or director may grant such limited driving privilege as the circumstances of the case justify if the court or director finds undue hardship would result to the individual, and while so operating a motor vehicle within the restrictions and limitations of the limited driving privilege the driver shall not be guilty of operating a motor vehicle without a valid license.

(3) An operator may make application to the proper court in the county in which such operator resides or in the county in which is located the operator's principal place of business or employment. Any application for a limited driving privilege made to a circuit court shall name the director as a party defendant and shall be served upon the director prior to the grant of any limited privilege, and shall be accompanied by a copy of the applicant's driving record as certified by the director. Any applicant for a limited driving privilege shall have on file with the department of revenue proof of financial responsibility as required by chapter 303. Any application by a person who transports persons or property as classified in section 302.015 may be accompanied by proof of financial responsibility as required by chapter 303, but if proof of financial responsibility does not accompany the application, or if the applicant does not have on file with the department of revenue proof of financial responsibility, the court or the director has discretion to grant the limited driving privilege to the person solely for the purpose of operating a vehicle whose owner has complied with chapter 303 for that vehicle, and the limited driving privilege must state such restriction. When operating such vehicle under such restriction the person shall carry proof that the owner has complied with chapter 303 for that vehicle.

(4) No limited driving privilege shall be issued to any person otherwise eligible under the provisions of **[**paragraph (a) of**]** subdivision (6) of this subsection **[**on a license revocation resulting from a conviction under subdivision (9) of subsection 1 of section 302.302, or**] if such person has** a license denial under paragraph (a) or (b) of subdivision (8) of this subsection**[**, or a license revocation under paragraph (g) of subdivision (6) of this subsection,**] or on a license revocation resulting from a conviction under subdivision (9) of subsection 1 of section 302.302, or a license revocation under subdivision (2) of subsection 2 of section 302.525, or sections 302.574 or 577.041,** until the applicant has filed proof with the department of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of limited driving privilege. The ignition interlock device required for obtaining a limited driving privilege under paragraph (a) or (b) of subdivision (8) of this subsection shall have a photo identification technology feature, and a court may require a global positioning system feature for such device.

(5) The court order or the director's grant of the limited or restricted driving privilege shall indicate the termination date of the privilege, which shall be not later than the end of the period of suspension or revocation. The court order or the director's grant of the limited or restricted driving privilege shall also indicate whether a functioning, certified ignition interlock device is required as a condition of operating a motor vehicle with the limited driving privilege. A copy of any court order shall be sent by the clerk of the court to the director, and a copy shall be given to the driver which shall be carried by the driver whenever such driver operates a motor vehicle. The director of revenue upon granting a limited driving privilege shall give a copy of the limited driving privilege to the applicant. The applicant shall carry a copy of the limited driving privilege while operating a motor vehicle. A conviction which results in the assessment of points pursuant to section 302.302, other than a violation of a municipal stop sign ordinance where no accident is involved, against a driver who is operating a vehicle pursuant to a limited driving privilege terminates the privilege, as of the date the points are assessed to the person's driving record. If the date of arrest is prior to the issuance of the limited driving privilege, the privilege shall not be terminated. Failure of the driver to maintain proof of financial responsibility, as required by chapter 303, or to maintain proof of installation of a functioning, certified ignition interlock device, as applicable, shall terminate the privilege. The director shall notify by ordinary mail the driver whose privilege is so terminated.

(6) Except as provided in subdivision (8) of this subsection, no person is eligible to receive a limited driving privilege whose license at the time of application has been suspended or revoked for the following reasons:

(a) [A conviction of violating the provisions of section 577.010 or 577.012, or any similar provision of any federal or state law, or a municipal or county law where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney in writing, until the person has completed the first thirty days of a suspension or revocation imposed pursuant to this chapter;

(b)] A conviction of any felony in the commission of which a motor vehicle was used **and such conviction occurred within the five year period prior to the date of application. However, any felony conviction for leaving the scene of an accident under section 577.060 shall not render the applicant ineligible for a limited driving privilege under this section**;

[(c)] **(b)** Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5), (6), (7), (8), (9), **or** (10) [or (11)] of subsection 1 of section 302.060; **or**

[(d) Because of operating a motor vehicle under the influence of narcotic drugs, a controlled substance as defined in chapter 195, or having left the scene of an accident as provided in section 577.060;

(e) Due to a revocation for failure to submit to a chemical test pursuant to section 302.574 or due to a refusal to submit to a chemical test in any other state, unless such person has completed the first ninety days of such revocation and files proof of installation with the department of revenue that any vehicle operated by such person is equipped with a functioning, certified ignition interlock device, provided the person is not otherwise ineligible for a limited driving privilege;

(f)] **(c)** Due to a suspension pursuant to **subdivision (8) or (10) of subsection 1 of section 302.302 or** subsection 2 of section 302.525 [and who has not completed the first thirty days of such suspension, provided the person is not otherwise ineligible for a limited driving privilege; or

(g) Due to a revocation pursuant to subsection 2 of section 302.525 if such person has not completed the first forty-five days of such revocation, provided the person is not otherwise ineligible for a limited driving privilege].

(7) No person who possesses a commercial driver's license shall receive a limited driving privilege issued for the purpose of operating a commercial motor vehicle if such person's driving privilege is suspended, revoked, cancelled, denied, or disqualified. Nothing in this section shall prohibit the issuance of a limited driving privilege for the purpose of operating a noncommercial motor vehicle provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege.

(8) (a) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of ten years, as prescribed in subdivision (9) of subsection 1 of section 302.060, to apply for a limited driving privilege pursuant to this subsection. Such person shall present evidence satisfactory to the court or the director that such person's habits and conduct show that the person no longer poses a threat to the public safety of this state. A circuit court shall grant a limited driving privilege to any individual who otherwise is eligible to receive a limited driving privilege, has filed proof of installation of a certified ignition interlock device, and has had no alcohol-related enforcement contacts since the alcohol-related enforcement contact that resulted in the person's license denial.

(b) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege or convicted of acting with criminal negligence while driving while intoxicated to cause the death of another person, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of five years because of two convictions of driving while intoxicated, as prescribed in subdivision (10) of subsection 1 of section 302.060, to apply for a limited driving privilege pursuant to this

subsection. Such person shall present evidence satisfactory to the court or the director that such person's habits and conduct show that the person no longer poses a threat to the public safety of this state. Any person who is denied a license permanently in this state because of an alcohol-related conviction subsequent to a restoration of such person's driving privileges pursuant to subdivision (9) of section 302.060 shall not be eligible for limited driving privilege pursuant to the provisions of this subdivision. A circuit court shall grant a limited driving privilege to any individual who otherwise is eligible to receive a limited driving privilege, has filed proof of installation of a certified ignition interlock device, and has had no alcohol-related enforcement contacts since the alcohol-related enforcement contact that resulted in the person's license denial.

(9) A DWI docket or court established under section 478.007 may grant a limited driving privilege to a participant in or graduate of the program who would otherwise be ineligible for such privilege under another provision of law. **[**The DWI docket or court shall not grant a limited driving privilege to a participant during his or her initial forty-five days of participation.**]**

4. Any person who has received notice of denial of a request of limited driving privilege by the director of revenue may make a request for a review of the director's determination in the circuit court of the county in which the person resides or the county in which is located the person's principal place of business or employment within thirty days of the date of mailing of the notice of denial. Such review shall be based upon the records of the department of revenue and other competent evidence and shall be limited to a review of whether the applicant was statutorily entitled to the limited driving privilege.

5. The director of revenue shall promulgate rules and regulations necessary to carry out the provisions 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, 2001, shall be invalid and void.

302.525. SUSPENSION OR REVOCATION, WHEN EFFECTIVE, DURATION — RESTRICTED DRIVING PRIVILEGE — EFFECT OF SUSPENSION OR REVOCATION BY COURT ON CHARGES ARISING OUT OF SAME OCCURRENCE — REVOCATION DUE TO ALCOHOL-RELATED OFFENSES, REQUIREMENTS. SUSPENSION OR REVOCATION, WHEN EFFECTIVE, DURATION — RESTRICTED DRIVING PRIVILEGE — EFFECT OF SUSPENSION OR REVOCATION BY COURT ON CHARGES ARISING OUT OF SAME OCCURRENCE — REVOCATION DUE TO ALCOHOL-RELATED OFFENSES, REQUIREMENTS. — 1. The license suspension or revocation shall become effective fifteen days after the subject person has received the notice of suspension or revocation as provided in section 302.520, or is deemed to have received the notice of suspension or revocation by mail as provided in section 302.515. If a request for a hearing is received by or postmarked to the department within that fifteen-day period, the effective date of the suspension or revocation shall be stayed until a final order is issued following the hearing; provided, that any delay in the hearing which is caused or requested by the subject person or counsel representing that person without good cause shown shall not result in a stay of the suspension or revocation during the period of delay.

2. The period of license suspension or revocation under this section shall be as follows:

(1) If the person's driving record shows no prior alcohol- related enforcement contacts during the immediately preceding five years, the period of suspension shall be thirty days after the effective date of suspension, followed by a sixty-day period of restricted driving privilege as defined in section 302.010 and issued by the director of revenue. The restricted driving privilege shall not be issued until he or she has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, and is otherwise eligible. The restricted driving privilege shall indicate whether a functioning, certified ignition interlock device is required as a

condition of operating a motor vehicle. A copy of the restricted driving privilege shall be given to the person and such person shall carry a copy of the restricted driving privilege while operating a motor vehicle. In no case shall restricted driving privileges be issued pursuant to this section or section 302.535 until the person has completed the first thirty days of a suspension under this section. If a person otherwise subject to the provisions of this subdivision files proof of installation with the department of revenue that any vehicle that he or she operates is equipped with a functioning, certified ignition interlock device, there shall be no period of suspension. However, in lieu of a suspension the person shall instead complete a ninety-day period of restricted driving privilege. Upon completion of such ninety-day period of restricted driving privilege, compliance with other requirements of law, and filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. However, if the monthly monitoring reports during such ninety-day period indicate that the ignition interlock device has registered a confirmed blood alcohol concentration level above the alcohol setpoint established by the department of transportation or such reports indicate that the ignition interlock device has been tampered with or circumvented, then the license and driving privilege of such person shall not be reinstated until the person completes an additional thirty-day period of restricted driving privilege. If the person fails to maintain such proof of the device with the director of revenue as required, the restricted driving privilege shall be terminated;

(2) The period of revocation shall be one year if the person's driving record shows one or more prior alcohol-related enforcement contacts during the immediately preceding five years;

(3) In no case shall restricted driving privileges be issued under this section to any person whose driving record shows one or more prior alcohol-related enforcement contacts until the person has **[**completed the first thirty days of a suspension under this section and has**]** filed proof with the department of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of the restricted driving privilege. If the person fails to maintain such proof the restricted driving privilege shall be terminated.

3. For purposes of this section, "alcohol-related enforcement contacts" shall include any suspension or revocation under sections 302.500 to 302.540, any suspension or revocation entered in this or any other state for a refusal to submit to chemical testing under an implied consent law, and any conviction in this or any other state for a violation which involves driving while intoxicated, driving while under the influence of drugs or alcohol, or driving a vehicle while having an unlawful alcohol concentration.

4. Where a license is suspended or revoked under this section and the person is also convicted on charges arising out of the same occurrence for a violation of section 577.010 or 577.012 or for a violation of any county or municipal ordinance prohibiting driving while intoxicated or alcohol-related traffic offense, both the suspension or revocation under this section and any other suspension or revocation arising from such convictions shall be imposed, but the period of suspension or revocation under sections 302.500 to 302.540 shall be credited against any other suspension or revocation arising from such convictions, and the total period of suspension or revocation shall not exceed the longer of the two suspension or revocation periods.

5. Any person who has had a license to operate a motor vehicle revoked under this section or suspended under this section with one or more prior alcohol-related enforcement contacts showing on their driver record shall be required to file proof with the director of revenue that any motor vehicle operated by that person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device **within the**

last three months of the six-month period of required installation of the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended [for an additional six months] **until the person has completed three consecutive months with no violations as described in this section**. If the person fails to maintain such proof with the director, the license shall be suspended or revoked, [as applicable] **until proof as required by this section is filed with the director, and the person shall be guilty of a class A misdemeanor**.

302.574. BEGINNING JANUARY 1, 2017 — TEMPORARY PERMIT ISSUED BY OFFICER, WHEN — REPORT REQUIRED, CONTENTS — REVOCATION OF LICENSE, PROCEDURE — REINSTATEMENT, WHEN — FEES — PROOF OF INTERLOCK DEVICE, WHEN — VIOLATIONS, PENALTY. — 1. If a person who was operating a vehicle refuses upon the request of the officer to submit to any chemical test under section 577.041, the officer shall, on behalf of the director of revenue, serve the notice of license revocation personally upon the person and shall take possession of any license to operate a vehicle issued by this state which is held by that person. The officer shall issue a temporary permit, on behalf of the director of revenue, which is valid for fifteen days and shall also give the person notice of his or her right to file a petition for review to contest the license revocation.

2. Such officer shall make a certified report under penalties of perjury for making a false statement to a public official. The report shall be forwarded to the director of revenue and shall include the following:

(1) That the officer has:

(a) Reasonable grounds to believe that the arrested person was driving a motor vehicle while in an intoxicated condition; or

(b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or

(c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer has reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater;

(2) That the person refused to submit to a chemical test;

(3) Whether the officer secured the license to operate a motor vehicle of the person;

(4) Whether the officer issued a fifteen-day temporary permit;

(5) Copies of the notice of revocation, the fifteen-day temporary permit, and the notice of the right to file a petition for review. The notices and permit may be combined in one document; and

(6) Any license, which the officer has taken into possession, to operate a motor vehicle.

3. Upon receipt of the officer's report, the director shall revoke the license of the person refusing to take the test for a period of one year; or if the person is a nonresident, such person's operating permit or privilege shall be revoked for one year; or if the person is a resident without a license or permit to operate a motor vehicle in this state, an order shall be issued denying the person the issuance of a license or permit for a period of one year.

4. If a person's license has been revoked because of the person's refusal to submit to a chemical test, such person may petition for a hearing before a circuit division or associate division of the court in the county in which the arrest or stop occurred. The person may request such court to issue an order staying the revocation until such time as the petition for review can be heard. If the court, in its discretion, grants such stay, it shall enter the order upon a form prescribed by the director of revenue and shall send a copy of such order to the director. Such order shall serve as proof of the privilege to operate a motor vehicle in this state and the director shall maintain possession of the person's license to operate a motor vehicle until termination of any revocation under this section. Upon the person's request, the clerk of the court shall notify

the prosecuting attorney of the county and the prosecutor shall appear at the hearing on behalf of the director of revenue. At the hearing, the court shall determine only:

(1) Whether the person was arrested or stopped;

(2) Whether the officer had:

(a) Reasonable grounds to believe that the person was driving a motor vehicle while in an intoxicated or drugged condition; or

(b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or

(c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer had reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater; and

(3) Whether the person refused to submit to the test.

5. If the court determines any issue not to be in the affirmative, the court shall order the director to reinstate the license or permit to drive.

6. Requests for review as provided in this section shall go to the head of the docket of the court wherein filed.

7. No person who has had a license to operate a motor vehicle suspended or revoked under the provisions of this section shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, or a program determined to be comparable by the department of mental health. Assignment recommendations, based upon the needs assessment as described in subdivision (24) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion under the provisions of chapter 517. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a similar offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.001, or of a person determined to have operated a motor vehicle with a blood alcohol content of fifteen-hundredths of one percent or more by weight. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted under this subsection shall not be necessary unless directed by the court.

8. The fees for the substance abuse traffic offender program, or a portion thereof, to be determined by the division of alcohol and drug abuse of the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due to the division of alcohol and drug abuse under this section, and shall accrue at a rate not to exceed the annual rates established under the provisions of section 32.065, plus three percentage

points. The supplemental fees and any interest received by the department of mental health under this section shall be deposited in the mental health earnings fund, which is created in section 630.053.

9. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program under this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due to the division under this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action for the collection of said fees and accrued interest. The court shall assess attorneys' fees and court costs against any delinquent program.

10. Any person who has had a license to operate a motor vehicle revoked under this section and who has a prior alcohol- related enforcement contact, as defined in section 302.525, shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of license reinstatement. Such ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device **within the last three months of the six-month period of required installation of the ignition interlock device**, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended **[**for an additional six months**]** **until the person has completed three consecutive months with no violations as described in this section**. If the person fails to maintain such proof with the director as required by this section, the license shall be rerevoked **until proof as required by this section is filed with the director**, and the person shall be guilty of a class A misdemeanor.

11. The revocation period of any person whose license and driving privilege has been revoked under this section and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303 and is otherwise eligible shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, the person's license and driving privilege shall be rerevoked.

12. A person commits the offense of failure to maintain proof with the Missouri department of revenue if, when required to do so, he or she fails to file proof with the director of revenue that any vehicle operated by the person is equipped with a functioning, certified ignition interlock device or fails to file proof of financial responsibility with the department of revenue in accordance with chapter 303. The offense of failure to maintain proof with the Missouri department of revenue is a class A misdemeanor.

478.007. DWI, ALTERNATIVE DISPOSITION OF CASES, DOCKET OR COURT MAY BE ESTABLISHED — PRIVATE PROBATION SERVICES, WHEN (JACKSON COUNTY). — 1. Any circuit court, or any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants with a county municipal court established under section 66.010, may establish a docket or court to provide an alternative for the judicial system to dispose of cases in which a person has pleaded guilty to driving while intoxicated or driving with excessive blood alcohol content and:

(1) The person was operating a motor vehicle with at least fifteen-hundredths of one percent or more by weight of alcohol in such person's blood; or

(2) The person has previously pleaded guilty to or has been found guilty of one or more intoxication-related traffic offenses as defined by section 577.023; or

(3) The person has two or more previous alcohol-related enforcement contacts as defined in section 302.525.

2. This docket or court shall combine judicial supervision, drug testing, continuous alcohol monitoring**, or verifiable breath alcohol testing performed a minimum of four times per day**, substance abuse traffic offender program compliance, and treatment of DWI court participants. The court may assess any and all necessary costs for participation in DWI court against the participant. Any money received from such assessed costs by a court from a defendant shall not be considered court costs, charges, or fines. This docket or court may operate in conjunction with a drug court established pursuant to sections 478.001 to 478.006.

3. If the division of probation and parole is otherwise unavailable to assist in the judicial supervision of any person who wishes to enter a DWI court, a court-approved private probation service may be utilized by the DWI court to fill the division's role. In such case, any and all necessary additional costs may be assessed against the participant. No person shall be rejected from participating in DWI court solely for the reason that the person does not reside in the city or county where the applicable DWI court is located but the DWI court can base acceptance into a treatment court program on its ability to adequately provide services for the person or handle the additional caseload.

577.001. Beginning January 1, 2017 — Chapter definitions. — As used in this chapter, the following terms mean:

(1) "Aggravated offender", a person who has been found guilty of:

(a) Three or more intoxication-related traffic offenses committed on separate occasions; or

(b) Two or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed;

(2) "Aggravated boating offender", a person who has been found guilty of:

(a) Three or more intoxication-related boating offenses; or

(b) Has been found guilty of one or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed;

(3) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of one thousand pounds or less, traveling on three, four or more low pressure tires, with a seat designed to be straddled by the operator, or with a seat designed to carry more than one person, and handlebars for steering control;

(4) "Court", any circuit, associate circuit, or municipal court, including traffic court, but not any juvenile court or drug court;

(5) "Chronic offender", a person who has been found guilty of:

(a) Four or more intoxication-related traffic offenses committed on separate occasions; or

(b) Three or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed; or

(c) Two or more intoxication-related traffic offenses committed on separate occasions where both intoxication-related traffic offenses were offenses committed in violation of any state

law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed;

(6) "Chronic boating offender", a person who has been found guilty of:

(a) Four or more intoxication-related boating offenses; or

(b) Three or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related boating offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed; or

(c) Two or more intoxication-related boating offenses committed on separate occasions where both intoxication-related boating offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed;

(7) **"Continuous alcohol monitoring", automatically testing breath, blood, or transdermal alcohol concentration levels and tampering attempts at least once every hour, regardless of the location of the person who is being monitored, and regularly transmitting the data. Continuous alcohol monitoring shall be considered an electronic monitoring service under subsection 3 of section 217.690;**

(8) "Controlled substance", a drug, substance, or immediate precursor in schedules I to V listed in section 195.017;

[(8)**]** **(9)** "Drive", "driving", "operates" or "operating", means physically driving or operating a vehicle or vessel;

[(9)**]** **(10)** "Flight crew member", the pilot in command, copilots, flight engineers, and flight navigators;

[(10)**]** **(11)** "Habitual offender", a person who has been found guilty of:

(a) Five or more intoxication-related traffic offenses committed on separate occasions; or

(b) Four or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed; or

(c) Three or more intoxication-related traffic offenses committed on separate occasions where at least two of the intoxication-related traffic offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed; or

(d) While driving while intoxicated, the defendant acted with criminal negligence to:

a. Cause the death of any person not a passenger in the vehicle operated by the defendant, including the death of an individual that results from the defendant's vehicle leaving a highway, as defined by section 301.010, or the highway's right-of-way; or

b. Cause the death of two or more persons; or

c. Cause the death of any person while he or she has a blood alcohol content of at least eighteen-hundredths of one percent by weight of alcohol in such person's blood;

[(11)**]** **(12)** "Habitual boating offender", a person who has been found guilty of:

(a) Five or more intoxication-related boating offenses; or

(b) Four or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related boating offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed; or

(c) Three or more intoxication-related boating offenses committed on separate occasions where at least two of the intoxication-related boating offenses were offenses committed in

violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed; or

(d) While boating while intoxicated, the defendant acted with criminal negligence to:

a. Cause the death of any person not a passenger in the vessel operated by the defendant, including the death of an individual that results from the defendant's vessel leaving the water; or

b. Cause the death of two or more persons; or

c. Cause the death of any person while he or she has a blood alcohol content of at least eighteen-hundredths of one percent by weight of alcohol in such person's blood;

[(12)**]** **(13)** "Intoxicated" or "intoxicated condition", when a person is under the influence of alcohol, a controlled substance, or drug, or any combination thereof;

[(13)**]** **(14)** "Intoxication-related boating offense", operating a vessel while intoxicated; boating while intoxicated; operating a vessel with excessive blood alcohol content or an offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense;

[(14)**]** **(15)** "Intoxication-related traffic offense", driving while intoxicated, driving with excessive blood alcohol content or an offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense;

[(15)**]** **(16)** "Law enforcement officer" or "arresting officer", includes the definition of law enforcement officer in section 556.061 and military policemen conducting traffic enforcement operations on a federal military installation under military jurisdiction in the state of Missouri;

[(16)**]** **(17)** "Operate a vessel", to physically control the movement of a vessel in motion under mechanical or sail power in water;

[(17)**]** **(18)** "Persistent offender", a person who has been found guilty of two or more intoxication-related traffic offenses committed on separate occasions;

[(18)**]** **(19)** "Persistent boating offender", a person who has been found guilty of two or more intoxication-related boating offenses committed on separate occasions;

[(19)**]** **(20)** "Prior offender", a person who has been found guilty of one intoxication-related traffic offense, where such prior offense occurred within five years of the occurrence of the intoxication-related traffic offense for which the person is charged;

[(20)**]** **(21)** "Prior boating offender", a person who has been found guilty of one intoxication-related boating offense, where such prior offense occurred within five years of the occurrence of the intoxication-related boating offense for which the person is charged.

577.010. BEGINNING JANUARY 1, 2017 — DRIVING WHILE INTOXICATED — SENTENCING RESTRICTIONS. — 1. A person commits the offense of driving while intoxicated if he or she operates a vehicle while in an intoxicated condition.

2. The offense of driving while intoxicated is:

(1) A class B misdemeanor;

(2) A class A misdemeanor if:

(a) The defendant is a prior offender; or

(b) A person less than seventeen years of age is present in the vehicle;

(3) A class E felony if:

(a) The defendant is a persistent offender; or

(b) While driving while intoxicated, the defendant acts with criminal negligence to cause physical injury to another person;

(4) A class D felony if:

(a) The defendant is an aggravated offender;

(b) While driving while intoxicated, the defendant acts with criminal negligence to cause physical injury to a law enforcement officer or emergency personnel; or

(c) While driving while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to another person;

(5) A class C felony if:

(a) The defendant is a chronic offender;

(b) While driving while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to a law enforcement officer or emergency personnel; or

(c) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of another person;

(6) A class B felony if:

(a) The defendant is a habitual offender; or

(b) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of a law enforcement officer or emergency personnel;

(7) A class A felony if the defendant is a habitual offender as a result of being found guilty of an act described under paragraph (d) of subdivision **[**(10)**] (11)** of section 577.001 and is found guilty of a subsequent violation of such paragraph.

3. Notwithstanding the provisions of subsection 2 of this section, a person found guilty of the offense of driving while intoxicated as a first offense shall not be granted a suspended imposition of sentence:

(1) Unless such person shall be placed on probation for a minimum of two years; or

(2) In a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, and where the offense was committed with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood, unless the individual participates and successfully completes a program under such DWI court or docket or other court-ordered treatment program.

4. **If a person is found guilty of a second or subsequent offense of driving while intoxicated, the court may order the person to submit to a period of continuous alcohol monitoring or verifiable breath alcohol testing performed a minimum of four times per day as a condition of probation.**

5. If a person is not granted a suspended imposition of sentence for the reasons described in subsection 3 of this section:

(1) If the individual operated the vehicle with fifteen- hundredths to twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than forty-eight hours;

(2) If the individual operated the vehicle with greater than twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than five days.

[5.**] 6.** A person found guilty of the offense of driving while intoxicated:

(1) As a prior offender, persistent offender, aggravated offender, chronic offender, or habitual offender shall not be granted a suspended imposition of sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding;

(2) As a prior offender shall not be granted parole or probation until he or she has served a minimum of ten days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least thirty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available, and as part of either program, the offender performs at least thirty days of community service under the supervision of the court;

(3) As a persistent offender shall not be eligible for parole or probation until he or she has served a minimum of thirty days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least sixty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available, and as part of either program, the offender performs at least sixty days of community service under the supervision of the court;

(4) As an aggravated offender shall not be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment;

(5) As a chronic offender shall not be eligible for parole or probation until he or she has served a minimum of two years imprisonment**; and**

(6) Any probation or parole granted under this subsection may include a period of continuous alcohol monitoring or verifiable breath alcohol testing performed a minimum of four times per day.

577.012. BEGINNING JANUARY 1, 2017 — DRIVING WITH EXCESSIVE BLOOD ALCOHOL CONTENT — SENTENCING RESTRICTIONS. — 1. A person commits the offense of driving with excessive blood alcohol content if such person operates:

(1) A vehicle while having eight-hundredths of one percent or more by weight of alcohol in his or her blood; or

(2) A commercial motor vehicle while having four one- hundredths of one percent or more by weight of alcohol in his or her blood.

2. As used in this section, percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood or two hundred ten liters of breath and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this section, the test shall be conducted in accordance with the provisions of sections 577.020 to 577.041.

3. The offense of driving with excessive blood alcohol content is:

(1) A class B misdemeanor;

(2) A class A misdemeanor if the defendant is alleged and proved to be a prior offender;

(3) A class E felony if the defendant is alleged and proved to be a persistent offender;

(4) A class D felony if the defendant is alleged and proved to be an aggravated offender;

(5) A class C felony if the defendant is alleged and proved to be a chronic offender;

(6) A class B felony if the defendant is alleged and proved to be a habitual offender.

4. A person found guilty of the offense of driving with an excessive blood alcohol content as a first offense shall not be granted a suspended imposition of sentence:

(1) Unless such person shall be placed on probation for a minimum of two years; or

(2) In a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, and where the offense was committed with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood, unless the individual participates in and successfully completes a program under such DWI court or docket or other court-ordered treatment program.

5. If a person is not granted a suspended imposition of sentence for the reasons described in subsection 4 of this section:

(1) If the individual operated the vehicle with fifteen- hundredths to twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than forty-eight hours;

(2) If the individual operated the vehicle with greater than twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than five days.

6. **If a person is found guilty of a second or subsequent offense of driving with an excessive blood alcohol content, the court may order the person to submit to a period of**

continuous alcohol monitoring or verifiable breath alcohol testing performed a minimum of four times per day as a condition of probation.

7. A person found guilty of driving with excessive blood alcohol content:

(1) As a prior offender, persistent offender, aggravated offender, chronic offender or habitual offender shall not be granted a suspended imposition of sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding;

(2) As a prior offender shall not be granted parole or probation until he or she has served a minimum of ten days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least thirty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available, and as part of either program, the offender performs at least thirty days of community service under the supervision of the court;

(3) As a persistent offender shall not be granted parole or probation until he or she has served a minimum of thirty days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least sixty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available, and as part of either program, the offender performs at least sixty days of community service under the supervision of the court;

(4) As an aggravated offender shall not be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment;

(5) As a chronic offender shall not be eligible for parole or probation until he or she has served a minimum of two years imprisonment**; and**

(6) Any probation or parole granted under this subsection may include a period of continuous alcohol monitoring or verifiable breath alcohol testing performed a minimum of four times per day.

577.013. Beginning January 1, 2017 — Boating while intoxicated — sentencing restrictions. — 1. A person commits the offense of boating while intoxicated if he or she operates a vessel while in an intoxicated condition.

2. The offense of boating while intoxicated is:

(1) A class B misdemeanor;

(2) A class A misdemeanor if:

(a) The defendant is a prior boating offender; or

(b) A person less than seventeen years of age is present in the vessel;

(3) A class E felony if:

(a) The defendant is a persistent boating offender; or

(b) While boating while intoxicated, the defendant acts with criminal negligence to cause physical injury to another person;

(4) A class D felony if:

(a) The defendant is an aggravated boating offender;

(b) While boating while intoxicated, the defendant acts with criminal negligence to cause physical injury to a law enforcement officer or emergency personnel; or

(c) While boating while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to another person;

(5) A class C felony if:

(a) The defendant is a chronic boating offender;

(b) While boating while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to a law enforcement officer or emergency personnel; or

(c) While boating while intoxicated, the defendant acts with criminal negligence to cause the death of another person;

(6) A class B felony if:

(a) The defendant is a habitual boating offender; or

(b) While boating while intoxicated, the defendant acts with criminal negligence to cause the death of a law enforcement officer or emergency personnel;

(7) A class A felony if the defendant is a habitual offender as a result of being found guilty of an act described under paragraph (d) of subdivision **[**(11)**]** **(12)** of section 577.001 and is found guilty of a subsequent violation of such paragraph.

3. Notwithstanding the provisions of subsection 2 of this section, a person found guilty of the offense of boating while intoxicated as a first offense shall not be granted a suspended imposition of sentence:

(1) Unless such person shall be placed on probation for a minimum of two years; or

(2) In a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, and where the offense was committed with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood, unless the individual participates in and successfully completes a program under such DWI court or docket or other court-ordered treatment program.

4. **If a person is found guilty of a second or subsequent offense of boating while intoxicated, the court may order the person to submit to a period of continuous alcohol monitoring or verifiable breath alcohol testing performed a minimum of four times per day as a condition of probation.**

5. If a person is not granted a suspended imposition of sentence for the reasons described in subsection 3 of this section:

(1) If the individual operated the vessel with fifteen- hundredths to twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than forty-eight hours;

(2) If the individual operated the vessel with greater than twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than five days.

[5.**]** **6.** A person found guilty of the offense of boating while intoxicated:

(1) As a prior boating offender, persistent boating offender, aggravated boating offender, chronic boating offender or habitual boating offender shall not be granted a suspended imposition of sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding;

(2) As a prior boating offender shall not be granted parole or probation until he or she has served a minimum of ten days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least two hundred forty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available;

(3) As a persistent offender shall not be eligible for parole or probation until he or she has served a minimum of thirty days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least four hundred eighty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available;

(4) As an aggravated boating offender shall not be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment;

(5) As a chronic boating offender shall not be eligible for parole or probation until he or she has served a minimum of two years imprisonment**; and**

(6) Any probation or parole granted under this subsection may include a period of continuous alcohol monitoring or verifiable breath alcohol testing performed a minimum of four times per day.

577.014. BEGINNING JANUARY 1, 2017 — BOATING WITH EXCESSIVE BLOOD ALCOHOL CONTENT — PENALTIES — SENTENCING RESTRICTIONS. — 1. A person commits the offense of boating with excessive blood alcohol content if he or she operates a vessel while having eight-hundredths of one percent or more by weight of alcohol in his or her blood.

2. As used in this section, percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood or two hundred ten liters of breath and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this section, the test shall be conducted in accordance with the provisions of sections 577.020 to 577.041.

3. The offense of boating with excessive blood alcohol content is:

(1) A class B misdemeanor;

(2) A class A misdemeanor if the defendant is alleged and proved to be a prior boating offender;

(3) A class E felony if the defendant is alleged and proved to be a persistent boating offender;

(4) A class D felony if the defendant is alleged and proved to be an aggravated boating offender;

(5) A class C felony if the defendant is alleged and proved to be a chronic boating offender;

(6) A class B felony if the defendant is alleged and proved to be a habitual boating offender.

4. A person found guilty of the offense of boating with excessive blood alcohol content as a first offense shall not be granted a suspended imposition of sentence:

(1) Unless such person shall be placed on probation for a minimum of two years; or

(2) In a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, and where the offense was committed with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood unless the individual participates in and successfully completes a program under such DWI court or docket or other court-ordered treatment program.

5. When a person is not granted a suspended imposition of sentence for the reasons described in subsection 4 of this section:

(1) If the individual operated the vessel with fifteen- hundredths to twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than forty-eight hours;

(2) If the individual operated the vessel with greater than twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than five days.

6. **If a person is found guilty of a second or subsequent offense of boating with an excessive blood alcohol content, the court may order the person to submit to a period of continuous alcohol monitoring or verifiable breath alcohol testing performed a minimum of four times per day as a condition of probation.**

7. A person found guilty of the offense of boating with excessive blood alcohol content:

(1) As a prior boating offender, persistent boating offender, aggravated boating offender, chronic boating offender or habitual boating offender shall not be granted a suspended imposition of sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding;

(2) As a prior boating offender, shall not be granted parole or probation until he or she has served a minimum of ten days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least two hundred forty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available;

(3) As a persistent boating offender, shall not be granted parole or probation until he or she has served a minimum of thirty days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least four hundred eighty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available;

(4) As an aggravated boating offender, shall not be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment;

(5) As a chronic boating offender, shall not be eligible for parole or probation until he or she has served a minimum of two years imprisonment**; and**

(6) Any probation or parole granted under this subsection may include a period of continuous alcohol monitoring or verifiable breath alcohol testing performed a minimum of four times per day.

SECTION B. EMERGENCY CLAUSE. — The repeal and reenactment of sections 302.010, 302.060, 302.304, 302.309, 302.525, 302.574, 577.001, 577.010, 577.012, 577.013, and 577.014 of this act shall become effective on January 1, 2017.

Approved July 13, 2015

SB 272 [SB 272]

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

Changes the laws regarding motor vehicle height and weight limits in certain city commercial zones

AN ACT to repeal section 304.190, RSMo, and to enact in lieu thereof one new section relating to municipal commercial zones.

SECTION
A. Enacting clause.
304.190. Height and weight regulations (cities of 75,000 or more) — commercial zone defined.

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

SECTION A. ENACTING CLAUSE. — Section 304.190, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 304.190, to read as follows:

304.190. HEIGHT AND WEIGHT REGULATIONS (CITIES OF 75,000 OR MORE) — COMMERCIAL ZONE DEFINED. — 1. No motor vehicle, unladen or with load, operating exclusively within the corporate limits of cities containing seventy-five thousand inhabitants or more or within two miles of the corporate limits of the city or within the commercial zone of the city shall exceed fifteen feet in height.

2. No motor vehicle operating exclusively within any said area shall have a greater weight than twenty-two thousand four hundred pounds on one axle.

3. The "commercial zone" of the city is defined to mean that area within the city together with the territory extending one mile beyond the corporate limits of the city and one mile additional for each fifty thousand population or portion thereof provided, however:

(1) The commercial zone surrounding a city not within a county shall extend twenty-five miles beyond the corporate limits of any such city not located within a county and shall also extend throughout any county with a charter form of government which adjoins that city and throughout any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants that is adjacent to such county adjoining such city;

(2) The commercial zone of a city with a population of at least four hundred thousand inhabitants but not more than four hundred fifty thousand inhabitants shall extend twelve miles beyond the corporate limits of any such city; except that this zone shall extend from the southern border of such city's limits, beginning with the western-most freeway, following said freeway south to the first intersection with a multilane undivided highway, where the zone shall extend south along said freeway to include a city of the fourth classification with more than eight thousand nine hundred but less than nine thousand inhabitants, and shall extend north from the intersection of said freeway and multilane undivided highway along the multilane undivided highway to the city limits of a city with a population of at least four hundred thousand inhabitants but not more than four hundred fifty thousand inhabitants, and shall extend east from the city limits of a special charter city with more than two hundred seventy-five but fewer than three hundred seventy-five inhabitants along State Route 210 and northwest from the intersection of State Route 210 and State Route 10 to include the boundaries of any city of the third classification with more than ten thousand eight hundred but fewer than ten thousand nine hundred inhabitants and located in more than one county. The commercial zone shall continue east along State Route 10 from the intersection of State Route 10 and State Route 210 to the eastern city limit of a city of the fourth classification with more than five hundred fifty but fewer than six hundred twenty-five inhabitants and located in any county of the third classification without a township form of government and with more than twenty-three thousand but fewer than twenty-six thousand inhabitants and with a city of the third classification with more than five thousand but fewer than six thousand inhabitants as the county seat. The commercial zone described in this subdivision shall be extended to also include the stretch of State Route 45 from its intersection with Interstate 29 extending northwest to the city limits of any village with more than forty but fewer than fifty inhabitants and located in any county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a city of the fourth classification with more than four thousand five hundred but fewer than five thousand inhabitants as the county seat;

(3) The commercial zone of a city of the third classification with more than nine thousand six hundred fifty but fewer than nine thousand eight hundred inhabitants shall extend south from the city limits along U.S. Highway 61 to the intersection of State Route OO in a county of the third classification without a township form of government and with more than seventeen thousand eight hundred but fewer than seventeen thousand nine hundred inhabitants;

(4) The commercial zone of a home rule city with more than one hundred eight thousand but fewer than one hundred sixteen thousand inhabitants **and located in a county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants** shall extend north from the city limits along U.S. Highway 63 **[**for eight miles, and**], a state highway, to the intersection of State Route NN, and shall continue west and south along State Route NN to the intersection of State Route 124, and shall extend east from the intersection along State Route 124 to U.S. Highway 63. The commercial zone described in this subdivision** shall **also** extend east from the city limits along State Route WW to the intersection of State Route J and continue south on State Route J for four miles.

4. In no case shall the commercial zone of a city be reduced due to a loss of population. The provisions of this section shall not apply to motor vehicles operating on the interstate highways in the area beyond two miles of a corporate limit of the city unless the United States Department of Transportation increases the allowable weight limits on the interstate highway system within commercial zones. In such case, the mileage limits established in this section shall be automatically increased only in the commercial zones to conform with those authorized by the United States Department of Transportation.

5. Nothing in this section shall prevent a city, county, or municipality, by ordinance, from designating the routes over which such vehicles may be operated.

6. No motor vehicle engaged in interstate commerce, whether unladen or with load, whose operations in the state of Missouri are limited exclusively to the commercial zone of a first class home rule municipality located in a county with a population between eighty thousand and ninety-five thousand inhabitants which has a portion of its corporate limits contiguous with a portion of the boundary between the states of Missouri and Kansas, shall have a greater weight than twenty-two thousand four hundred pounds on one axle, nor shall exceed fifteen feet in height.

Approved June 12, 2015

SB 317 [SB 317]

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

Allows the Governor to convey properties located in Pulaski County, Christian County, St. Charles County, and St. Louis County to the State Highways and Transportation Commission

AN ACT to authorize the conveyance by the governor of property owned by the state of Missouri to the state highways and transportation commission.

SECTION
A. Enacting clause.
1. Conveyance of property along State Highway Route 2, Pulaski County.
2. Conveyance of Route 60 property, Christian County to state highways and transportation commission.
3. Conveyance of Route 60 property, Christian County to state highways and transportation commission.
4. Conveyance of Highway 94 West Clay Road property, St. Charles County to state highways and transportation commission.
5. Conveyance of Mark Twain expressway, St. Louis County to state highways and transportation commission.

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

SECTION 1. CONVEYANCE OF PROPERTY ALONG STATE HIGHWAY ROUTE 2, PULASKI COUNTY. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located in Pulaski County, along State Highway Route Z (formerly Route 17 and Route 66), to the state highways and transportation commission. The property to be conveyed is more particularly described as follows:

Beginning at the southwest corner of the said NE ¼ of Sec. 28, thence N1°23'W 1318.8 feet to the northwest corner of the SW ¼ of NE ¼ of said Sec. 28, thence N 1°24'W 644 feet with the west boundary of the NW ¼ of NE ¼ of said Sec. 28, thence N 82°57'E 2464.1 feet to an iron pipe marking the southwest corner of the

school tract, thence N 89°34'E 212.6 feet along the south line of the school tract to the east line of the NE ¼ of Sec. 28, thence S 1°18'E along said east line 191.8 feet to station 1087+37.1 (north lane Route 66), thence continue S 1°18'E 172.8 feet, thence S 83°13'W 800.7 feet to a point opposite and 100 feet from P.T. station 1079+10 (south lane), thence S 73°34'W 1535.8 feet to a point opposite and 150 feet from station 1063+45.6 (south lane) thence S 14°39'W 810.8 feet to a point opposite and 200 feet from station 9+52.7 (theoretical center line of Route 17), thence from a tangent bearing S 23°46'E deflect to the right on a curve whose radius is 2864.9 feet a distance of approximately 623 feet to the south boundary of the NE ¼ of Sec. 28, thence westerly with the said south boundary approximately 344 feet to the place of beginning. Containing 33.84 acres more or less, new right of way and 5.16 acres more or less, in present Routes 17 and 66.

2. The commissioner of administration shall set the terms and conditions for the conveyance, including the consideration, except that such consideration shall not exceed one dollar. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

Conveyance of Route 60 property, Christian County to state highways and transportation commission.

SECTION 2. CONVEYANCE OF ROUTE 60 PROPERTY, CHRISTIAN COUNTY TO STATE HIGHWAYS AND TRANSPORTATION COMMISSION. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located in Christian County, Route 60, to the state highways and transportation commission. The property to be conveyed is more particularly described as follows:

That part of the N1/2 of NW1/4 of Sec. 2, Twp. 27N, R24W, south of the right of way of the St. Louis-San Francisco Railroad, being in a tract of land 120 feet wide, except as noted, 60 feet of which, is on both sides of, adjacent to, parallel with and measured from the surveyed center line of the survey of the Missouri State Highway Department for said Route 60, which surveyed center line is described as follows:

Tract 1

Beginning at a point approximately 497 feet west and 50 feet south of the southeast corner of the NW¼ of NW¼ of said Sec. 2 at survey station 320+80, thence N55°33'E 848.6 feet to P.C. at station 329+28.6, thence deflect to the left on a curve whose radius is 5729.7 feet a distance of 1421.4 feet to station 343+50, which point is approximately 78 feet north of and 85 feet west of the northeast corner of the said NW¼ of Sec. 2. Containing 5.65 acres, more or less, new right of way, and 0.07 acre, more or less, now in county road.

Tract 2

Also a tract 30 feet wide and 80 feet long adjoining tract 1 on its left or northwesterly side running north from a point opposite station 328+00. Containing 0.06 acre, more or less, for drainage ditch outlet.

Tract 3

Also a tract 50 feet wide and 75 feet long adjoining tract 1 on its right or southeasterly side and extending from a point opposite station 327+85 to a point

opposite station 328+60. Containing 0.09 acre, more or less, for drainage ditch outlet.

Tract 4

Also a tract lying northwesterly of tract 1 and southeasterly of the right of way of the said railroad described as beginning opposite station 333+00 and running northeasterly to the north boundary of said Sec. 2. Containing 0.89 acre, more or less, new right of way, and 0.04 acre, more or less, in county road.

Tract 5

Also a tract 25 feet wide and 85 feet long adjoining tract 1 on its right or southeasterly side and running southeasterly from a point opposite station 337+89. Containing 0.05 acre, more or less, for drainage ditch outlet.

Tract 6

Also a tract adjoining tract 1 on its right or southeasterly side beginning on the southeasterly boundary of said tract 1 opposite station 341+00, thence northeasterly approximately 236 feet towards a point that is 170 feet from and opposite station 343+75 to a point on the east boundary of said NW¼ of Sec. 2 approximately 45 feet south of the northeast corner thereof, thence north with said east boundary 45 feet, thence west approximately 75 feet to tract 1, thence southwesterly with tract 1 approximately 200 feet to the point of beginning. Containing 0.20 acre, more or less, new right of way, and 0.02 acre, more or less, now in county road.

2. The commissioner of administration shall set the terms and conditions for the conveyance, including the consideration, except that such consideration shall not exceed one dollar. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 3. CONVEYANCE OF ROUTE 60 PROPERTY, CHRISTIAN COUNTY TO STATE HIGHWAYS AND TRANSPORTATION COMMISSION. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located in Christian County, Route 60, to the state highways and transportation commission. The property to be conveyed is more particularly described as follows:

That part of the SE1/4 of SW1/4 and the West Half of SE1/4, (southeasterly of the St. Louis-San Francisco Railroad), and the NE1/4 of SE1/4, all in Sec.35, Twp. 28N, R24W, being in a tract of land 120 feet wide, except as noted, 60 feet of which, except as noted, is on both sides of, adjacent to, parallel with and measured from the surveyed centerline of the survey of the Missouri State Highway Department for said Route 60, which surveyed center line is described as follows:

Tract 1

Beginning at a point approximately 92 feet south and 185 feet west of the southeast corner of the said SE¼ of SW¼ of Sec. 35 at survey station 341+15, thence from a tangent bearing N43°41'E deflect to the left on a curve whose radius is 5729.7 feet a distance of 756.9 feet to a P.T. at station 348+71.9, thence N36°07'E 2728.1 feet to station 376+00, which point is approximately 520 feet

east and 40 feet north of the northwest corner of said NE¼ of SE¼ of Sec. 35. Containing 9.03 acres, more or less, new right of way, and 0.07 acre, more or less, in county road.

Tract 2

Also all that part of the SE¼ of SW¼ and the SW¼ of SE¼ of said Sec. 35 that lies northwesterly of tract 1, southeasterly of the railroad right of way, and southwesterly of a line which begins on the northwesterly side of tract 1 opposite station 346+00 and runs N51°10'W approximately 85 feet to the railroad right of way. Containing 0.71 acre, more or less, new right of way.

Tract 3

Also a tract described as beginning on the right or southeasterly side of tract 1 opposite station 345+50, thence south 170 feet to the north boundary of the county road, thence southwesterly 30 feet to a point on the south boundary of the said SW¼ of SE¼ of Sec. 35, 170 feet from and opposite station 344+00, thence west approximately 150 feet to tract 1, thence northeasterly with tract 1 to the point of beginning. Containing 0.29 acre, more or less, new right of way, and 0.03 acre more or less, in county road.

Tract 4

Also a tract 5 feet wide and approximately 365 feet long lying adjacent to tract 1 on its northwesterly side beginning opposite station 371+50 and extending northeasterly to the north property boundary. Containing 0.04 acre, more or less, new right of way.

Tract 5

Also a tract 10 feet wide and approximately 505 feet long lying adjacent to tract 1 on its southeasterly side beginning opposite station 371+00 and extending northeasterly to the north property boundary. Containing 0.12 acre, more or less, new right of way.

Tract 6

Also a tract 30 feet wide and 100 feet long adjoining tract 1 on its northwesterly side and extending from a point opposite station 368+00 to a point opposite station 369+00. Containing 0.07 acre, more or less, for construction easement.

Tract 7

Also a tract 5 feet wide and 60 feet long adjoining tract 4 on its northwesterly side and extending from a point opposite station 374+50 to a point opposite station 375+10. Containing 0.01 acre, more or less, for construction easement.

2. The commissioner of administration shall set the terms and conditions for the conveyance, including the consideration, except that such consideration shall not exceed one dollar. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 4. CONVEYANCE OF HIGHWAY 94 WEST CLAY ROAD PROPERTY, ST. CHARLES COUNTY TO STATE HIGHWAYS AND TRANSPORTATION COMMISSION. — **1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located**

in St. Charles County, Highway 94 West Clay Road to the state highways and transportation commission. The property to be conveyed is more particularly described as follows:

> **A strip of land out of Block 6 Survey Number 3280, Common of St. Charles being more particularly described as follows:**
>
> **Beginning at the point of intersection of the centerline of the present Salt River Public Road with the land line dividing J T Robbins on the west and Max Langstadt on the east; thence northeasterly along said land line a distance of 37 feet to a point which is 35 distant northeasterly from the center line of the proposed State Highway; thence S 77° 15' E parallel with and 35 feet distant from said centerline of proposed state highway a distance of 20 feet; thence 12° 45' W at right angles a distance of 5 feet a point which is 30 feet distant from center line of proposed state highway at its station number 1392+00; thence 77° 15' E parallel with and 30 feet dist. from said center line of proposed state highway a distance of 500 feet; thence N12° 45' E at right angles a distance of 5 feet; thence S 77° 15' E parallel with and 35 feet from the center line of proposed state highway a distance of 100 feet; thence S 12° 45' W at right angles a distance of 5 feet thence S 77° 15' E parallel with and 30 feet distant from center line of proposed state Highway a distance of 131.1 feet to a point opposite its station number 1399+31.1; thence S 80° 52' E parallel with and 30 feet distant from said center line of proposed state highway a distance of 378.9 feet; thence following a curve to the left having a radius of 492 feet parallel with and 30 feet distant from said center line of proposed State Highway a distance of 425 feet to a point opposite its station number 1407+61.8; thence N 49° 26' E parallel with and 30 feet distant from said center line of proposed state highway a distance of 632 feet to a point opposite its station Number 1414+32 which is the land line dividing Max Langstadt on the south and Lindenwood College grounds on the north; thence easterly along said line approximately 35 feet to the center line for the proposed state highway, thence southwesterly along said center line a distance of 632 feet; thence following a curve to the right along said center line a distance of 461 feet; thence in a northwesterly direction along said center line of proposed state highway a distance of 1360 feet to place of beginning.**

2. The commissioner of administration shall set the terms and conditions for the conveyance, including the consideration, except that such consideration shall not exceed one dollar. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 5. CONVEYANCE OF MARK TWAIN EXPRESSWAY, ST. LOUIS COUNTY TO STATE HIGHWAYS AND TRANSPORTATION COMMISSION. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located in St. Louis County, Route 40 (now known as Mark Twain Expressway), to the state highways and transportation commission. The property to be conveyed is more particularly described as follows:

> **The following tracts or parcels of land in Lot 4, and part of Lot 5 of the Lewellyn Brown Estate Partition in U.S. Survey 656, Township 46 North, Range 6 East, for the Mark Twain Expressway (Route 40), the centerline of which is described as follows:**

Beginning at a point on Line "A" at Station 439+40.19 on the centerline of said Mark Twain Expressway (Route 40) at its intersection with the western line of Lot 4 of said Lewellyn Brown Estate Partition, which point bears south 6 degrees 30 minutes west a distance of 1415 feet from the northwest corner of said Lot 4; thence eastwardly along said centerline north 79 degrees 32 minutes 20 seconds east a distance of 374.57 feet to Equation Station 443+14.76 backward equals Station 442+49.39 forward; thence continuing along said centerline north 79 degrees 32 minutes 20 seconds east a distance of 71.38 feet to a point on said centerline on a spiral curve to the right having a spiral angle of 3 degrees, 30 minutes, and a length of 200 feet to a point on said centerline at Station 445+20.77; thence continuing eastwardly along said centerline on a circular curve to the right having a radius of 1637.28 feet a distance of 425.78 feet to a point on said centerline at Station 449+46.55 said point being the intersection of the centerline of Mark Twain Expressway (Route 40) and of State Highway S.T.T.; thence continuing eastwardly on said centerline of said Mark Twain Expressway (Route 40), and on said circular curve thereof a distance of 140.45 feet to a point on said centerline at Station 450+87, said point being also the intersection of the above described centerline and the centerline of Brown Road.

The centerline of State Highway S.T.T., hereinafter referred to as the centerline of State Highway S.T.T., is described as, beginning at a point at Station 449+46.55 on the centerline of Mark Twain Expressway (Route 40) as described above, which point is the intersection of the centerline of said Mark Twain Expressway (Route 40), and the centerline of State Highway S.T.T. at Station 163+52.54; thence northwardly on a circular curve to the left having a radius of 1432.69 feet, and tangent to a line bearing north 18 degrees 14 minutes, 32 seconds west along the centerline of State Highway S.T.T., a distance of 506.83 feet to a point at Station 158+45.71; thence continuing northwardly along the centerline of State Highway S.T.T. on a spiral curve to the left having a length of 150 feet, and a spiral angle of 3 degrees 00 minutes a distance of 150 feet to a point at Station 156+95.71.

Also from the point of beginning on the centerline of State Highway S.T.T., at Station 163+52.54 as described in paragraph first above; thence southwardly on a circular curve to the right having a radius of 1432.69 feet and tangent to a line bearing south 18 degrees 14 minutes 32 seconds east along the centerline of State Highway S.T.T., a distance of 520.67 feet to a point on said centerline at Station 168+73.21; thence continuing southwardly along the centerline of State Highway S.T.T., on a spiral curve to the right having a length of 150 feet and a spiral angle of 3 degrees 00 minutes a distance of 150 feet to a point at Station 170+23.21 on said centerline; thence continuing southwardly along said centerline of State Highway S.T.T., south 5 degrees 35 minutes .04 seconds west a distance of 868.98 feet to Station 178+92.19, which point is the intersection of said centerline with the northern line of Natural Bridge Road.

Tract 1

All of the grantors land included between a line parallel to and 150 feet northwardly from the above described centerline of the Mark Twain Expressway (Route 40) and line parallel to and 150 feet southwardly from said centerline. Also additional parcels of land described as follows:

Tract 2

Beginning a point on the northern line of parcel heretofore described in Tract #1, said point being 150 feet northwardly from and perpendicular to the centerline

of said Mark Twain Expressway (Route 40) at Station 443+14.76; thence northwestwardly in a straight line to a point on the eastern line of Airport Road (80 feet wide), said point being 320 feet northwardly from the intersection of said centerline of Mark Twain Expressway (Line "A") with the eastern line of said Airport Road; thence westwardly at right angles to the centerline of Airport Road a distance of 40 feet to a point on its centerline, said centerline being also the western line of Lot 4 of the Lewellyn Brown Estate Partition; thence southwardly along said western line of Lot 4 a distance of 175.38 feet to a point on said western line of Lot 4 where it intersects the northern line of above described Tract #1; thence eastwardly along said northern line of said Tract #1 to the point of beginning.

Tract 3

Beginning at a point on the northern line of the parcel of land described above in Tract #1, said point being 150 feet northwardly from, and perpendicular to the previously described centerline of the Mark Twain Expressway (Route 40) at Station 444+50; thence continuing northwardly and perpendicular to said centerline at Station 444+50 a distance of 150 feet to a point; thence northeastwardly in a straight line to a point on the centerline of State Highway S.T.T. at Station 157+50 as heretofore described; thence northwestwardly along the centerline of said State Highway S.T.T. a distance of 54.29 feet to Station 156+95.71 on said centerline; thence eastwardly perpendicular to said centerline at Station 156+95.71 a distance of 40 feet to a point on the northeasterly right of way line of Airport Road (Southeast); thence south 41 degrees 30 minutes 56 seconds east along said northeasterly right of way line of Airport Road (Southeast) a distance of 304.29 feet to a point; thence south 86 degrees 30 minutes 56 seconds east to a point in grantor's easterly property line, said point being on the centerline of Brown Road (40 feet wide), and being all of grantor's land lying between the above described line, the centerline of Brown Road and the northern line of the parcel of land above described in Tract #1.

Tract 4

Beginning at a point on the southern line of the parcel of land described above in Tract #1, said point being 150 feet southwardly from and perpendicular to the previously described centerline of said Mark Twain Expressway (Route 40) at Station 445+00; thence southwardly in a straight line a distance of 277.73 feet to a point, said point being 425.06 feet southwardly from and perpendicular to the centerline of said Mark Twain Expressway at Station 445+48; thence southeastwardly in a straight line a distance of 383.41 to a point, said point being 50 feet westwardly from and perpendicular to the previously described centerline of Route S.T.T. at Station 168+70.41; thence eastwardly to the centerline of Route S.T.T. at Station 168+70.41; thence continuing eastwardly in a straight line perpendicular to the centerline of Route S.T.T. to a point on the centerline of Brown Road being also grantor's easterly property line and being all of the grantors land lying between the above described line, the centerline of Brown Road and the southern line of the parcel of land described above in Tract #1.

Tract 5

Also a parcel of land bounded as follows: On the north by the southern line of parcel last above described in Tract #4 on the east by grantor's eastern property line; being the centerline of Brown Road (40 feet wide), on the west by a line parallel to and 50 feet westwardly from the centerline of State Highway S.T.T. as heretofore described, on the south by the northern line of Natural Bridge Road.

Tract 6

A triangular parcel of land in the southwestern corner of Lot 4 of the Lewellyn Brown Estate Partition described as beginning at the intersection of the western line of said Lot 4 with the northern line of Natural Bridge Road; thence eastwardly along the northern line of Natural Bridge Road a distance of 254 feet to a point; thence northeastwardly to a point on the western line of said Lot 4, said point being 50 feet northwardly along said western line of Lot 4 from the point of beginning; thence 50 feet southwardly along said western line of said Lot 4 to the point of beginning.

All of the foregoing tracts contain approximately 16.15 acres, exclusive of that portion heretofore dedicated as public roads.

2. The commissioner of administration shall set the terms and conditions for the conveyance, including the consideration, except that such consideration shall not exceed one dollar. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

Approved July 10, 2015

SB 318 [SB 318]

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

Designates the "Billy Yates Highway" in Ripley County

AN ACT to amend chapter 227, RSMo, by adding thereto three new sections relating to the designation of a highway.

SECTION

A. Enacting clause.
227.428. Randy Bever Memorial Highway designated for portion of Business Highway 71 in Andrew County.
227.524. Ray-Carroll County Veterans Memorial Highway designated for portion of Highway 10.
227.525. Billy Yates Highway designated for portion of U.S. Highway 160 in Ripley County.

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

SECTION A. ENACTING CLAUSE. — Chapter 227, RSMo, is amended by adding thereto three new sections, to be known as sections 227.428, 227.524, and 227.525, to read as follows:

227.428. RANDY BEVER MEMORIAL HIGHWAY DESIGNATED FOR PORTION OF BUSINESS HIGHWAY 71 IN ANDREW COUNTY. — The portion of Business Highway 71 from the Interstate 29 intersection traveling north for two miles and located in Andrew County shall be designated as the "Randy Bever Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway with the cost for such designation to be paid by private donation.

227.524. RAY-CARROLL COUNTY VETERANS MEMORIAL HIGHWAY DESIGNATED FOR PORTION OF HIGHWAY 10. — The portion of Highway 10 from the western border of the city limits of Norborne in Carroll County to the eastern border of the city limits of Hardin in Ray County shall be designated the "Ray-Carroll County Veterans Memorial

Highway". The department of transportation shall erect and maintain appropriate signs designating such highway with costs to be paid by private donations.

227.525. BILLY YATES HIGHWAY DESIGNATED FOR PORTION OF U.S. HIGHWAY 160 IN RIPLEY COUNTY. — The portion of U.S. Highway 160 in Ripley County which is located within the city limits of Doniphan shall be designated the "Billy Yates Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid for by private donation.

Approved June 25, 2015

SB 321 [SCS SB 321]

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

Allows victims of sexual assault to receive protective orders and modifies the definitions of sexual assault and stalking as they relate to orders of protection

AN ACT to repeal sections 455.010, 455.020, 455.032, 455.040, 455.045, 455.050, 455.080, 455.503, 455.505, 455.513, 455.520, and 455.523, RSMo, section 455.085 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 455.085 as enacted by house bill no. 215, ninety-seventh general assembly, first regular session, section 455.538 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 455.538 as enacted by house bill no. 215, ninety-seventh general assembly, first regular session, and to enact in lieu thereof fourteen new sections relating to court orders of protection that prohibit contact with victims of sexual offenses, with penalty provisions.

SECTION

A. Enacting clause.
455.010. Definitions.
455.020. Relief may be sought — order of protection effective, where.
455.032. Protection order, restraining respondent from abuse if petitioner is permanently or temporarily in state — evidence admissible of prior abuse in or out of state.
455.040. Hearings, when — duration of orders, renewal, requirements — copies of orders to be given, validity — duties of law enforcement agency — information entered in MULES.
455.045. Temporary relief available.
455.050. Full or ex parte order of protection, abuse, stalking, or sexual assault, contents — relief available.
455.080. Law enforcement agencies response to alleged incidents of domestic violence, stalking, or sexual assault — factors indicating need for immediate response — establishment of crisis team — transportation of abused party to medical treatment or shelter.
455.085. Beginning January 1, 2017 — Arrest for violation of order — penalties — good faith immunity for law enforcement officials.
455.085. Until December 31, 2016 — Arrest for violation of order — penalties — good faith immunity for law enforcement officials.
455.503. Venue — petition, who may file.
455.505. Relief may be sought for child for domestic violence, stalking, or sexual assault — order of protection effective, where.
455.513. Ex parte orders, issued when, effective when — for good cause shown, defined — investigation by children's division, when — report due when, available to whom — transfer to juvenile court, when.
455.520. Temporary relief available — ex parte orders.
455.523. Full order of protection — relief available.
455.538. Beginning January 1, 2017 — Law enforcement agencies response to violation of order — arrest for violation, penalties — custody to be returned to rightful party, when.
455.538. Until December 31, 2016 — Law enforcement agencies response to violation of order — arrest for violation, penalties — custody to be returned to rightful party, when.

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

SECTION A. ENACTING CLAUSE. — Sections 455.010, 455.020, 455.032, 455.040, 455.045, 455.050, 455.080, 455.503, 455.505, 455.513, 455.520, and 455.523, RSMo, section 455.085 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 455.085 as enacted by house bill no. 215, ninety-seventh general assembly, first regular session, section 455.538 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 455.538 as enacted by house bill no. 215, ninety-seventh general assembly, first regular session, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 455.010, 455.020, 455.032, 455.040, 455.045, 455.050, 455.080, 455.085, 455.503, 455.505, 455.513, 455.520, 455.523, and 455.538, to read as follows:

455.010. DEFINITIONS. — As used in this chapter, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Abuse" includes but is not limited to the occurrence of any of the following acts, attempts or threats against a person who may be protected pursuant to this chapter, except abuse shall not include abuse inflicted on a child by accidental means by an adult household member or discipline of a child, including spanking, in a reasonable manner:

(a) "Assault", purposely or knowingly placing or attempting to place another in fear of physical harm;

(b) "Battery", purposely or knowingly causing physical harm to another with or without a deadly weapon;

(c) "Coercion", compelling another by force or threat of force to engage in conduct from which the latter has a right to abstain or to abstain from conduct in which the person has a right to engage;

(d) "Harassment", engaging in a purposeful or knowing course of conduct involving more than one incident that alarms or causes distress to an adult or child and serves no legitimate purpose. The course of conduct must be such as would cause a reasonable adult or child to suffer substantial emotional distress and must actually cause substantial emotional distress to the petitioner or child. Such conduct might include, but is not limited to:

a. Following another about in a public place or places;

b. Peering in the window or lingering outside the residence of another; but does not include constitutionally protected activity;

(e) "Sexual assault", causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, **[**or**]** duress**, or without that person's consent**;

(f) "Unlawful imprisonment", holding, confining, detaining or abducting another person against that person's will;

(2) "Adult", any person seventeen years of age or older or otherwise emancipated;

(3) "Child", any person under seventeen years of age unless otherwise emancipated;

(4) "Court", the circuit or associate circuit judge or a family court commissioner;

(5) "Domestic violence", abuse or stalking committed by a family or household member, as such terms are defined in this section;

(6) "Ex parte order of protection", an order of protection issued by the court before the respondent has received notice of the petition or an opportunity to be heard on it;

(7) "Family" or "household member", spouses, former spouses, any person related by blood or marriage, persons who are presently residing together or have resided together in the past, any person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and anyone who has a child in common regardless of whether they have been married or have resided together at any time;

(8) "Full order of protection", an order of protection issued after a hearing on the record where the respondent has received notice of the proceedings and has had an opportunity to be heard;

(9) "Order of protection", either an ex parte order of protection or a full order of protection;

(10) "Pending", exists or for which a hearing date has been set;

(11) "Petitioner", a family or household member who has been a victim of domestic violence, or any person who has been the victim of stalking **or sexual assault**, or a person filing on behalf of a child pursuant to section 455.503 who has filed a verified petition pursuant to the provisions of section 455.020 or section 455.505;

(12) "Respondent", the family or household member alleged to have committed an act of domestic violence, or person alleged to have committed an act of stalking **or sexual assault**, against whom a verified petition has been filed or a person served on behalf of a child pursuant to section 455.503;

(13) **"Sexual assault", as defined under subdivision (1) of this section;**

(14) "Stalking" is when any person purposely **[**and repeatedly**]** engages in an unwanted course of conduct that causes alarm to another person**, or a person who resides together in the same household with the person seeking the order of protection** when it is reasonable in that person's situation to have been alarmed by the conduct. As used in this subdivision:

(a) "Alarm" means to cause fear of danger of physical harm; **and**

(b) "Course of conduct" means a pattern of conduct composed of **[**repeated**] two or more** acts over a period of time, however short, that serves no legitimate purpose. Such conduct may include, but is not limited to, following the other person or unwanted communication or unwanted contact**[**; and

(c) "Repeated" means two or more incidents evidencing a continuity of purpose**]**.

455.020. RELIEF MAY BE SOUGHT — ORDER OF PROTECTION EFFECTIVE, WHERE. — 1. Any person who has been subject to domestic violence by a present or former family or household member, or who has been the victim of stalking **or sexual assault**, may seek relief under sections 455.010 to 455.085 by filing a verified petition alleging such domestic violence **[**or**],** stalking**, or sexual assault** by the respondent.

2. A person's right to relief under sections 455.010 to 455.085 shall not be affected by the person leaving the residence or household to avoid domestic violence.

3. Any protection order issued pursuant to sections 455.010 to 455.085 shall be effective throughout the state in all cities and counties.

455.032. PROTECTION ORDER, RESTRAINING RESPONDENT FROM ABUSE IF PETITIONER IS PERMANENTLY OR TEMPORARILY IN STATE — EVIDENCE ADMISSIBLE OF PRIOR ABUSE IN OR OUT OF STATE. — In addition to any other jurisdictional grounds provided by law, a court shall have jurisdiction to enter an order of protection restraining or enjoining the respondent from committing or threatening to commit domestic violence, stalking, **sexual assault,** molesting or disturbing the peace of petitioner, pursuant to sections 455.010 to 455.085, if the petitioner is present, whether permanently or on a temporary basis within the state of Missouri and if the respondent's actions constituting domestic violence have occurred, have been attempted or have been or are threatened within the state of Missouri. For purposes of this section, if the petitioner has been the subject of domestic violence within or outside of the state of Missouri, such evidence shall be admissible to demonstrate the need for protection in Missouri.

455.040. HEARINGS, WHEN — DURATION OF ORDERS, RENEWAL, REQUIREMENTS — COPIES OF ORDERS TO BE GIVEN, VALIDITY — DUTIES OF LAW ENFORCEMENT AGENCY — INFORMATION ENTERED IN MULES. — 1. Not later than fifteen days after the filing of a petition that meets the requirements of section 455.020, a hearing shall be held unless the court deems, for good cause shown, that a continuance should be granted. At the hearing, if the petitioner has proved the allegation of domestic violence **[**or**],** stalking**, or sexual assault** by a preponderance of the evidence, and the respondent cannot show that his or her actions alleged to constitute abuse were otherwise justified under the law, the court shall issue a full order of protection for a period of time the court deems appropriate, except that the protective order shall

be valid for at least one hundred eighty days and not more than one year. Upon motion by the petitioner, and after a hearing by the court, the full order of protection may be renewed for a period of time the court deems appropriate, except that the protective order shall be valid for at least one hundred eighty days and not more than one year from the expiration date of the originally issued full order of protection. The court may, upon finding that it is in the best interest of the parties, include a provision that any full order of protection for one year shall automatically renew unless the respondent requests a hearing by thirty days prior to the expiration of the order. If for good cause a hearing cannot be held on the motion to renew or the objection to an automatic renewal of the full order of protection prior to the expiration date of the originally issued full order of protection, an ex parte order of protection may be issued until a hearing is held on the motion. When an automatic renewal is not authorized, upon motion by the petitioner, and after a hearing by the court, the second full order of protection may be renewed for an additional period of time the court deems appropriate, except that the protective order shall be valid for at least one hundred eighty days and not more than one year. For purposes of this subsection, a finding by the court of a subsequent act of domestic violence [or]**,** stalking**, or sexual assault** is not required for a renewal order of protection.

2. The court shall cause a copy of the petition and notice of the date set for the hearing on such petition and any ex parte order of protection to be served upon the respondent as provided by law or by any sheriff or police officer at least three days prior to such hearing. The court shall cause a copy of any full order of protection to be served upon or mailed by certified mail to the respondent at the respondent's last known address. Notice of an ex parte or full order of protection shall be served at the earliest time, and service of such notice shall take priority over service in other actions, except those of a similar emergency nature. Failure to serve or mail a copy of the full order of protection to the respondent shall not affect the validity or enforceability of a full order of protection.

3. A copy of any order of protection granted pursuant to sections 455.010 to 455.085 shall be issued to the petitioner and to the local law enforcement agency in the jurisdiction where the petitioner resides. The clerk shall also issue a copy of any order of protection to the local law enforcement agency responsible for maintaining the Missouri uniform law enforcement system or any other comparable law enforcement system the same day the order is granted. The law enforcement agency responsible for maintaining MULES shall, for purposes of verification, within twenty-four hours from the time the order is granted, enter information contained in the order including but not limited to any orders regarding child custody or visitation and all specifics as to times and dates of custody or visitation that are provided in the order. A notice of expiration or of termination of any order of protection or any change in child custody or visitation within that order shall be issued to the local law enforcement agency and to the law enforcement agency responsible for maintaining MULES or any other comparable law enforcement system. The law enforcement agency responsible for maintaining the applicable law enforcement system shall enter such information in the system within twenty-four hours of receipt of information evidencing such expiration or termination. The information contained in an order of protection may be entered in the Missouri uniform law enforcement system or comparable law enforcement system using a direct automated data transfer from the court automated system to the law enforcement system.

4. The court shall cause a copy of any objection filed by the respondent and notice of the date set for the hearing on such objection to an automatic renewal of a full order of protection for a period of one year to be personally served upon the petitioner by personal process server as provided by law or by a sheriff or police officer at least three days prior to such hearing. Such service of process shall be served at the earliest time and shall take priority over service in other actions except those of a similar emergency nature.

455.045. TEMPORARY RELIEF AVAILABLE. — Any ex parte order of protection granted pursuant to sections 455.010 to 455.085 shall be to protect the petitioner from domestic violence [or]**,** stalking**, or sexual assault** and may include:

(1) Restraining the respondent from committing or threatening to commit domestic violence, molesting, stalking**, sexual assault,** or disturbing the peace of the petitioner;

(2) Restraining the respondent from entering the premises of the dwelling unit of petitioner when the dwelling unit is:

(a) Jointly owned, leased or rented or jointly occupied by both parties; or

(b) Owned, leased, rented or occupied by petitioner individually; or

(c) Jointly owned, leased or rented by petitioner and a person other than respondent; provided, however, no spouse shall be denied relief pursuant to this section by reason of the absence of a property interest in the dwelling unit; or

(d) Jointly occupied by the petitioner and a person other than the respondent; provided that the respondent has no property interest in the dwelling unit;

(3) Restraining the respondent from communicating with the petitioner in any manner or through any medium;

(4) A temporary order of custody of minor children where appropriate.

455.050. FULL OR EX PARTE ORDER OF PROTECTION, ABUSE, STALKING, OR SEXUAL ASSAULT, CONTENTS — RELIEF AVAILABLE. — 1. Any full or ex parte order of protection granted pursuant to sections 455.010 to 455.085 shall be to protect the petitioner from domestic violence**, stalking, or sexual assault** and may include such terms as the court reasonably deems necessary to ensure the petitioner's safety, including but not limited to:

(1) Temporarily enjoining the respondent from committing or threatening to commit domestic violence, molesting, stalking**, sexual assault,** or disturbing the peace of the petitioner;

(2) Temporarily enjoining the respondent from entering the premises of the dwelling unit of the petitioner when the dwelling unit is:

(a) Jointly owned, leased or rented or jointly occupied by both parties; or

(b) Owned, leased, rented or occupied by petitioner individually; or

(c) Jointly owned, leased, rented or occupied by petitioner and a person other than respondent; provided, however, no spouse shall be denied relief pursuant to this section by reason of the absence of a property interest in the dwelling unit; or

(d) Jointly occupied by the petitioner and a person other than respondent; provided that the respondent has no property interest in the dwelling unit; or

(3) Temporarily enjoining the respondent from communicating with the petitioner in any manner or through any medium.

2. Mutual orders of protection are prohibited unless both parties have properly filed written petitions and proper service has been made in accordance with sections 455.010 to 455.085.

3. When the court has, after a hearing for any full order of protection, issued an order of protection, it may, in addition:

(1) Award custody of any minor child born to or adopted by the parties when the court has jurisdiction over such child and no prior order regarding custody is pending or has been made, and the best interests of the child require such order be issued;

(2) Establish a visitation schedule that is in the best interests of the child;

(3) Award child support in accordance with supreme court rule 88.01 and chapter 452;

(4) Award maintenance to petitioner when petitioner and respondent are lawfully married in accordance with chapter 452;

(5) Order respondent to make or to continue to make rent or mortgage payments on a residence occupied by the petitioner if the respondent is found to have a duty to support the petitioner or other dependent household members;

(6) Order the respondent to pay the petitioner's rent at a residence other than the one previously shared by the parties if the respondent is found to have a duty to support the petitioner and the petitioner requests alternative housing;

(7) Order that the petitioner be given temporary possession of specified personal property, such as automobiles, checkbooks, keys, and other personal effects;

(8) Prohibit the respondent from transferring, encumbering, or otherwise disposing of specified property mutually owned or leased by the parties;

(9) Order the respondent to participate in a court-approved counseling program designed to help batterers stop violent behavior or to participate in a substance abuse treatment program;

(10) Order the respondent to pay a reasonable fee for housing and other services that have been provided or that are being provided to the petitioner by a shelter for victims of domestic violence;

(11) Order the respondent to pay court costs;

(12) Order the respondent to pay the cost of medical treatment and services that have been provided or that are being provided to the petitioner as a result of injuries sustained to the petitioner by an act of domestic violence committed by the respondent.

4. A verified petition seeking orders for maintenance, support, custody, visitation, payment of rent, payment of monetary compensation, possession of personal property, prohibiting the transfer, encumbrance, or disposal of property, or payment for services of a shelter for victims of domestic violence, shall contain allegations relating to those orders and shall pray for the orders desired.

5. In making an award of custody, the court shall consider all relevant factors including the presumption that the best interests of the child will be served by placing the child in the custody and care of the nonabusive parent, unless there is evidence that both parents have engaged in abusive behavior, in which case the court shall not consider this presumption but may appoint a guardian ad litem or a court-appointed special advocate to represent the children in accordance with chapter 452 and shall consider all other factors in accordance with chapter 452.

6. The court shall grant to the noncustodial parent rights to visitation with any minor child born to or adopted by the parties, unless the court finds, after hearing, that visitation would endanger the child's physical health, impair the child's emotional development or would otherwise conflict with the best interests of the child, or that no visitation can be arranged which would sufficiently protect the custodial parent from further domestic violence. The court may appoint a guardian ad litem or court-appointed special advocate to represent the minor child in accordance with chapter 452 whenever the custodial parent alleges that visitation with the noncustodial parent will damage the minor child.

7. The court shall make an order requiring the noncustodial party to pay an amount reasonable and necessary for the support of any child to whom the party owes a duty of support when no prior order of support is outstanding and after all relevant factors have been considered, in accordance with Missouri supreme court rule 88.01 and chapter 452.

8. The court may grant a maintenance order to a party for a period of time, not to exceed one hundred eighty days. Any maintenance ordered by the court shall be in accordance with chapter 452.

455.080. LAW ENFORCEMENT AGENCIES RESPONSE TO ALLEGED INCIDENTS OF DOMESTIC VIOLENCE, STALKING, OR SEXUAL ASSAULT — FACTORS INDICATING NEED FOR IMMEDIATE RESPONSE — ESTABLISHMENT OF CRISIS TEAM — TRANSPORTATION OF ABUSED PARTY TO MEDICAL TREATMENT OR SHELTER. — 1. Law enforcement agencies may establish procedures to ensure that dispatchers and officers at the scene of an alleged incident of domestic violence [or]**,** stalking**, sexual assault,** or violation of an order of protection can be informed of any recorded prior incident of domestic violence [or]**,** stalking**, or sexual assault** involving the abused party and can verify the effective dates and terms of any recorded order of protection.

2. The law enforcement agency shall apply the same standard for response to an alleged incident of domestic violence [or]**,** stalking**, sexual assault,** or a violation of any order of protection as applied to any like offense involving strangers, except as otherwise provided by law. Law enforcement agencies shall not assign lower priority to calls involving alleged incidents of domestic violence [or]**,** stalking**, sexual assault,** or violation of protection orders than

is assigned in responding to offenses involving strangers. Existence of any of the following factors shall be interpreted as indicating a need for immediate response:

(1) The caller indicates that violence is imminent or in progress; or

(2) A protection order is in effect; or

(3) The caller indicates that incidents of domestic violence have occurred previously between the parties.

3. Law enforcement agencies may establish domestic crisis teams or, if the agency has fewer than five officers whose responsibility it is to respond to calls of this nature, individual officers trained in methods of dealing with domestic violence. Such teams or individuals may be supplemented by social workers, ministers or other persons trained in counseling or crisis intervention. When an alleged incident of domestic violence is reported, the agency may dispatch a crisis team or specially trained officer, if available, to the scene of the incident.

4. The officer at the scene of an alleged incident of domestic violence **[**or**],** stalking**, or sexual assault** shall inform the abused party of available judicial remedies for relief from domestic violence and of available shelters for victims of domestic violence.

5. Law enforcement officials at the scene shall provide or arrange transportation for the abused party to a medical facility for treatment of injuries or to a place of shelter or safety.

455.085. Beginning January 1, 2017 — Arrest for violation of order — penalties — good faith immunity for law enforcement officials. — 1. When a law enforcement officer has probable cause to believe a party has committed a violation of law amounting to domestic violence, as defined in section 455.010, against a family or household member, the officer may arrest the offending party whether or not the violation occurred in the presence of the arresting officer. When the officer declines to make arrest pursuant to this subsection, the officer shall make a written report of the incident completely describing the offending party, giving the victim's name, time, address, reason why no arrest was made and any other pertinent information. Any law enforcement officer subsequently called to the same address within a twelve-hour period, who shall find probable cause to believe the same offender has again committed a violation as stated in this subsection against the same or any other family or household member, shall arrest the offending party for this subsequent offense. The primary report of nonarrest in the preceding twelve-hour period may be considered as evidence of the defendant's intent in the violation for which arrest occurred. The refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection.

2. When a law enforcement officer has probable cause to believe that a party, against whom a protective order has been entered and who has notice of such order entered, has committed an act of abuse in violation of such order, the officer shall arrest the offending party-respondent whether or not the violation occurred in the presence of the arresting officer. Refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection.

3. When an officer makes an arrest, the officer is not required to arrest two parties involved in an assault when both parties claim to have been assaulted. The arresting officer shall attempt to identify and shall arrest the party the officer believes is the primary physical aggressor. The term "primary physical aggressor" is defined as the most significant, rather than the first, aggressor. The law enforcement officer shall consider any or all of the following in determining the primary physical aggressor:

(1) The intent of the law to protect victims from continuing domestic violence;

(2) The comparative extent of injuries inflicted or serious threats creating fear of physical injury;

(3) The history of domestic violence between the persons involved.

No law enforcement officer investigating an incident of domestic violence shall threaten the arrest of all parties for the purpose of discouraging requests or law enforcement intervention by

any party. Where complaints are received from two or more opposing parties, the officer shall evaluate each complaint separately to determine whether the officer should seek a warrant for an arrest.

4. In an arrest in which a law enforcement officer acted in good faith reliance on this section, the arresting and assisting law enforcement officers and their employing entities and superiors shall be immune from liability in any civil action alleging false arrest, false imprisonment or malicious prosecution.

5. When a person against whom an order of protection has been entered fails to surrender custody of minor children to the person to whom custody was awarded in an order of protection, the law enforcement officer shall arrest the respondent, and shall turn the minor children over to the care and custody of the party to whom such care and custody was awarded.

6. The same procedures, including those designed to protect constitutional rights, shall be applied to the respondent as those applied to any individual detained in police custody.

7. A violation of the terms and conditions, with regard to domestic violence, stalking, **sexual assault,** child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit or place of employment or school, or being within a certain distance of the petitioner or a child of the petitioner, of an ex parte order of protection of which the respondent has notice, shall be a class A misdemeanor unless the respondent has previously pleaded guilty to or has been found guilty in any division of the circuit court of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class E felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of such prior pleas of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict.

8. A violation of the terms and conditions, with regard to domestic violence, stalking, **sexual assault,** child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit or place of employment or school, or being within a certain distance of the petitioner or a child of the petitioner, of a full order of protection shall be a class A misdemeanor, unless the respondent has previously pleaded guilty to or has been found guilty in any division of the circuit court of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class E felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of such prior plea of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of the sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict. For the purposes of this subsection, in addition to the notice provided by actual service of the order, a party is deemed to have notice of an order of protection if the law enforcement officer responding to a call of a reported incident of domestic violence, stalking, **sexual assault,** or violation of an order of protection presented a copy of the order of protection to the respondent.

9. Good faith attempts to effect a reconciliation of a marriage shall not be deemed tampering with a witness or victim tampering under section 575.270.

10. Nothing in this section shall be interpreted as creating a private cause of action for damages to enforce the provisions set forth herein.

455.085. UNTIL DECEMBER 31, 2016 — ARREST FOR VIOLATION OF ORDER — PENALTIES — GOOD FAITH IMMUNITY FOR LAW ENFORCEMENT OFFICIALS. — 1. When a law enforcement officer has probable cause to believe a party has committed a violation of law

amounting to domestic violence, as defined in section 455.010, against a family or household member, the officer may arrest the offending party whether or not the violation occurred in the presence of the arresting officer. When the officer declines to make arrest pursuant to this subsection, the officer shall make a written report of the incident completely describing the offending party, giving the victim's name, time, address, reason why no arrest was made and any other pertinent information. Any law enforcement officer subsequently called to the same address within a twelve-hour period, who shall find probable cause to believe the same offender has again committed a violation as stated in this subsection against the same or any other family or household member, shall arrest the offending party for this subsequent offense. The primary report of nonarrest in the preceding twelve-hour period may be considered as evidence of the defendant's intent in the violation for which arrest occurred. The refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection.

2. When a law enforcement officer has probable cause to believe that a party, against whom a protective order has been entered and who has notice of such order entered, has committed an act of abuse in violation of such order, the officer shall arrest the offending party-respondent whether or not the violation occurred in the presence of the arresting officer. Refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection.

3. When an officer makes an arrest, the officer is not required to arrest two parties involved in an assault when both parties claim to have been assaulted. The arresting officer shall attempt to identify and shall arrest the party the officer believes is the primary physical aggressor. The term "primary physical aggressor" is defined as the most significant, rather than the first, aggressor. The law enforcement officer shall consider any or all of the following in determining the primary physical aggressor:

(1) The intent of the law to protect victims from continuing domestic violence;

(2) The comparative extent of injuries inflicted or serious threats creating fear of physical injury;

(3) The history of domestic violence between the persons involved.

No law enforcement officer investigating an incident of domestic violence shall threaten the arrest of all parties for the purpose of discouraging requests or law enforcement intervention by any party. Where complaints are received from two or more opposing parties, the officer shall evaluate each complaint separately to determine whether the officer should seek a warrant for an arrest.

4. In an arrest in which a law enforcement officer acted in good faith reliance on this section, the arresting and assisting law enforcement officers and their employing entities and superiors shall be immune from liability in any civil action alleging false arrest, false imprisonment or malicious prosecution.

5. When a person against whom an order of protection has been entered fails to surrender custody of minor children to the person to whom custody was awarded in an order of protection, the law enforcement officer shall arrest the respondent, and shall turn the minor children over to the care and custody of the party to whom such care and custody was awarded.

6. The same procedures, including those designed to protect constitutional rights, shall be applied to the respondent as those applied to any individual detained in police custody.

7. A violation of the terms and conditions, with regard to domestic violence, stalking, **sexual assault,** child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit or place of employment or school, or being within a certain distance of the petitioner or a child of the petitioner, of an ex parte order of protection of which the respondent has notice, shall be a class A misdemeanor unless the respondent has previously pleaded guilty to or has been found guilty in any division of the circuit court of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class D felony.

Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of such prior pleas of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict.

8. A violation of the terms and conditions, with regard to domestic violence, stalking, **sexual assault,** child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit or place of employment or school, or being within a certain distance of the petitioner or a child of the petitioner, of a full order of protection shall be a class A misdemeanor, unless the respondent has previously pleaded guilty to or has been found guilty in any division of the circuit court of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class D felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of such prior plea of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of the sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict. For the purposes of this subsection, in addition to the notice provided by actual service of the order, a party is deemed to have notice of an order of protection if the law enforcement officer responding to a call of a reported incident of domestic violence, stalking, **sexual assault,** or violation of an order of protection presented a copy of the order of protection to the respondent.

9. Good faith attempts to effect a reconciliation of a marriage shall not be deemed tampering with a witness or victim tampering under section 575.270.

10. Nothing in this section shall be interpreted as creating a private cause of action for damages to enforce the provisions set forth herein.

455.503. VENUE — PETITION, WHO MAY FILE. — 1. A petition for an order of protection for a child shall be filed in the county where the child resides, where the alleged incident of domestic violence **[**or**],** stalking**, or sexual assault** occurred, or where the respondent may be served.

2. Such petition may be filed by any of the following:

(1) A parent or guardian of the victim;

(2) A guardian ad litem or court-appointed special advocate appointed for the victim; or

(3) The juvenile officer.

455.505. RELIEF MAY BE SOUGHT FOR CHILD FOR DOMESTIC VIOLENCE, STALKING, OR SEXUAL ASSAULT — ORDER OF PROTECTION EFFECTIVE, WHERE. — 1. An order of protection for a child who has been subject to domestic violence by a present or former household member or **[**person**] sexual assault or** stalking **[**the child**] by any person** may be sought under sections 455.500 to 455.538 by the filing of a verified petition alleging such domestic violence **[**or**],** stalking**, or sexual assault** by the respondent.

2. A child's right to relief under sections 455.500 to 455.538 shall not be affected by the child's leaving the residence or household to avoid domestic violence.

3. Any protection order issued pursuant to sections 455.500 to 455.538 shall be effective throughout the state in all cities and counties.

455.513. EX PARTE ORDERS, ISSUED WHEN, EFFECTIVE WHEN — FOR GOOD CAUSE SHOWN, DEFINED — INVESTIGATION BY CHILDREN'S DIVISION, WHEN — REPORT DUE WHEN, AVAILABLE TO WHOM — TRANSFER TO JUVENILE COURT, WHEN. — 1. Upon the filing of a verified petition under sections 455.500 to 455.538, for good cause shown in the petition, and

upon finding that no prior order regarding custody is pending or has been made or that the respondent is less than seventeen years of age, the court may immediately issue an ex parte order of protection. An immediate and present danger of domestic violence [or]**,** stalking**, or sexual assault** to a child shall constitute good cause for purposes of this section. An ex parte order of protection entered by the court shall be in effect until the time of the hearing. The court shall deny the ex parte order and dismiss the petition if the petitioner is not authorized to seek relief pursuant to section 455.505.

2. Upon the entry of the ex parte order of protection, the court shall enter its order appointing a guardian ad litem or court-appointed special advocate to represent the child victim.

3. If the allegations in the petition would give rise to jurisdiction under section 211.031, the court may direct the children's division to conduct an investigation and to provide appropriate services. The division shall submit a written investigative report to the court and to the juvenile officer within thirty days of being ordered to do so. The report shall be made available to the parties and the guardian ad litem or court-appointed special advocate.

4. If the allegations in the petition would give rise to jurisdiction under section 211.031 because the respondent is less than seventeen years of age, the court may issue an ex parte order and shall transfer the case to juvenile court for a hearing on a full order of protection. Service of process shall be made pursuant to section 455.035.

455.520. TEMPORARY RELIEF AVAILABLE — EX PARTE ORDERS. — 1. Any ex parte order of protection granted under sections 455.500 to 455.538 shall be to protect the victim from domestic violence [or]**,** stalking**, or sexual assault** and may include such terms as the court reasonably deems necessary to ensure the victim's safety, including but not limited to:

(1) Restraining the respondent from committing or threatening to commit domestic violence, stalking, **sexual assault,** molesting, or disturbing the peace of the victim;

(2) Restraining the respondent from entering the family home of the victim except as specifically authorized by the court;

(3) Restraining the respondent from communicating with the victim in any manner or through any medium, except as specifically authorized by the court;

(4) A temporary order of custody of minor children.

2. No ex parte order of protection excluding the respondent from the family home shall be issued unless the court finds that:

(1) The order is in the best interests of the child or children remaining in the home;

(2) The verified allegations of domestic violence present a substantial risk to the child or children unless the respondent is excluded; and

(3) A remaining adult family or household member is able to care adequately for the child or children in the absence of the excluded party.

455.523. FULL ORDER OF PROTECTION — RELIEF AVAILABLE. — 1. Any full order of protection granted under sections 455.500 to 455.538 shall be to protect the victim from domestic violence [and]**,** stalking**, and sexual assault** may include such terms as the court reasonably deems necessary to ensure the petitioner's safety, including but not limited to:

(1) Temporarily enjoining the respondent from committing domestic violence **or sexual assault**, threatening to commit domestic violence **or sexual assault**, stalking, molesting, or disturbing the peace of the victim;

(2) Temporarily enjoining the respondent from entering the family home of the victim, except as specifically authorized by the court;

(3) Temporarily enjoining the respondent from communicating with the victim in any manner or through any medium, except as specifically authorized by the court.

2. When the court has, after hearing for any full order of protection, issued an order of protection, it may, in addition:

(1) Award custody of any minor child born to or adopted by the parties when the court has jurisdiction over such child and no prior order regarding custody is pending or has been made, and the best interests of the child require such order be issued;

(2) Award visitation;

(3) Award child support in accordance with supreme court rule 88.01 and chapter 452;

(4) Award maintenance to petitioner when petitioner and respondent are lawfully married in accordance with chapter 452;

(5) Order respondent to make or to continue to make rent or mortgage payments on a residence occupied by the victim if the respondent is found to have a duty to support the victim or other dependent household members;

(6) Order the respondent to participate in a court-approved counseling program designed to help stop violent behavior or to treat substance abuse;

(7) Order the respondent to pay, to the extent that he or she is able, the costs of his or her treatment, together with the treatment costs incurred by the victim;

(8) Order the respondent to pay a reasonable fee for housing and other services that have been provided or that are being provided to the victim by a shelter for victims of domestic violence.

455.538. BEGINNING JANUARY 1, 2017 — LAW ENFORCEMENT AGENCIES RESPONSE TO VIOLATION OF ORDER — ARREST FOR VIOLATION, PENALTIES — CUSTODY TO BE RETURNED TO RIGHTFUL PARTY, WHEN. — 1. When a law enforcement officer has probable cause to believe that a party, against whom a protective order for a child has been entered, has committed an act in violation of that order, the officer shall have the authority to arrest the respondent whether or not the violation occurred in the presence of the arresting officer.

2. When a person, against whom an order of protection for a child has been entered, fails to surrender custody of minor children to the person to whom custody was awarded in an order of protection, the law enforcement officer shall arrest the respondent, and shall turn the minor children over to the care and custody of the party to whom such care and custody was awarded.

3. The same procedures, including those designed to protect constitutional rights, shall be applied to the respondent as those applied to any individual detained in police custody.

4. (1) Violation of the terms and conditions of an ex parte or full order of protection with regard to domestic violence, stalking, **sexual assault,** child custody, communication initiated by the respondent, or entrance upon the premises of the victim's dwelling unit or place of employment or school, or being within a certain distance of the petitioner or a child of the petitioner, of which the respondent has notice, shall be a class A misdemeanor, unless the respondent has previously pleaded guilty to or has been found guilty in any division of the circuit court of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class E felony. Evidence of a prior plea of guilty or finding of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of a prior plea of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict.

(2) For purposes of this subsection, in addition to the notice provided by actual service of the order, a party is deemed to have notice of an order of protection for a child if the law enforcement officer responding to a call of a reported incident of domestic violence **[**or**], ** stalking**,** **sexual assault,** or violation of an order of protection for a child presents a copy of the order of protection to the respondent.

5. The fact that an act by a respondent is a violation of a valid order of protection for a child shall not preclude prosecution of the respondent for other crimes arising out of the incident in which the protection order is alleged to have been violated.

455.538. UNTIL DECEMBER 31, 2016 — LAW ENFORCEMENT AGENCIES RESPONSE TO VIOLATION OF ORDER — ARREST FOR VIOLATION, PENALTIES — CUSTODY TO BE RETURNED TO RIGHTFUL PARTY, WHEN. — 1. When a law enforcement officer has probable cause to believe that a party, against whom a protective order for a child has been entered, has committed an act in violation of that order, the officer shall have the authority to arrest the respondent whether or not the violation occurred in the presence of the arresting officer.

2. When a person, against whom an order of protection for a child has been entered, fails to surrender custody of minor children to the person to whom custody was awarded in an order of protection, the law enforcement officer shall arrest the respondent, and shall turn the minor children over to the care and custody of the party to whom such care and custody was awarded.

3. The same procedures, including those designed to protect constitutional rights, shall be applied to the respondent as those applied to any individual detained in police custody.

4. (1) Violation of the terms and conditions of an ex parte or full order of protection with regard to domestic violence, stalking, **sexual assault,** child custody, communication initiated by the respondent, or entrance upon the premises of the victim's dwelling unit or place of employment or school, or being within a certain distance of the petitioner or a child of the petitioner, of which the respondent has notice, shall be a class A misdemeanor, unless the respondent has previously pleaded guilty to or has been found guilty in any division of the circuit court of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class D felony. Evidence of a prior plea of guilty or finding of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of a prior plea of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict.

(2) For purposes of this subsection, in addition to the notice provided by actual service of the order, a party is deemed to have notice of an order of protection for a child if the law enforcement officer responding to a call of a reported incident of domestic violence **[**or**]**, stalking**, sexual assault,** or violation of an order of protection for a child presents a copy of the order of protection to the respondent.

5. The fact that an act by a respondent is a violation of a valid order of protection for a child shall not preclude prosecution of the respondent for other crimes arising out of the incident in which the protection order is alleged to have been violated.

Approved July 8, 2015

SB 334 [SB 334]

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

Modifies provisions relating to the boards of regents of state colleges and universities and broadens the degree-granting authority of Harris Stowe State University

AN ACT to repeal sections 174.030, 174.310, and 174.332, RSMo, and to enact in lieu thereof three new sections relating to boards of regents of state colleges and universities.

SECTION

A. Enacting clause.
174.030. Board authorized to change name — does not grant additional powers or authority — not to limit missions.
174.310. Harris-Stowe State University, transfer of facility — operation — funding — educational emphasis.

174.332. Northwest Missouri State University, board of regents, members, terms, appointment of, quorum requirements.

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

SECTION A. ENACTING CLAUSE. — Sections 174.030, 174.310, and 174.332, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 174.030, 174.310, and 174.332, to read as follows:

174.030. BOARD AUTHORIZED TO CHANGE NAME — DOES NOT GRANT ADDITIONAL POWERS OR AUTHORITY — NOT TO LIMIT MISSIONS. — The board of regents of each state teachers college located in the districts described in subdivisions (1) **[**through**]** **to** (4) of section 174.010 may in its discretion change the name of its college as provided by section 174.020 by eliminating from the name of the institution the words "teachers college" or any of such words and to add the word "university" in lieu of the word "college", and to change the name of the board as provided by section 174.040 by eliminating therefrom the word "teachers" and to add thereto the word "university" in lieu of the word "college"; and thereafter the institutions and boards shall have and enjoy the same rights and privileges as are granted to **[**teachers**]** colleges by law, but this section shall not be construed to grant authority to **[**such institutions to confer postgraduate degrees except those which may be necessary to the training of teachers for the free public schools of the state, or degrees other than those in education and arts and sciences, nor does it**]** grant additional powers or authorities to those institutions or those boards not enjoyed by other colleges or boards whose names are not changed; provided that nothing in this section shall be construed to limit the missions, degree programs, powers or authorities granted to those institutions or boards under section 173.030 and section 174.450.

174.310. HARRIS-STOWE STATE UNIVERSITY, TRANSFER OF FACILITY — OPERATION — FUNDING — EDUCATIONAL EMPHASIS. — 1. There shall be a period of orderly transition which shall begin with the appointment of the board of regents, during which the St. Louis board of education shall convey by gift, the buildings, facilities, equipment, and adjoining eight acres, more or less, of realty located at 3026 Laclede Avenue, St. Louis, Missouri, which currently serves as the campus of Harris-Stowe State College, to the board of regents, and during which time the St. Louis board of education, at its own expense, shall continue to provide necessary supporting services to Harris-Stowe State College. The transition period shall terminate no later than July 1, 1979, at which time the regents shall be responsible for every aspect of the college's operation.

2. Notwithstanding any other provisions of this chapter to the contrary, the board of regents of Harris-Stowe State College is authorized to offer **[**undergraduate degree programs with an emphasis on selected applied professional disciplines**]** **baccalaureate degree programs and graduate degree programs** that will meet the needs of the St. Louis metropolitan area. Such programs shall be subject to approval by the coordinating board for higher education as provided for in **[**subdivision**]** **subdivisions** (1) **and (2)** of subsection 2 of section 173.005.

3. The state shall, effective July 1, 1978, provide the necessary funds to fully staff and operate Harris-Stowe State College and to make appropriate capital improvements.

4. On and after August 28, 2005, Harris-Stowe State College shall be known as Harris-Stowe State University, and the provisions contained in subsections 1 to 3 of this section shall continue to apply to the institution.

174.332. NORTHWEST MISSOURI STATE UNIVERSITY, BOARD OF REGENTS, MEMBERS, TERMS, APPOINTMENT OF, QUORUM REQUIREMENTS. — 1. Notwithstanding the provisions of section 174.050 to the contrary, the board of regents of Northwest Missouri State University shall be composed of nine members, eight of whom shall be voting members and one who shall

be a nonvoting member. Not more than four voting members shall belong to any one political party. Not more than two voting members shall be residents of the same county. The appointed members of the board serving on August 28, 2008, shall continue to serve until the expiration of the terms for which the appointed members were appointed and until such time a successor is duly appointed.

2. The board of regents shall be appointed as follows:

(1) Six voting members shall be residents of the university's historic statutory service region, **[**as described in section 174.010 and modified by section 174.250,**]** provided at least one member shall be a resident of Nodaway County**. For the sole purpose of determining the composition of the board of regents, the university's historic statutory service region shall consist of the counties of Atchison, Andrew, Caldwell, Carroll, Clay, Clinton, Daviess, DeKalb, Gentry, Grundy, Harrison, Holt, Livingston, Mercer, Nodaway, Ray, and Worth**;

(2) Two voting members shall be residents of a county in the state that is outside the university's historic statutory service region, as described in **[**section 174.010 and modified by section 174.250**] subdivision (1) of this subsection**, provided these two members shall not be appointed from the same congressional district; and

(3) One nonvoting member shall be a full-time student of the university, a United States citizen, and a resident of Missouri.

3. A majority of the voting members of the board shall constitute a quorum for the transaction of business; however, no appropriation of money nor any contract that shall require any appropriation or disbursement of money shall be made, nor teacher employed or dismissed, unless a majority of the voting members of the board vote for the same.

4. Except as specifically provided in this section, the appointments and terms of office for the voting and nonvoting members of the board, and all other duties and responsibilities of the board, shall comply with the provisions of state law regarding boards of regents.

Approved July 14, 2015

SB 336 [HCS SCS SB 336]

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

Modifies provision relating to income tax withholdings on employee's tips

AN ACT to repeal section 143.191, RSMo, and to enact in lieu thereof one new section relating to income tax withholding on tips.

SECTION
A. Enacting clause.
143.191. Employer to withhold tax from wages — armed services, withholding from wages or retirement — federal civil service retirement, withholding authorized, when — inapplicable to out-of-state businesses, when.

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

SECTION A. ENACTING CLAUSE. — Section 143.191, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 143.191, to read as follows:

143.191. EMPLOYER TO WITHHOLD TAX FROM WAGES — ARMED SERVICES, WITHHOLDING FROM WAGES OR RETIREMENT — FEDERAL CIVIL SERVICE RETIREMENT, WITHHOLDING AUTHORIZED, WHEN — INAPPLICABLE TO OUT-OF-STATE BUSINESSES, WHEN.

— 1. Every employer maintaining an office or transacting any business within this state and making payment of any wages taxable under [sections 143.011 to 143.998] **this chapter** to a resident or nonresident individual shall deduct and withhold from such wages for each payroll period the amount provided in subsection 3 of this section.

2. The term "wages" referred to in subsection 1 of this section means wages as defined by section 3401(a) of the Internal Revenue Code of 1986, as amended. The term "employer" means any person, firm, corporation, association, fiduciary of any kind, or other type of organization for whom an individual performs service as an employee, except that if the person or organization for whom the individual performs service does not have control of the payment of compensation for such service, the term "employer" means the person having control of the payment of the compensation. The term includes the United States, this state, other states, and all agencies, instrumentalities, and subdivisions of any of them.

3. **(1)** The method of determining the amount to be withheld shall be prescribed by regulations of the director of revenue. The prescribed table, percentages, or other method shall result, so far as practicable, in withholding from the employee's wages during each calendar year an amount substantially equivalent to the tax reasonably estimated to be due from the employee under [sections 143.011 to 143.998] **this chapter** with respect to the amount of such wages included in his Missouri adjusted gross income during the calendar year.

(2) The amount to be withheld by an employer with respect to tips received by an employee in the course of the employee's employment shall be calculated based solely upon the amount of tips reported by the employee in a written statement furnished to the employer as required by subsection (a) of section 6053 of the Internal Revenue Code of 1986, as amended, or, if greater, the amount of tips received by the employer and remitted to the employee. If an employee shares tips, the employer shall withhold only from the employee who actually received the shared tips. The employer's Missouri income tax withholding obligation with respect to an employee's tip income shall be limited to the portion of the employee's wages under the control of the employer against which the employer is required, pursuant to federal law, to withhold federal income taxes on the employee's tips. Such withholding obligation shall be calculated after making reductions for all required federal tax withholding, Missouri income tax withholding on non-tip income, and other amounts which have higher legal priority.

4. For purposes of this section an employee shall be entitled to the same number of personal and dependency withholding exemptions as the number of exemptions to which he is entitled for federal income tax withholding purposes. An employer may rely upon the number of federal withholding exemptions claimed by the employee, except where the employee provides the employer with a form claiming a different number of withholding exemptions in this state.

5. The director of revenue may enter into agreements with the tax departments of other states (which require income tax to be withheld from the payment of wages) so as to govern the amounts to be withheld from the wages of residents of such states under this section. Such agreements may provide for recognition of anticipated tax credits in determining the amounts to be withheld and, under regulations prescribed by the director of revenue, may relieve employers in this state from withholding income tax on wages paid to nonresident employees. The agreements authorized by this subsection are subject to the condition that the tax department of such other states grant similar treatment to residents of this state.

6. The director of revenue shall enter into agreements with the Secretary of the Treasury of the United States or with the appropriate secretaries of the respective branches of the Armed Forces of the United States for the withholding, as required by subsections 1 and 2 of this section, of income taxes due the state of Missouri on wages or other payments for service in the armed services of the United States or on payments received as retirement or retainer pay of any member or former member of the Armed Forces entitled to such pay.

7. Subject to appropriations for the purpose of implementing this section, the director of revenue shall comply with provisions of the laws of the United States as amended and the

regulations promulgated thereto in order that all residents of this state receiving monthly retirement income as a civil service annuitant from the federal government taxable by this state may have withheld monthly from any such moneys, whether pension, annuities or otherwise, an amount for payment of state income taxes as required by state law, but such withholding shall not be less than twenty-five dollars per quarter.

8. The provisions of this section shall not apply to out-of-state businesses operating under sections 190.270 to 190.285.

Approved June 22, 2015

SB 340 [SCS SB 340]

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

Changes an intersectional reference in a provision of law regarding the determination of heirship

AN ACT to repeal section 473.663, RSMo, and to enact in lieu thereof one new section relating to the determination of heirship.

SECTION
A. Enacting clause.
473.663. No administration within one year after death and no will probated, interested party may petition — contents of petition — notice.

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

SECTION A. ENACTING CLAUSE. — Section 473.663, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 473.663, to read as follows:

473.663. NO ADMINISTRATION WITHIN ONE YEAR AFTER DEATH AND NO WILL PROBATED, INTERESTED PARTY MAY PETITION — CONTENTS OF PETITION — NOTICE. — 1. If a person has died leaving property or any interest in property in this state and if no administration has been commenced on the estate of such decedent in this state within one year after the date of decedent's death, and if no written will of such decedent has been presented for probate in this state within the time period provided in subsection **[2] 3** of section 473.050, then any person claiming an interest in such property as heir or through an heir may file a petition in the probate division of the circuit court which would be of proper venue for the administration of the estate of such decedent to determine the heirs of the decedent at the date of the decedent's death and their respective interests or interests as heirs in the estate. The petition shall include all of the following known by, or can with reasonable diligence be ascertained by, the petitioner:

(1) The name, age, domicile, last residence address and the fact and date of death of the decedent;

(2) The names, relationship to the decedent and residence addresses of the heirs of the decedent at the time of the decedent's death;

(3) The names and residence addresses of any persons claiming through an heir of the decedent when such heir has died after the decedent;

(4) A particular description of the property of the decedent in this state with respect to which the determination is sought and the value of such property.

2. Upon the filing of the petition, the court shall set the time for the hearing of the petition, notice of which shall be given to:

(1) All persons known or believed to claim any interest in the property as heir or through an heir of the decedent;

(2) All persons who may at the date of the filing of the petition be shown by the records of conveyances of the county in which any real property described in such petition is located to claim any interest in such real property through the heirs of the decedent; and

(3) Any unknown heirs of the decedent.

3. The notice shall be given by publication by publishing the notice once each week for four consecutive weeks, the last insertion of publication to be at least seven days before the date set for the hearing. In addition, notice under subdivision (1) of subsection 2 of section 472.100, or notice by registered or certified mail, as the court shall direct, shall be given to every person named in the petition whose address is known to the petitioner.

4. Upon the hearing of the petition, the court shall make a decree determining the person or persons entitled to the property with respect to which a determination is sought, and their respective interest in the property as heirs or successors in interest to such heirs. The decree is conclusive evidence of the facts determined in such decree as against all parties to the proceedings.

5. A certified copy of the decree shall be recorded at the expense of the petitioner in each county in which any real property described in the decree is situated.

6. This section shall apply to those persons whose deaths occur on or after July 13, 1989.

Approved July 10, 2015

SB 341 [HCS SCS SB 341]

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

Establishes procedures for reports of juveniles with problem sexual behavior

AN ACT to repeal sections 210.003, 210.221, 210.861, 455.010, 455.020, 455.032, 455.040, 455.045, 455.050, 455.080, 455.503, 455.505, 455.513, 455.520, and 455.523, RSMo, section 455.085 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 455.085 as enacted by house bill no. 215, ninety-seventh general assembly, first regular session, section 455.538 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 455.538 as enacted by house bill no. 215, ninety-seventh general assembly, first regular session, and to enact in lieu thereof twenty-one new sections relating to the protection of vulnerable persons, with penalty provisions.

SECTION
A. Enacting clause.
37.719. Independent review, when, procedures — recommendations, findings submitted.
160.975. All schools to post child abuse hotline number, signage, contents — rulemaking authority.
210.003. Immunizations of children required, when, exceptions — duties of administrator, report — notification of parents, when.
210.148. Juveniles with problem sexual behavior reports, procedure — definition — rulemaking authority.
210.221. Licenses to be issued by department of health and senior services — duty to fix standards and make investigations — rule variance granted when, procedure.
210.223. Safe sleep policy to be maintained, purpose — alternatives, written instructions required — definitions — training — rulemaking authority.
210.861. Board of directors, term, expenses, organization — powers — funds, expenditure, purpose, restrictions.
455.010. Definitions.
455.020. Relief may be sought — order of protection effective, where.
455.032. Protection order, restraining respondent from abuse if petitioner is permanently or temporarily in state — evidence admissible of prior abuse in or out of state.

455.040. Hearings, when — duration of orders, renewal, requirements — copies of orders to be given, validity — duties of law enforcement agency — information entered in MULES.
455.045. Temporary relief available.
455.050. Full or ex parte order of protection, abuse, stalking, or sexual assault, contents — relief available.
455.080. Law enforcement agencies response to alleged incidents of domestic violence, stalking, or sexual assault — factors indicating need for immediate response — establishment of crisis team — transportation of abused party to medical treatment or shelter.
455.085. Beginning January 1, 2017 — Arrest for violation of order — penalties — good faith immunity for law enforcement officials.
455.085. Until December 31, 2016 — Arrest for violation of order — penalties — good faith immunity for law enforcement officials.
455.503. Venue — petition, who may file.
455.505. Relief may be sought for child for domestic violence, stalking, or sexual assault — order of protection effective, where.
455.513. Ex parte orders, issued when, effective when — for good cause shown, defined — investigation by children's division, when — report due when, available to whom — transfer to juvenile court, when.
455.520. Temporary relief available — ex parte orders.
455.523. Full order of protection — relief available.
455.538. Beginning January 1, 2017 — Law enforcement agencies response to violation of order — arrest for violation, penalties — custody to be returned to rightful party, when.
455.538. Until December 31, 2016 — Law enforcement agencies response to violation of order — arrest for violation, penalties — custody to be returned to rightful party, when.

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

SECTION A. ENACTING CLAUSE. — Sections 210.003, 210.221, 210.861, 455.010, 455.020, 455.032, 455.040, 455.045, 455.050, 455.080, 455.503, 455.505, 455.513, 455.520, and 455.523, RSMo, section 455.085 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 455.085 as enacted by house bill no. 215, ninety-seventh general assembly, first regular session, section 455.538 as enacted by senate bill no. 491, ninety- seventh general assembly, second regular session, and section 455.538 as enacted by house bill no. 215, ninety-seventh general assembly, first regular session, are repealed and twenty-one new sections enacted in lieu thereof, to be known as sections 37.719, 160.975, 210.003, 210.148, 210.221, 210.223, 210.861, 455.010, 455.020, 455.032, 455.040, 455.045, 455.050, 455.080, 455.085, 455.503, 455.505, 455.513, 455.520, 455.523, and 455.538, to read as follows:

37.719. INDEPENDENT REVIEW, WHEN, PROCEDURES — RECOMMENDATIONS, FINDINGS SUBMITTED. — 1. The office shall have the authority to and may conduct an independent review of any entity within a county that has experienced three or more review requests in a calendar year including, but not limited to, children's division, the juvenile office, or guardian ad litem. The office shall establish and implement procedures for reviewing any such entity.

2. The office shall have the authority to make the necessary inquiries and review relevant information and records as the office deems necessary in order to conduct such reviews.

3. The office may make recommendations on changes to any entity's policies and procedures based on the results of the review in order to improve the delivery of services or the function of the entity. Upon completing a review under the provisions of this section, the office shall submit any findings and recommendations to the children's division and the office of state courts administrator.

160.975. ALL SCHOOLS TO POST CHILD ABUSE HOTLINE NUMBER, SIGNAGE, CONTENTS — RULEMAKING AUTHORITY. — 1. Each public school and charter school shall post in a clearly visible location in a public area of the school that is readily accessible to students a sign in English and in Spanish that contains the toll-free child abuse and neglect hotline number established by the children's division under section 210.145. Additionally, each

school shall post signs containing the same information in all student restrooms in the school, to allow for private access to the information by students of either gender.

2. The information contained on the signs required under subsection 1 of this section shall be presented on a poster at least 11 inches by 17 inches in size, contain large print, and be placed at eye level to the student for easy viewing. The hotline number shall be displayed in bold print. The signs shall contain instructions to call 911 for emergencies and directions for accessing the children's division website for more information on reporting abuse, neglect, and exploitation.

3. The children's division shall create an acronym to help children to remember the toll-free child abuse and neglect hotline number.

4. The children's division may promulgate all necessary rules and regulations for the administration 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, 2015, shall be invalid and void.

210.003. IMMUNIZATIONS OF CHILDREN REQUIRED, WHEN, EXCEPTIONS — DUTIES OF ADMINISTRATOR, REPORT — NOTIFICATION OF PARENTS, WHEN. — 1. No child shall be permitted to enroll in or attend any public, private or parochial day care center, preschool or nursery school caring for ten or more children unless such child has been adequately immunized against vaccine- preventable childhood illnesses specified by the department of health and senior services in accordance with recommendations of the **[**Immunization Practices Advisory Committee**]** **Centers for Disease Control and Prevention Advisory Committee on Immunization Practices** (ACIP). The parent or guardian of such child shall provide satisfactory evidence of the required immunizations.

2. A child who has not completed all immunizations appropriate for his age may enroll, if:

(1) Satisfactory evidence is produced that such child has begun the process of immunization. The child may continue to attend as long as the immunization process is being accomplished according to the ACIP/Missouri department of health and senior services recommended schedule; or

(2) The parent or guardian has signed and placed on file with the day care administrator a statement of exemption which may be either of the following:

(a) A medical exemption, by which a child shall be exempted from the requirements of this section upon certification by a licensed physician that such immunization would seriously endanger the child's health or life; or

(b) A parent or guardian exemption, by which a child shall be exempted from the requirements of this section if one parent or guardian files a written objection to immunization with the day care administrator. Exemptions shall be accepted by the day care administrator when the necessary information as determined by the department of health and senior services is filed with the day care administrator by the parent or guardian. Exemption forms shall be provided by the department of health and senior services.

3. In the event of an outbreak or suspected outbreak of a vaccine-preventable disease within a particular facility, the administrator of the facility shall follow the control measures instituted by the local health authority or the department of health and senior services or both the local health authority and the department of health and senior services, as established in Rule 19 CSR 20-20.040, "Measures for the Control of Communicable Diseases".

4. The administrator of each public, private or parochial day care center, preschool or nursery school shall cause to be prepared a record of immunization of every child enrolled in or

attending a facility under his jurisdiction. An annual summary report shall be made by January fifteenth showing the immunization status of each child enrolled, using forms provided for this purpose by the department of health and senior services. The immunization records shall be available for review by department of health and senior services personnel upon request.

5. For purposes of this section, satisfactory evidence of immunization means a statement, certificate or record from a physician or other recognized health facility or personnel, stating that the required immunizations have been given to the child and verifying the type of vaccine and the month, day and year of administration.

6. Nothing in this section shall preclude any political subdivision from adopting more stringent rules regarding the immunization of preschool children.

7. All public, private, and parochial day care centers, preschools, and nursery schools shall notify the parent or guardian of each child at the time of initial enrollment in or attendance at the facility that the parent or guardian may request notice of whether there are children currently enrolled in or attending the facility for whom an immunization exemption has been filed. Beginning December 1, 2015, all public, private, and parochial day care centers, preschools, and nursery schools shall notify the parent or guardian of each child currently enrolled in or attending the facility that the parent or guardian may request notice of whether there are children currently enrolled in or attending the facility for whom an immunization exemption has been filed. Any public, private, or parochial day care center, preschool, or nursery school shall notify the parent or guardian of a child enrolled in or attending the facility, upon request, of whether there are children currently enrolled in or attending the facility for whom an immunization exemption has been filed.

210.148. JUVENILES WITH PROBLEM SEXUAL BEHAVIOR REPORTS, PROCEDURE — DEFINITION — RULEMAKING AUTHORITY. — 1. Notwithstanding any provision of section 210.145 to the contrary, upon the receipt of a report under section 210.145 where the subject of the report is a juvenile with problem sexual behavior, the division shall immediately communicate such report to the appropriate local office along with any relevant information as may be contained in the information system. Upon receipt of the report and relevant information, the local office shall use a family assessment and services approach, as described in subsection 14 of section 210.145 to respond to the allegation contained in the report. For the purposes of family assessments performed under this section, the alleged abuse does not have to be committed by a person responsible for the care, custody, and control of the child.

2. Nothing in this section shall prohibit the local office from commencing an investigation if the local office, at any point in using the family assessment and services approach, determines that an investigation is required. Such investigation shall comply with the provisions of section 210.145 and may include requesting assistance from the appropriate law enforcement agency.

3. As used in this section, the term "juvenile with problem sexual behavior" shall mean any person, under fourteen years of age, who has allegedly committed sexual abuse against another child.

4. Within one hundred eighty days after August 28, 2015, the division shall promulgate rules to implement the provisions 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, 2015, shall be invalid and void.

210.221. LICENSES TO BE ISSUED BY DEPARTMENT OF HEALTH AND SENIOR SERVICES — DUTY TO FIX STANDARDS AND MAKE INVESTIGATIONS — RULE VARIANCE GRANTED WHEN, PROCEDURE. — 1. The department of health and senior services shall have the following powers and duties:

(1) After inspection, to grant licenses to persons to operate child-care facilities if satisfied as to the good character and intent of the applicant and that such applicant is qualified and equipped to render care or service conducive to the welfare of children, and to renew the same when expired. No license shall be granted for a term exceeding two years. Each license shall specify the kind of child-care services the licensee is authorized to perform, the number of children that can be received or maintained, and their ages and sex;

(2) To inspect the conditions of the homes and other places in which the applicant operates a child-care facility, inspect their books and records, premises and children being served, examine their officers and agents, deny, suspend, place on probation or revoke the license of such persons as fail to obey the provisions of sections 210.201 to 210.245 or the rules and regulations made by the department of health and senior services. The director also may revoke or suspend a license when the licensee fails to renew or surrenders the license;

(3) To promulgate and issue rules and regulations the department deems necessary or proper in order to establish standards of service and care to be rendered by such licensees to children. No rule or regulation promulgated by the division shall in any manner restrict or interfere with any religious instruction, philosophies or ministries provided by the facility and shall not apply to facilities operated by religious organizations which are not required to be licensed; **[**and**]**

(4) **To approve training concerning the safe sleep recommendations of the American Academy of Pediatrics in accordance with section 210.223; and**

(5) To determine what records shall be kept by such persons and the form thereof, and the methods to be used in keeping such records, and to require reports to be made to the department at regular intervals.

2. Any child-care facility may request a variance from a rule or regulation promulgated pursuant to this section. The request for a variance shall be made in writing to the department of health and senior services and shall include the reasons the facility is requesting the variance. The department shall approve any variance request that does not endanger the health or safety of the children served by the facility. The burden of proof at any appeal of a disapproval of a variance application shall be with the department of health and senior services. Local inspectors may grant a variance, subject to approval by the department of health and senior services.

3. The department shall deny, suspend, place on probation or revoke a license if it receives official written notice that the local governing body has found that license is prohibited by any local law related to the health and safety of children. The department may, after inspection, find the licensure, denial of licensure, suspension or revocation to be in the best interest of the state.

4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections 210.201 to 210.245 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. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. 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, 1999, shall be invalid and void.

210.223. SAFE SLEEP POLICY TO BE MAINTAINED, PURPOSE — ALTERNATIVES, WRITTEN INSTRUCTIONS REQUIRED — DEFINITIONS — TRAINING — RULEMAKING AUTHORITY. — **1. All licensed child care facilities that provide care for children less than**

one year of age shall implement and maintain a written safe sleep policy in accordance with the most recent safe sleep recommendations of the American Academy of Pediatrics. The purpose of the safe sleep policy is to maintain a safe sleep environment that reduces the risk of sudden infant death syndrome and sudden unexpected infant deaths in children less than one year of age.

2. When, in the opinion of the infant's licensed health care provider, an infant requires alternative sleep positions or special sleeping arrangements that differ from those set forth in the most recent sleep recommendations of the American Academy of Pediatrics, the child care facility shall be provided with written instructions, signed by the infant's licensed health care provider, detailing the alternative sleep positions or special sleeping arrangements for such infant. The child care facility shall put the infant to sleep in accordance with such written instructions.

3. As used in this section, the following terms shall mean:

(1) "Sudden infant death syndrome", the sudden death of an infant less than one year of age that cannot be explained after a thorough investigation has been conducted, including a complete autopsy, an examination of the death scene, and a review of the clinical history;

(2) "Sudden unexpected infant death", the sudden and unexpected death of an infant less than one year of age in which the manner and cause of death are not immediately obvious prior to investigation. Causes of sudden unexpected infant death include, but are not limited to, metabolic disorders, hypothermia or hyperthermia, neglect or homicide, poisoning, and accidental suffocation.

4. All employees of licensed child care facilities who care for infants less than one year of age or any volunteer who may be assisting at the facility shall successfully complete department-approved training on the most recent safe sleep recommendations of the American Academy of Pediatrics every three years.

5. The department shall promulgate rules to implement the provisions of this section. Such rules shall include, but not be limited to:

(1) Amending any current rules which are not in compliance with the most recent safe sleep recommendations of the American Academy of Pediatrics, including but not limited to 19 CSR 30.62-092(1)C which permits the use of bumper pads in cribs or playpens;

(2) Keeping soft or loose bedding away from sleeping infants and out of safe sleep environments including, but not limited to, bumper pads, pillows, quilts, comforters, sleep positioning devices, sheepskins, blankets, flat sheets, cloth diapers, bibs, and other similar items; and

(3) Prohibiting blankets or other soft or loose bedding from being hung on the sides of cribs.

6. The department may adopt emergency rules to implement the requirements 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 the effective date of this section shall be invalid and void.

210.861. BOARD OF DIRECTORS, TERM, EXPENSES, ORGANIZATION — POWERS — FUNDS, EXPENDITURE, PURPOSE, RESTRICTIONS. — 1. When the tax prescribed by section 210.860 or section 67.1775 is established, the governing body of the city or county or city not within a county shall appoint a board of directors consisting of nine members, who shall be

residents of the city or county or city not within a county. All board members shall be appointed to serve for a term of three years, except that of the first board appointed, three members shall be appointed for one-year terms, three members for two-year terms and three members for three-year terms. Board members may be reappointed. In a city not within a county, or any county of the first classification with a charter form of government with a population not less than nine hundred thousand inhabitants, or any county of the first classification with a charter form of government with a population not less than two hundred thousand inhabitants and not more than six hundred thousand inhabitants, or any noncharter county of the first classification with a population not less than one hundred seventy thousand and not more than two hundred thousand inhabitants, or any noncharter county of the first classification with a population not less than eighty thousand and not more than eighty-three thousand inhabitants, or any third classification county with a population not less than twenty-eight thousand and not more than thirty thousand inhabitants, or any county of the third classification with a population not less than nineteen thousand five hundred and not more than twenty thousand inhabitants the members of the community mental health board of trustees appointed pursuant to the provisions of sections 205.975 to 205.990 shall be the board members for the community children's services fund. The directors shall not receive compensation for their services, but may be reimbursed for their actual and necessary expenses.

2. The board shall elect a chairman, vice chairman, treasurer, and such other officers as it deems necessary for its membership. Before taking office, the treasurer shall furnish a surety bond **or comparable insurance coverage for theft, misappropriation, mismanagement, or other acts**, in an amount to be determined and in a form to be approved by the board, for the faithful performance of his or her duties and faithful accounting of all moneys that may come into his or her hands. The treasurer shall enter into the surety bond **or comparable insurance coverage** with a surety company **or insurer** authorized to do business in Missouri, and the cost of such bond **or comparable insurance coverage** shall be paid by the board of directors. The board shall administer and expend all funds generated pursuant to section 210.860 or section 67.1775 in a manner consistent with this section. **The board shall not be mandated to expend funds by an act of state legislation without a majority vote of the county or city not within a county, excluding any county with a charter form of government and with more than nine hundred fifty thousand inhabitants.**

3. The board may contract with public or not-for-profit agencies licensed or certified where appropriate to provide qualified services and may place conditions on the use of such funds. The board shall reserve the right to audit the expenditure of any and all funds. The board and any agency with which the board contracts may establish eligibility standards for the use of such funds and the receipt of services. No member of the board shall serve on the governing body, have any financial interest in, or be employed by any agency which is a recipient of funds generated pursuant to section 210.860 or section 67.1775.

4. Revenues collected and deposited in the community children's services fund may be expended for the purchase of the following services:

(1) Up to thirty days of temporary shelter for abused, neglected, runaway, homeless or emotionally disturbed youth; respite care services; and services to unwed mothers;

(2) Outpatient chemical dependency and psychiatric treatment programs; counseling and related services as a part of transitional living programs; home-based and community-based family intervention programs; unmarried parent services; crisis intervention services, inclusive of telephone hotlines; and prevention programs which promote healthy lifestyles among children and youth and strengthen families;

(3) Individual, group, or family professional counseling and therapy services; psychological evaluations; and mental health screenings.

5. **Any county, excluding any county with a charter form of government and with more than nine hundred fifty thousand inhabitants, or city not within a county in which voters have approved the levy of a tax under section 67.1775 or section 210.860 shall not**

add services in addition to those which are set forth in subsection 4 of this section at the time such levy is approved by the voters, unless such services authorized by statute after the voters have approved the levy are approved by the voters in the same manner as the original levy was approved. A proposal to add services shall be approved as set forth in section 67.1775 or section 210.860.

6. Revenues collected and deposited in the community children's services fund may not be expended for inpatient medical, psychiatric, and chemical dependency services, or for transportation services.

455.010. Definitions. — As used in this chapter, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Abuse" includes but is not limited to the occurrence of any of the following acts, attempts or threats against a person who may be protected pursuant to this chapter, except abuse shall not include abuse inflicted on a child by accidental means by an adult household member or discipline of a child, including spanking, in a reasonable manner:

(a) "Assault", purposely or knowingly placing or attempting to place another in fear of physical harm;

(b) "Battery", purposely or knowingly causing physical harm to another with or without a deadly weapon;

(c) "Coercion", compelling another by force or threat of force to engage in conduct from which the latter has a right to abstain or to abstain from conduct in which the person has a right to engage;

(d) "Harassment", engaging in a purposeful or knowing course of conduct involving more than one incident that alarms or causes distress to an adult or child and serves no legitimate purpose. The course of conduct must be such as would cause a reasonable adult or child to suffer substantial emotional distress and must actually cause substantial emotional distress to the petitioner or child. Such conduct might include, but is not limited to:

a. Following another about in a public place or places;

b. Peering in the window or lingering outside the residence of another; but does not include constitutionally protected activity;

(e) "Sexual assault", causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, [or**]** duress**, or without that person's consent**;

(f) "Unlawful imprisonment", holding, confining, detaining or abducting another person against that person's will;

(2) "Adult", any person seventeen years of age or older or otherwise emancipated;

(3) "Child", any person under seventeen years of age unless otherwise emancipated;

(4) "Court", the circuit or associate circuit judge or a family court commissioner;

(5) "Domestic violence", abuse or stalking committed by a family or household member, as such terms are defined in this section;

(6) "Ex parte order of protection", an order of protection issued by the court before the respondent has received notice of the petition or an opportunity to be heard on it;

(7) "Family" or "household member", spouses, former spouses, any person related by blood or marriage, persons who are presently residing together or have resided together in the past, any person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and anyone who has a child in common regardless of whether they have been married or have resided together at any time;

(8) "Full order of protection", an order of protection issued after a hearing on the record where the respondent has received notice of the proceedings and has had an opportunity to be heard;

(9) "Order of protection", either an ex parte order of protection or a full order of protection;

(10) "Pending", exists or for which a hearing date has been set;

(11) "Petitioner", a family or household member who has been a victim of domestic violence, or any person who has been the victim of stalking **or sexual assault**, or a person filing on behalf of a child pursuant to section 455.503 who has filed a verified petition pursuant to the provisions of section 455.020 or section 455.505;

(12) "Respondent", the family or household member alleged to have committed an act of domestic violence, or person alleged to have committed an act of stalking **or sexual assault**, against whom a verified petition has been filed or a person served on behalf of a child pursuant to section 455.503;

(13) **"Sexual assault", as defined under subdivision (1) of this section;**

(14) "Stalking" is when any person purposely [and repeatedly] engages in an unwanted course of conduct that causes alarm to another person**, or a person who resides together in the same household with the person seeking the order of protection** when it is reasonable in that person's situation to have been alarmed by the conduct. As used in this subdivision:

(a) "Alarm" means to cause fear of danger of physical harm; **and**

(b) "Course of conduct" means a pattern of conduct composed of **[**repeated**]** **two or more** acts over a period of time, however short, that serves no legitimate purpose. Such conduct may include, but is not limited to, following the other person or unwanted communication or unwanted contact**[**; and

(c) "Repeated" means two or more incidents evidencing a continuity of purpose**]**.

455.020. RELIEF MAY BE SOUGHT — ORDER OF PROTECTION EFFECTIVE, WHERE. — 1. Any person who has been subject to domestic violence by a present or former family or household member, or who has been the victim of stalking **or sexual assault**, may seek relief under sections 455.010 to 455.085 by filing a verified petition alleging such domestic violence **[**or**],** stalking**, or sexual assault** by the respondent.

2. A person's right to relief under sections 455.010 to 455.085 shall not be affected by the person leaving the residence or household to avoid domestic violence.

3. Any protection order issued pursuant to sections 455.010 to 455.085 shall be effective throughout the state in all cities and counties.

455.032. PROTECTION ORDER, RESTRAINING RESPONDENT FROM ABUSE IF PETITIONER IS PERMANENTLY OR TEMPORARILY IN STATE — EVIDENCE ADMISSIBLE OF PRIOR ABUSE IN OR OUT OF STATE. — In addition to any other jurisdictional grounds provided by law, a court shall have jurisdiction to enter an order of protection restraining or enjoining the respondent from committing or threatening to commit domestic violence, stalking, **sexual assault,** molesting or disturbing the peace of petitioner, pursuant to sections 455.010 to 455.085, if the petitioner is present, whether permanently or on a temporary basis within the state of Missouri and if the respondent's actions constituting domestic violence have occurred, have been attempted or have been or are threatened within the state of Missouri. For purposes of this section, if the petitioner has been the subject of domestic violence within or outside of the state of Missouri, such evidence shall be admissible to demonstrate the need for protection in Missouri.

455.040. HEARINGS, WHEN — DURATION OF ORDERS, RENEWAL, REQUIREMENTS — COPIES OF ORDERS TO BE GIVEN, VALIDITY — DUTIES OF LAW ENFORCEMENT AGENCY — INFORMATION ENTERED IN MULES. — 1. Not later than fifteen days after the filing of a petition that meets the requirements of section 455.020, a hearing shall be held unless the court deems, for good cause shown, that a continuance should be granted. At the hearing, if the petitioner has proved the allegation of domestic violence **[**or**],** stalking**, or sexual assault** by a preponderance of the evidence, and the respondent cannot show that his or her actions alleged to constitute abuse were otherwise justified under the law, the court shall issue a full order of protection for a period of time the court deems appropriate, except that the protective order shall be valid for at least one hundred eighty days and not more than one year. Upon motion by the

petitioner, and after a hearing by the court, the full order of protection may be renewed for a period of time the court deems appropriate, except that the protective order shall be valid for at least one hundred eighty days and not more than one year from the expiration date of the originally issued full order of protection. The court may, upon finding that it is in the best interest of the parties, include a provision that any full order of protection for one year shall automatically renew unless the respondent requests a hearing by thirty days prior to the expiration of the order. If for good cause a hearing cannot be held on the motion to renew or the objection to an automatic renewal of the full order of protection prior to the expiration date of the originally issued full order of protection, an ex parte order of protection may be issued until a hearing is held on the motion. When an automatic renewal is not authorized, upon motion by the petitioner, and after a hearing by the court, the second full order of protection may be renewed for an additional period of time the court deems appropriate, except that the protective order shall be valid for at least one hundred eighty days and not more than one year. For purposes of this subsection, a finding by the court of a subsequent act of domestic violence [or]**,** stalking**, or sexual assault** is not required for a renewal order of protection.

2. The court shall cause a copy of the petition and notice of the date set for the hearing on such petition and any ex parte order of protection to be served upon the respondent as provided by law or by any sheriff or police officer at least three days prior to such hearing. The court shall cause a copy of any full order of protection to be served upon or mailed by certified mail to the respondent at the respondent's last known address. Notice of an ex parte or full order of protection shall be served at the earliest time, and service of such notice shall take priority over service in other actions, except those of a similar emergency nature. Failure to serve or mail a copy of the full order of protection to the respondent shall not affect the validity or enforceability of a full order of protection.

3. A copy of any order of protection granted pursuant to sections 455.010 to 455.085 shall be issued to the petitioner and to the local law enforcement agency in the jurisdiction where the petitioner resides. The clerk shall also issue a copy of any order of protection to the local law enforcement agency responsible for maintaining the Missouri uniform law enforcement system or any other comparable law enforcement system the same day the order is granted. The law enforcement agency responsible for maintaining MULES shall, for purposes of verification, within twenty-four hours from the time the order is granted, enter information contained in the order including but not limited to any orders regarding child custody or visitation and all specifics as to times and dates of custody or visitation that are provided in the order. A notice of expiration or of termination of any order of protection or any change in child custody or visitation within that order shall be issued to the local law enforcement agency and to the law enforcement agency responsible for maintaining MULES or any other comparable law enforcement system. The law enforcement agency responsible for maintaining the applicable law enforcement system shall enter such information in the system within twenty-four hours of receipt of information evidencing such expiration or termination. The information contained in an order of protection may be entered in the Missouri uniform law enforcement system or comparable law enforcement system using a direct automated data transfer from the court automated system to the law enforcement system.

4. The court shall cause a copy of any objection filed by the respondent and notice of the date set for the hearing on such objection to an automatic renewal of a full order of protection for a period of one year to be personally served upon the petitioner by personal process server as provided by law or by a sheriff or police officer at least three days prior to such hearing. Such service of process shall be served at the earliest time and shall take priority over service in other actions except those of a similar emergency nature.

455.045. TEMPORARY RELIEF AVAILABLE. — Any ex parte order of protection granted pursuant to sections 455.010 to 455.085 shall be to protect the petitioner from domestic violence [or]**,** stalking**, or sexual assault** and may include:

(1) Restraining the respondent from committing or threatening to commit domestic violence, molesting, stalking**, sexual assault,** or disturbing the peace of the petitioner;

(2) Restraining the respondent from entering the premises of the dwelling unit of petitioner when the dwelling unit is:

(a) Jointly owned, leased or rented or jointly occupied by both parties; or

(b) Owned, leased, rented or occupied by petitioner individually; or

(c) Jointly owned, leased or rented by petitioner and a person other than respondent; provided, however, no spouse shall be denied relief pursuant to this section by reason of the absence of a property interest in the dwelling unit; or

(d) Jointly occupied by the petitioner and a person other than the respondent; provided that the respondent has no property interest in the dwelling unit;

(3) Restraining the respondent from communicating with the petitioner in any manner or through any medium;

(4) A temporary order of custody of minor children where appropriate.

455.050. **FULL OR EX PARTE ORDER OF PROTECTION, ABUSE, STALKING, OR SEXUAL ASSAULT, CONTENTS — RELIEF AVAILABLE.** — 1. Any full or ex parte order of protection granted pursuant to sections 455.010 to 455.085 shall be to protect the petitioner from domestic violence**, stalking, or sexual assault** and may include such terms as the court reasonably deems necessary to ensure the petitioner's safety, including but not limited to:

(1) Temporarily enjoining the respondent from committing or threatening to commit domestic violence, molesting, stalking**, sexual assault,** or disturbing the peace of the petitioner;

(2) Temporarily enjoining the respondent from entering the premises of the dwelling unit of the petitioner when the dwelling unit is:

(a) Jointly owned, leased or rented or jointly occupied by both parties; or

(b) Owned, leased, rented or occupied by petitioner individually; or

(c) Jointly owned, leased, rented or occupied by petitioner and a person other than respondent; provided, however, no spouse shall be denied relief pursuant to this section by reason of the absence of a property interest in the dwelling unit; or

(d) Jointly occupied by the petitioner and a person other than respondent; provided that the respondent has no property interest in the dwelling unit; or

(3) Temporarily enjoining the respondent from communicating with the petitioner in any manner or through any medium.

2. Mutual orders of protection are prohibited unless both parties have properly filed written petitions and proper service has been made in accordance with sections 455.010 to 455.085.

3. When the court has, after a hearing for any full order of protection, issued an order of protection, it may, in addition:

(1) Award custody of any minor child born to or adopted by the parties when the court has jurisdiction over such child and no prior order regarding custody is pending or has been made, and the best interests of the child require such order be issued;

(2) Establish a visitation schedule that is in the best interests of the child;

(3) Award child support in accordance with supreme court rule 88.01 and chapter 452;

(4) Award maintenance to petitioner when petitioner and respondent are lawfully married in accordance with chapter 452;

(5) Order respondent to make or to continue to make rent or mortgage payments on a residence occupied by the petitioner if the respondent is found to have a duty to support the petitioner or other dependent household members;

(6) Order the respondent to pay the petitioner's rent at a residence other than the one previously shared by the parties if the respondent is found to have a duty to support the petitioner and the petitioner requests alternative housing;

(7) Order that the petitioner be given temporary possession of specified personal property, such as automobiles, checkbooks, keys, and other personal effects;

(8) Prohibit the respondent from transferring, encumbering, or otherwise disposing of specified property mutually owned or leased by the parties;

(9) Order the respondent to participate in a court- approved counseling program designed to help batterers stop violent behavior or to participate in a substance abuse treatment program;

(10) Order the respondent to pay a reasonable fee for housing and other services that have been provided or that are being provided to the petitioner by a shelter for victims of domestic violence;

(11) Order the respondent to pay court costs;

(12) Order the respondent to pay the cost of medical treatment and services that have been provided or that are being provided to the petitioner as a result of injuries sustained to the petitioner by an act of domestic violence committed by the respondent.

4. A verified petition seeking orders for maintenance, support, custody, visitation, payment of rent, payment of monetary compensation, possession of personal property, prohibiting the transfer, encumbrance, or disposal of property, or payment for services of a shelter for victims of domestic violence, shall contain allegations relating to those orders and shall pray for the orders desired.

5. In making an award of custody, the court shall consider all relevant factors including the presumption that the best interests of the child will be served by placing the child in the custody and care of the nonabusive parent, unless there is evidence that both parents have engaged in abusive behavior, in which case the court shall not consider this presumption but may appoint a guardian ad litem or a court-appointed special advocate to represent the children in accordance with chapter 452 and shall consider all other factors in accordance with chapter 452.

6. The court shall grant to the noncustodial parent rights to visitation with any minor child born to or adopted by the parties, unless the court finds, after hearing, that visitation would endanger the child's physical health, impair the child's emotional development or would otherwise conflict with the best interests of the child, or that no visitation can be arranged which would sufficiently protect the custodial parent from further domestic violence. The court may appoint a guardian ad litem or court-appointed special advocate to represent the minor child in accordance with chapter 452 whenever the custodial parent alleges that visitation with the noncustodial parent will damage the minor child.

7. The court shall make an order requiring the noncustodial party to pay an amount reasonable and necessary for the support of any child to whom the party owes a duty of support when no prior order of support is outstanding and after all relevant factors have been considered, in accordance with Missouri supreme court rule 88.01 and chapter 452.

8. The court may grant a maintenance order to a party for a period of time, not to exceed one hundred eighty days. Any maintenance ordered by the court shall be in accordance with chapter 452.

455.080. LAW ENFORCEMENT AGENCIES RESPONSE TO ALLEGED INCIDENTS OF DOMESTIC VIOLENCE, STALKING, OR SEXUAL ASSAULT — FACTORS INDICATING NEED FOR IMMEDIATE RESPONSE — ESTABLISHMENT OF CRISIS TEAM — TRANSPORTATION OF ABUSED PARTY TO MEDICAL TREATMENT OR SHELTER. — 1. Law enforcement agencies may establish procedures to ensure that dispatchers and officers at the scene of an alleged incident of domestic violence **[**or**],** stalking**, sexual assault,** or violation of an order of protection can be informed of any recorded prior incident of domestic violence **[**or**],** stalking**, or sexual assault** involving the abused party and can verify the effective dates and terms of any recorded order of protection.

2. The law enforcement agency shall apply the same standard for response to an alleged incident of domestic violence **[**or**],** stalking**, sexual assault,** or a violation of any order of protection as applied to any like offense involving strangers, except as otherwise provided by law. Law enforcement agencies shall not assign lower priority to calls involving alleged incidents of domestic violence **[**or**],** stalking**, sexual assault,** or violation of protection orders than

is assigned in responding to offenses involving strangers. Existence of any of the following factors shall be interpreted as indicating a need for immediate response:

(1) The caller indicates that violence is imminent or in progress; or

(2) A protection order is in effect; or

(3) The caller indicates that incidents of domestic violence have occurred previously between the parties.

3. Law enforcement agencies may establish domestic crisis teams or, if the agency has fewer than five officers whose responsibility it is to respond to calls of this nature, individual officers trained in methods of dealing with domestic violence. Such teams or individuals may be supplemented by social workers, ministers or other persons trained in counseling or crisis intervention. When an alleged incident of domestic violence is reported, the agency may dispatch a crisis team or specially trained officer, if available, to the scene of the incident.

4. The officer at the scene of an alleged incident of domestic violence **[**or**]**, stalking**, or sexual assault** shall inform the abused party of available judicial remedies for relief from domestic violence and of available shelters for victims of domestic violence.

5. Law enforcement officials at the scene shall provide or arrange transportation for the abused party to a medical facility for treatment of injuries or to a place of shelter or safety.

455.085. BEGINNING JANUARY 1, 2017 — ARREST FOR VIOLATION OF ORDER — PENALTIES — GOOD FAITH IMMUNITY FOR LAW ENFORCEMENT OFFICIALS. — 1. When a law enforcement officer has probable cause to believe a party has committed a violation of law amounting to domestic violence, as defined in section 455.010, against a family or household member, the officer may arrest the offending party whether or not the violation occurred in the presence of the arresting officer. When the officer declines to make arrest pursuant to this subsection, the officer shall make a written report of the incident completely describing the offending party, giving the victim's name, time, address, reason why no arrest was made and any other pertinent information. Any law enforcement officer subsequently called to the same address within a twelve-hour period, who shall find probable cause to believe the same offender has again committed a violation as stated in this subsection against the same or any other family or household member, shall arrest the offending party for this subsequent offense. The primary report of nonarrest in the preceding twelve-hour period may be considered as evidence of the defendant's intent in the violation for which arrest occurred. The refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection.

2. When a law enforcement officer has probable cause to believe that a party, against whom a protective order has been entered and who has notice of such order entered, has committed an act of abuse in violation of such order, the officer shall arrest the offending party-respondent whether or not the violation occurred in the presence of the arresting officer. Refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection.

3. When an officer makes an arrest, the officer is not required to arrest two parties involved in an assault when both parties claim to have been assaulted. The arresting officer shall attempt to identify and shall arrest the party the officer believes is the primary physical aggressor. The term "primary physical aggressor" is defined as the most significant, rather than the first, aggressor. The law enforcement officer shall consider any or all of the following in determining the primary physical aggressor:

(1) The intent of the law to protect victims from continuing domestic violence;

(2) The comparative extent of injuries inflicted or serious threats creating fear of physical injury;

(3) The history of domestic violence between the persons involved.

No law enforcement officer investigating an incident of domestic violence shall threaten the arrest of all parties for the purpose of discouraging requests or law enforcement intervention by

any party. Where complaints are received from two or more opposing parties, the officer shall evaluate each complaint separately to determine whether the officer should seek a warrant for an arrest.

4. In an arrest in which a law enforcement officer acted in good faith reliance on this section, the arresting and assisting law enforcement officers and their employing entities and superiors shall be immune from liability in any civil action alleging false arrest, false imprisonment or malicious prosecution.

5. When a person against whom an order of protection has been entered fails to surrender custody of minor children to the person to whom custody was awarded in an order of protection, the law enforcement officer shall arrest the respondent, and shall turn the minor children over to the care and custody of the party to whom such care and custody was awarded.

6. The same procedures, including those designed to protect constitutional rights, shall be applied to the respondent as those applied to any individual detained in police custody.

7. A violation of the terms and conditions, with regard to domestic violence, stalking, **sexual assault,** child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit or place of employment or school, or being within a certain distance of the petitioner or a child of the petitioner, of an ex parte order of protection of which the respondent has notice, shall be a class A misdemeanor unless the respondent has previously pleaded guilty to or has been found guilty in any division of the circuit court of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class E felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of such prior pleas of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict.

8. A violation of the terms and conditions, with regard to domestic violence, stalking, **sexual assault,** child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit or place of employment or school, or being within a certain distance of the petitioner or a child of the petitioner, of a full order of protection shall be a class A misdemeanor, unless the respondent has previously pleaded guilty to or has been found guilty in any division of the circuit court of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class E felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of such prior plea of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of the sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict. For the purposes of this subsection, in addition to the notice provided by actual service of the order, a party is deemed to have notice of an order of protection if the law enforcement officer responding to a call of a reported incident of domestic violence, stalking, **sexual assault,** or violation of an order of protection presented a copy of the order of protection to the respondent.

9. Good faith attempts to effect a reconciliation of a marriage shall not be deemed tampering with a witness or victim tampering under section 575.270.

10. Nothing in this section shall be interpreted as creating a private cause of action for damages to enforce the provisions set forth herein.

455.085. UNTIL DECEMBER 31, 2016 — ARREST FOR VIOLATION OF ORDER — PENALTIES — GOOD FAITH IMMUNITY FOR LAW ENFORCEMENT OFFICIALS. — 1. When a law enforcement officer has probable cause to believe a party has committed a violation of law

amounting to domestic violence, as defined in section 455.010, against a family or household member, the officer may arrest the offending party whether or not the violation occurred in the presence of the arresting officer. When the officer declines to make arrest pursuant to this subsection, the officer shall make a written report of the incident completely describing the offending party, giving the victim's name, time, address, reason why no arrest was made and any other pertinent information. Any law enforcement officer subsequently called to the same address within a twelve-hour period, who shall find probable cause to believe the same offender has again committed a violation as stated in this subsection against the same or any other family or household member, shall arrest the offending party for this subsequent offense. The primary report of nonarrest in the preceding twelve-hour period may be considered as evidence of the defendant's intent in the violation for which arrest occurred. The refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection.

2. When a law enforcement officer has probable cause to believe that a party, against whom a protective order has been entered and who has notice of such order entered, has committed an act of abuse in violation of such order, the officer shall arrest the offending party-respondent whether or not the violation occurred in the presence of the arresting officer. Refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection.

3. When an officer makes an arrest, the officer is not required to arrest two parties involved in an assault when both parties claim to have been assaulted. The arresting officer shall attempt to identify and shall arrest the party the officer believes is the primary physical aggressor. The term "primary physical aggressor" is defined as the most significant, rather than the first, aggressor. The law enforcement officer shall consider any or all of the following in determining the primary physical aggressor:

(1) The intent of the law to protect victims from continuing domestic violence;

(2) The comparative extent of injuries inflicted or serious threats creating fear of physical injury;

(3) The history of domestic violence between the persons involved.

No law enforcement officer investigating an incident of domestic violence shall threaten the arrest of all parties for the purpose of discouraging requests or law enforcement intervention by any party. Where complaints are received from two or more opposing parties, the officer shall evaluate each complaint separately to determine whether the officer should seek a warrant for an arrest.

4. In an arrest in which a law enforcement officer acted in good faith reliance on this section, the arresting and assisting law enforcement officers and their employing entities and superiors shall be immune from liability in any civil action alleging false arrest, false imprisonment or malicious prosecution.

5. When a person against whom an order of protection has been entered fails to surrender custody of minor children to the person to whom custody was awarded in an order of protection, the law enforcement officer shall arrest the respondent, and shall turn the minor children over to the care and custody of the party to whom such care and custody was awarded.

6. The same procedures, including those designed to protect constitutional rights, shall be applied to the respondent as those applied to any individual detained in police custody.

7. A violation of the terms and conditions, with regard to domestic violence, stalking, **sexual assault,** child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit or place of employment or school, or being within a certain distance of the petitioner or a child of the petitioner, of an ex parte order of protection of which the respondent has notice, shall be a class A misdemeanor unless the respondent has previously pleaded guilty to or has been found guilty in any division of the circuit court of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class D felony.

Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of such prior pleas of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict.

8. A violation of the terms and conditions, with regard to domestic violence, stalking, **sexual assault,** child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit or place of employment or school, or being within a certain distance of the petitioner or a child of the petitioner, of a full order of protection shall be a class A misdemeanor, unless the respondent has previously pleaded guilty to or has been found guilty in any division of the circuit court of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class D felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of such prior plea of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of the sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict. For the purposes of this subsection, in addition to the notice provided by actual service of the order, a party is deemed to have notice of an order of protection if the law enforcement officer responding to a call of a reported incident of domestic violence, stalking, **sexual assault,** or violation of an order of protection presented a copy of the order of protection to the respondent.

9. Good faith attempts to effect a reconciliation of a marriage shall not be deemed tampering with a witness or victim tampering under section 575.270.

10. Nothing in this section shall be interpreted as creating a private cause of action for damages to enforce the provisions set forth herein.

455.503. VENUE — PETITION, WHO MAY FILE. — 1. A petition for an order of protection for a child shall be filed in the county where the child resides, where the alleged incident of domestic violence **[**or**],** stalking**, or sexual assault** occurred, or where the respondent may be served.

2. Such petition may be filed by any of the following:

(1) A parent or guardian of the victim;

(2) A guardian ad litem or court-appointed special advocate appointed for the victim; or

(3) The juvenile officer.

455.505. RELIEF MAY BE SOUGHT FOR CHILD FOR DOMESTIC VIOLENCE, STALKING, OR SEXUAL ASSAULT — ORDER OF PROTECTION EFFECTIVE, WHERE. — 1. An order of protection for a child who has been subject to domestic violence by a present or former household member or **[**person**] sexual assault or** stalking **[**the child**] by any person** may be sought under sections 455.500 to 455.538 by the filing of a verified petition alleging such domestic violence **[**or**],** stalking**, or sexual assault** by the respondent.

2. A child's right to relief under sections 455.500 to 455.538 shall not be affected by the child's leaving the residence or household to avoid domestic violence.

3. Any protection order issued pursuant to sections 455.500 to 455.538 shall be effective throughout the state in all cities and counties.

455.513. EX PARTE ORDERS, ISSUED WHEN, EFFECTIVE WHEN — FOR GOOD CAUSE SHOWN, DEFINED — INVESTIGATION BY CHILDREN'S DIVISION, WHEN — REPORT DUE WHEN, AVAILABLE TO WHOM — TRANSFER TO JUVENILE COURT, WHEN. — 1. Upon the filing of a verified petition under sections 455.500 to 455.538, for good cause shown in the petition, and

upon finding that no prior order regarding custody is pending or has been made or that the respondent is less than seventeen years of age, the court may immediately issue an ex parte order of protection. An immediate and present danger of domestic violence [or]**,** stalking**, or sexual assault** to a child shall constitute good cause for purposes of this section. An ex parte order of protection entered by the court shall be in effect until the time of the hearing. The court shall deny the ex parte order and dismiss the petition if the petitioner is not authorized to seek relief pursuant to section 455.505.

2. Upon the entry of the ex parte order of protection, the court shall enter its order appointing a guardian ad litem or court-appointed special advocate to represent the child victim.

3. If the allegations in the petition would give rise to jurisdiction under section 211.031, the court may direct the children's division to conduct an investigation and to provide appropriate services. The division shall submit a written investigative report to the court and to the juvenile officer within thirty days of being ordered to do so. The report shall be made available to the parties and the guardian ad litem or court-appointed special advocate.

4. If the allegations in the petition would give rise to jurisdiction under section 211.031 because the respondent is less than seventeen years of age, the court may issue an ex parte order and shall transfer the case to juvenile court for a hearing on a full order of protection. Service of process shall be made pursuant to section 455.035.

455.520. TEMPORARY RELIEF AVAILABLE — EX PARTE ORDERS. — 1. Any ex parte order of protection granted under sections 455.500 to 455.538 shall be to protect the victim from domestic violence [or]**,** stalking**, or sexual assault** and may include such terms as the court reasonably deems necessary to ensure the victim's safety, including but not limited to:

(1) Restraining the respondent from committing or threatening to commit domestic violence, stalking, **sexual assault,** molesting, or disturbing the peace of the victim;

(2) Restraining the respondent from entering the family home of the victim except as specifically authorized by the court;

(3) Restraining the respondent from communicating with the victim in any manner or through any medium, except as specifically authorized by the court;

(4) A temporary order of custody of minor children.

2. No ex parte order of protection excluding the respondent from the family home shall be issued unless the court finds that:

(1) The order is in the best interests of the child or children remaining in the home;

(2) The verified allegations of domestic violence present a substantial risk to the child or children unless the respondent is excluded; and

(3) A remaining adult family or household member is able to care adequately for the child or children in the absence of the excluded party.

455.523. FULL ORDER OF PROTECTION — RELIEF AVAILABLE. — 1. Any full order of protection granted under sections 455.500 to 455.538 shall be to protect the victim from domestic violence [and]**,** stalking**, and sexual assault** may include such terms as the court reasonably deems necessary to ensure the petitioner's safety, including but not limited to:

(1) Temporarily enjoining the respondent from committing domestic violence **or sexual assault**, threatening to commit domestic violence **or sexual assault**, stalking, molesting, or disturbing the peace of the victim;

(2) Temporarily enjoining the respondent from entering the family home of the victim, except as specifically authorized by the court;

(3) Temporarily enjoining the respondent from communicating with the victim in any manner or through any medium, except as specifically authorized by the court.

2. When the court has, after hearing for any full order of protection, issued an order of protection, it may, in addition:

(1) Award custody of any minor child born to or adopted by the parties when the court has jurisdiction over such child and no prior order regarding custody is pending or has been made, and the best interests of the child require such order be issued;

(2) Award visitation;

(3) Award child support in accordance with supreme court rule 88.01 and chapter 452;

(4) Award maintenance to petitioner when petitioner and respondent are lawfully married in accordance with chapter 452;

(5) Order respondent to make or to continue to make rent or mortgage payments on a residence occupied by the victim if the respondent is found to have a duty to support the victim or other dependent household members;

(6) Order the respondent to participate in a court- approved counseling program designed to help stop violent behavior or to treat substance abuse;

(7) Order the respondent to pay, to the extent that he or she is able, the costs of his or her treatment, together with the treatment costs incurred by the victim;

(8) Order the respondent to pay a reasonable fee for housing and other services that have been provided or that are being provided to the victim by a shelter for victims of domestic violence.

455.538. BEGINNING JANUARY 1, 2017 — LAW ENFORCEMENT AGENCIES RESPONSE TO VIOLATION OF ORDER — ARREST FOR VIOLATION, PENALTIES — CUSTODY TO BE RETURNED TO RIGHTFUL PARTY, WHEN. — 1. When a law enforcement officer has probable cause to believe that a party, against whom a protective order for a child has been entered, has committed an act in violation of that order, the officer shall have the authority to arrest the respondent whether or not the violation occurred in the presence of the arresting officer.

2. When a person, against whom an order of protection for a child has been entered, fails to surrender custody of minor children to the person to whom custody was awarded in an order of protection, the law enforcement officer shall arrest the respondent, and shall turn the minor children over to the care and custody of the party to whom such care and custody was awarded.

3. The same procedures, including those designed to protect constitutional rights, shall be applied to the respondent as those applied to any individual detained in police custody.

4. (1) Violation of the terms and conditions of an ex parte or full order of protection with regard to domestic violence, stalking, **sexual assault,** child custody, communication initiated by the respondent, or entrance upon the premises of the victim's dwelling unit or place of employment or school, or being within a certain distance of the petitioner or a child of the petitioner, of which the respondent has notice, shall be a class A misdemeanor, unless the respondent has previously pleaded guilty to or has been found guilty in any division of the circuit court of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class E felony. Evidence of a prior plea of guilty or finding of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of a prior plea of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict.

(2) For purposes of this subsection, in addition to the notice provided by actual service of the order, a party is deemed to have notice of an order of protection for a child if the law enforcement officer responding to a call of a reported incident of domestic violence **[**or**],** stalking**, sexual assault,** or violation of an order of protection for a child presents a copy of the order of protection to the respondent.

5. The fact that an act by a respondent is a violation of a valid order of protection for a child shall not preclude prosecution of the respondent for other crimes arising out of the incident in which the protection order is alleged to have been violated.

455.538. UNTIL DECEMBER 31, 2016 — LAW ENFORCEMENT AGENCIES RESPONSE TO VIOLATION OF ORDER — ARREST FOR VIOLATION, PENALTIES — CUSTODY TO BE RETURNED TO RIGHTFUL PARTY, WHEN. — 1. When a law enforcement officer has probable cause to believe that a party, against whom a protective order for a child has been entered, has committed an act in violation of that order, the officer shall have the authority to arrest the respondent whether or not the violation occurred in the presence of the arresting officer.

2. When a person, against whom an order of protection for a child has been entered, fails to surrender custody of minor children to the person to whom custody was awarded in an order of protection, the law enforcement officer shall arrest the respondent, and shall turn the minor children over to the care and custody of the party to whom such care and custody was awarded.

3. The same procedures, including those designed to protect constitutional rights, shall be applied to the respondent as those applied to any individual detained in police custody.

4. (1) Violation of the terms and conditions of an ex parte or full order of protection with regard to domestic violence, stalking, **sexual assault,** child custody, communication initiated by the respondent, or entrance upon the premises of the victim's dwelling unit or place of employment or school, or being within a certain distance of the petitioner or a child of the petitioner, of which the respondent has notice, shall be a class A misdemeanor, unless the respondent has previously pleaded guilty to or has been found guilty in any division of the circuit court of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class D felony. Evidence of a prior plea of guilty or finding of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of a prior plea of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict.

(2) For purposes of this subsection, in addition to the notice provided by actual service of the order, a party is deemed to have notice of an order of protection for a child if the law enforcement officer responding to a call of a reported incident of domestic violence **[**or**],** stalking, **sexual assault,** or violation of an order of protection for a child presents a copy of the order of protection to the respondent.

5. The fact that an act by a respondent is a violation of a valid order of protection for a child shall not preclude prosecution of the respondent for other crimes arising out of the incident in which the protection order is alleged to have been violated.

Approved July 8, 2015

SB 354 [SS SCS SB 354]

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

Allows Department of Health and Senior Services to supply qualifying individuals with amino acid-based elemental formulas

AN ACT to amend chapter 192, RSMo, by adding thereto one new section relating to amino acid-based elemental formulas.

SECTION

A. Enacting clause.
192.390. Cost of certain formulas to be provided — rulemaking authority.

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

SECTION A. ENACTING CLAUSE. — Chapter 192, RSMo, is amended by adding thereto one new section, to be known as section 192.390, to read as follows:

192.390. COST OF CERTAIN FORMULAS TO BE PROVIDED — RULEMAKING AUTHORITY. — 1. The department shall provide coverage, subject to state and federal appropriations, for the full cost of amino acid-based elemental formulas, meaning formulas made from single nonallergenic amino acids, for children under nineteen years of age with a medical diagnosis of immunoglobulin E and nonimmunoglobulin E mediated allergies to multiple food proteins, food protein-induced enterocolitis syndrome, eosinophilic disorders, and impaired absorption of nutrients caused by disorders affecting the absorptive surface, functional length, and motility of the gastrointestinal tract.

2. The department may promulgate rules and regulations to implement the provisions 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, 2015, shall be invalid and void.

Approved July 2, 2015

SB 366 [SS SB 366]

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

Modifies the provisions of the Missouri higher education savings program

AN ACT to repeal section 166.435, RSMo, and to enact in lieu thereof two new sections relating to the Missouri higher education savings program, with a contingent effective date.

SECTION

A. Enacting clause.
166.421. Income tax refund, contribution to education savings account — election, how made.
166.435. State tax exemption. State tax exemption.
B. Emergency clause .

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

SECTION A. ENACTING CLAUSE. — Section 166.435, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 166.421 and 166.435, to read as follows:

166.421. INCOME TAX REFUND, CONTRIBUTION TO EDUCATION SAVINGS ACCOUNT — ELECTION, HOW MADE. — 1. A participant may elect to contribute all or part of a refund of personal income tax to an account that has been established under sections 166.400 to 166.456 by direct deposit to the financial institution managing the account. The amount elected to be contributed by the participant shall be at least twenty-five dollars and shall be as a contribution only for the tax year in which the refund is issued. The election to contribute may not be changed or revoked.

2. The election shall be made on a form prescribed by the department of revenue and filed with the taxpayer's tax return for the tax year or at such other time and in such other manner as the department may prescribe. The department of revenue shall prescribe the maximum number of accounts to which a taxpayer may elect to contribute a portion of the refund. Notwithstanding the limit prescribed by the department, a parent or legal guardian shall be permitted to contribute a portion of his or her refund to accounts held by each of his or her children.

3. The election to contribute all or a portion of a refund shall be void, and no portion of the refund may be contributed to an account if the taxpayer's refund is offset to pay amounts owed by the taxpayer.

166.435. STATE TAX EXEMPTION. STATE TAX EXEMPTION. — 1. Notwithstanding any law to the contrary, the assets of the savings program held by the board, the assets of any deposit program authorized in section 166.500, and the assets of any qualified tuition savings program established pursuant to Section 529 of the Internal Revenue Code and any income therefrom shall be exempt from all taxation by the state or any of its political subdivisions. Income earned or received from the savings program, deposit, or other qualified tuition savings programs established under Section 529 of the Internal Revenue Code program**, or refunds of qualified higher education expenses received by a beneficiary from an eligible educational institution in connection with withdrawal from enrollment at such institution which are contributed within sixty days of withdrawal to a qualified tuition savings program of which such individual is a beneficiary** shall not be subject to state income tax imposed pursuant to chapter 143 and shall be eligible for any benefits provided in accordance with Section 529 of the Internal Revenue Code. The exemption from taxation pursuant to this section shall apply only to assets and income maintained, accrued, or expended pursuant to the requirements of the savings program established pursuant to sections 166.400 to 166.455, the deposit program established pursuant to sections 166.500 to 166.529, and other qualified tuition savings programs established under Section 529 of the Internal Revenue Code, and no exemption shall apply to assets and income expended for any other purposes. Annual contributions made to the savings program held by the board, the deposit program, and any qualified tuition savings program established under Section 529 of the Internal Revenue Code up to and including eight thousand dollars per participating taxpayer, and up to sixteen thousand dollars for married individuals filing a joint tax return, shall be subtracted in determining Missouri adjusted gross income pursuant to section 143.121.

2. If any deductible contributions to or earnings from any such program referred to in this section are distributed and not used to pay qualified higher education expenses or are not held for the minimum length of time established by the appropriate Missouri board, the amount so distributed shall be added to the Missouri adjusted gross income of the participant, or, if the participant is not living, the beneficiary.

3. The provisions of this section shall apply to tax years beginning on or after January 1, 2008, and the provisions of this section with regard to sections 166.500 to 166.529 shall apply to tax years beginning on or after January 1, 2004.

SECTION **B.** EMERGENCY CLAUSE. — The repeal and reenactment of section 166.435 of this act shall become effective only upon notification by the State Treasurer to the Revisor of Statutes of the passage of H.R. 529 of the 114th United States Congress.

Approved July 14, 2015

SB 373 [SS SB 373]

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

Creates the Division of Alcohol and Tobacco Control Fund for the enforcement of liquor and tobacco laws and directs fees from liquor licenses and permits to the fund

AN ACT to repeal section 311.730, RSMo, and to enact in lieu thereof two new sections relating to the establishment of the division of alcohol and tobacco control fund.

SECTION

A. Enacting clause.
311.730. Fees paid into general revenue fund and division of alcohol and tobacco control fund.
311.735. Division of alcohol and tobacco control fund created, use of moneys.

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

SECTION A. ENACTING CLAUSE. — Section 311.730, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 311.730 and 311.735, to read as follows:

311.730. FEES PAID INTO GENERAL REVENUE FUND AND DIVISION OF ALCOHOL AND TOBACCO CONTROL FUND. — 1. Except as otherwise provided under subsection 2 of this section, all fees collected by the director of revenue as provided for in this chapter, including licenses, inspection and gauging fees, shall be paid into the state treasury, to the credit of the ordinary state revenue fund.

2. Seventy percent of all fees for licenses and permits collected under this chapter shall be paid to the credit of the division of alcohol and tobacco control fund established under section 311.735.

311.735. DIVISION OF ALCOHOL AND TOBACCO CONTROL FUND CREATED, USE OF MONEYS. — 1. There is hereby created in the state treasury the "Division of Alcohol and Tobacco Control 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. The fund shall be a dedicated fund and, upon appropriation, money in the fund shall be used solely by the division of alcohol and tobacco control for the administration of this chapter and sections 407.925 to 407.934, and any duties under such chapter and sections relating to licensing, training, technical assistance, and regulations.

2. 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.

3. Appropriation of funds by the general assembly from the fund shall be used to support the division of alcohol and tobacco control for the purposes provided under subsection 1 of this section.

Approved July 14, 2015

SB 392 [SB 392]

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

Modifies which members of fraternal benefit societies are exempt from insurance agent licensing

AN ACT to repeal section 378.633, RSMo, and to enact in lieu thereof one new section relating to fraternal benefit society agents.

SECTION
A. Enacting clause.
378.633. Agents, licensing of — persons not deemed agents.

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

SECTION A. ENACTING CLAUSE. — Section 378.633, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 378.633, to read as follows:

378.633. AGENTS, LICENSING OF — PERSONS NOT DEEMED AGENTS. — 1. Agents of societies shall be licensed in accordance with the provisions of chapter 375 regulating the licensing, revocation, suspension or termination of license of resident and nonresident agents; provided, that no person who acted in the capacity as an agent of a licensed society for a period of at least six months immediately preceding October 13, 1969, shall be required to take an examination as provided for in chapter 375 as a condition for licensure as an insurance agent.

2. The following individuals shall not be deemed an agent of a fraternal benefit society within the provisions of subsection 1 of this section:

(1) Any regular salaried officer, employee or secretary of a licensed society or any subordinate lodge thereof, who devotes substantially all of his services to activities other than the solicitation of fraternal insurance contracts from the public, and who receives for the solicitation of such contracts no commission or other compensation directly dependent upon the amount of business obtained; or

(2) Any member representative of any society **[**which insures its members against death, dismemberment and disability resulting from accident only and which pays no commission or other consideration for the collection of premiums for such contracts**] who devotes, or intends to devote, less than fifty percent of his or her time to the solicitation and procurement of insurance contracts for such society. Any person who in the preceding calendar year has solicited and procured life insurance contracts on behalf of any society in an amount of insurance in excess of fifty thousand dollars, or, in the case of any other kind or kinds of insurance which the society might write, on the persons of more than twenty-five individuals and who has received or will receive a commission or other compensation therefor, shall be presumed to be devoting, or intending to devote, fifty percent or more of his or her time to the solicitation or procurement of insurance contracts for such society**.

Approved July 2, 2015

SB 405 [SB 405]

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

Raises the outer threshold amount for a county to be eligible to collect a greater percentage of the total taxes collected as a fee

AN ACT to repeal section 52.260, RSMo, and to enact in lieu thereof one new section relating to fees collected by the county collector.

SECTION
A. Enacting clause.

52.260. Fees for collecting certain taxes and fees to be deposited in county general revenue fund (certain counties).

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

SECTION A. ENACTING CLAUSE. — Section 52.260, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 52.260, to read as follows:

52.260. FEES FOR COLLECTING CERTAIN TAXES AND FEES TO BE DEPOSITED IN COUNTY GENERAL REVENUE FUND (CERTAIN COUNTIES). — The collector in counties not having township organization shall collect on behalf of the county the following fees for collecting all state, county, bridge, road, school, back and delinquent, and all other local taxes, including merchants', manufacturers' and liquor and beer licenses, other than ditch and levee taxes, and the fees collected shall be deposited in the county general fund:

(1) In all counties wherein the total amount levied for any one year exceeds two hundred and fifty thousand dollars and is less than three hundred and fifty thousand dollars, a fee of two and one-half percent on the amount collected;

(2) In all counties wherein the total amount levied for any one year exceeds three hundred and fifty thousand dollars and is less than **[**two**]** **three** million dollars, a fee of two and one-half percent on the first three hundred and fifty thousand dollars collected and one percent on whatever amount may be collected over three hundred and fifty thousand dollars;

(3) In all counties wherein the total amount levied for any one year exceeds **[**two**]** **three** million dollars, a fee of one percent on the amounts collected.

Approved July 6, 2015

SB 426 [SB 426]

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

Allows community mental health liaisons to access specified confidential records maintained by specified institutions

AN ACT to repeal section 630.140, RSMo, and to enact in lieu thereof one new section relating to community mental health liaisons.

SECTION
A. Enacting clause.
630.140. Records confidential, when — may be disclosed, to whom, how, when — release to be documented — court records confidential, exceptions.

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

SECTION A. ENACTING CLAUSE. — Section 630.140, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 630.140, to read as follows:

630.140. RECORDS CONFIDENTIAL, WHEN — MAY BE DISCLOSED, TO WHOM, HOW, WHEN — RELEASE TO BE DOCUMENTED — COURT RECORDS CONFIDENTIAL, EXCEPTIONS. — 1. Information and records compiled, obtained, prepared or maintained by the residential facility, mental health program operated, funded or licensed by the department or otherwise, specialized service, or by any mental health facility or mental health program in which people may be civilly detained pursuant to chapter 632 in the course of providing services to either voluntary or involuntary patients, residents or clients shall be confidential.

2. The facilities or programs shall disclose information and records including medication given, dosage levels, and individual ordering such medication to the following upon their request:

(1) The parent of a minor patient, resident or client;

(2) The guardian or other person having legal custody of the patient, resident or client;

(3) The attorney of a patient, resident or client who is a ward of the juvenile court, an alleged incompetent, an incompetent ward or a person detained under chapter 632, as evidenced by court orders of the attorney's appointment;

(4) An attorney or personal physician as authorized by the patient, resident or client;

(5) Law enforcement officers and agencies, information about patients, residents or clients committed pursuant to chapter 552, but only to the extent necessary to carry out the responsibilities of their office, and all such law enforcement officers shall be obligated to keep such information confidential;

(6) The entity or agency authorized to implement a system to protect and advocate the rights of persons with developmental disabilities under the provisions of 42 U.S.C. Sections 15042 to 15044. The entity or agency shall be able to obtain access to the records of a person with developmental disabilities who is a client of the entity or agency if such person has authorized the entity or agency to have such access; and the records of any person with developmental disabilities who, by reason of mental or physical condition is unable to authorize the entity or agency to have such access, if such person does not have a legal guardian, conservator or other legal representative, and a complaint has been received by the entity or agency with respect to such person or there is probable cause to believe that such person has been subject to abuse or neglect. The entity or agency obtaining access to a person's records shall meet all requirements for confidentiality as set out in this section;

(7) The entity or agency authorized to implement a system to protect and advocate the rights of persons with mental illness under the provisions of 42 U.S.C. 10801 shall be able to obtain access to the records of a patient, resident or client who by reason of mental or physical condition is unable to authorize the system to have such access, who does not have a legal guardian, conservator or other legal representative and with respect to whom a complaint has been received by the system or there is probable cause to believe that such individual has been subject to abuse or neglect. The entity or agency obtaining access to a person's records shall meet all requirements for confidentiality as set out in this section. The provisions of this subdivision shall apply to a person who has a significant mental illness or impairment as determined by a mental health professional qualified under the laws and regulations of the state;

(8) To mental health coordinators, but only to the extent necessary to carry out their duties under chapter 632**;**

(9) To individuals, designated by the department of mental health as community mental health liaisons, for the purpose of coordination of care and services.

3. The facilities or services may disclose information and records under any of the following:

(1) As authorized by the patient, resident or client;

(2) To persons or agencies responsible for providing health care services to such patients, residents or clients as permitted by the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended;

(3) To the extent necessary for a recipient to make a claim or for a claim to be made on behalf of a recipient for aid or insurance;

(4) To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, program evaluations or similar studies; provided, that such personnel shall not identify, directly or indirectly, any individual patient, resident or client in any report of such research, audit or evaluation, or otherwise disclose patient, resident or client identities in any manner;

(5) To the courts as necessary for the administration of chapter 211, 475, 552, or 632;

(6) To law enforcement officers or public health officers, but only to the extent necessary to carry out the responsibilities of their office, and all such law enforcement and public health officers shall be obligated to keep such information confidential;

(7) Pursuant to an order of a court or administrative agency of competent jurisdiction;

(8) To the attorney representing petitioners, but only to the extent necessary to carry out their duties under chapter 632;

(9) To the department of social services or the department of health and senior services as necessary to report or have investigated abuse, neglect, or rights violations of patients, residents, or clients;

(10) To a county board established pursuant to sections 205.968 to 205.972, RSMo 1986, but only to the extent necessary to carry out their statutory responsibilities. The county board shall not identify, directly or indirectly, any individual patient, resident or client;

(11) To parents, legal guardians, treatment professionals, law enforcement officers, and other individuals who by having such information could mitigate the likelihood of a suicide. The facility treatment team shall have determined that the consumer's safety is at some level of risk**;**

(12) To individuals, designated by the department of mental health as community mental health liaisons, for the purpose of coordination of care and services.

4. The facility or program shall document the dates, nature, purposes and recipients of any records disclosed under this section and sections 630.145 and 630.150.

5. The records and files maintained in any court proceeding under chapter 632 shall be confidential and available only to the patient, the patient's attorney, guardian, or, in the case of a minor, to a parent or other person having legal custody of the patient, to the petitioner and the petitioner's attorney, and to the Missouri state highway patrol for reporting to the National Instant Criminal Background Check System (NICS)**, and to individuals designated by the department of mental health as community mental health liaisons for the purpose of coordination of care and services**. In addition, the court may order the release or use of such records or files only upon good cause shown, and the court may impose such restrictions as the court deems appropriate.

6. Nothing contained in this chapter shall limit the rights of discovery in judicial or administrative procedures as otherwise provided for by statute or rule.

7. The fact of admission of a voluntary or involuntary patient to a mental health facility under chapter 632 may only be disclosed as specified in subsections 2 and 3 of this section.

Approved July 13, 2015

SB 435 [SCS SB 435]

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

Allows the Governor to convey the State's interest in specified property owned by the state in St. Louis County to the county

AN ACT to authorize the conveyance of property owned by the state in St. Louis County to St. Louis County.

SECTION
A. Enacting clause.
1. Conveyance of property in St. Louis County to St. Louis County.

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

SECTION 1. CONVEYANCE OF PROPERTY IN ST. LOUIS COUNTY TO ST. LOUIS COUNTY. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, and convey all interest in fee simple absolute in property owned by the state in St. Louis County to St. Louis County. The property to be conveyed is more particularly described as follows:

> **A tract of land being part of U.S. Survey 1909, Township 47 North, Range 7 East, St. Louis County, Missouri and being more particularly described as follows:**
>
> **Commencing at the most eastern corner of property conveyed to the State of Missouri and described in an instrument recorded in deed book 9143 page 2161 of the St. Louis County records; thence northwestwardly along the northeast lines of said property conveyed to the State of Missouri the following courses and distances: North 55 degrees 47 minutes 48 seconds West 931.66 feet, South 34 degrees 00 minutes 13 seconds West 30.96 feet, North 53 degrees 48 minutes 20 seconds West 156.16 feet and South 43 degrees 14 minutes 47 seconds West 26.31 feet to the actual point of beginning of the property described herein. From said point of beginning, thence along curve to the right whose radius bears South25 degrees 16 minutes 19 seconds West 225.00 feet from the last mentioned point an arc distance of 40.71 feet to a point; thence South 13 degrees 55 minutes 42 seconds east 11.02 feet to a point; thence South 53 degrees 16 minutes 42 seconds east 23.16 feet to a point; thence South 61 degrees 10 minutes 49 seconds East 62.24 feet to a point; thence South 54 degrees 00 minutes 08 seconds East 207.82 feet to a point; thence along a curve to the right whose radius point bears South 57 degrees 17 minutes 09 seconds West 35.00 feet from the last mentioned point an arc distance of 26.43 feet to a point; thence along a compound curve to the right whose radius point bears North 79 degrees 26 minutes 59 seconds West 138.00 feet from the last mentioned point an arc distance 41.66 feet to a point; thence south 27 degrees 50 minutes 45 seconds West 37.93 feet to a point; thence along a curve to the right whose radius point bears North 62 degrees 09 minutes 15 seconds West 85.00 feet from the last mentioned point an arc length of 97.19 feet to a point; thence North 86 degrees 38 minutes 33 seconds West 65.10 feet to a point; thence along a curve to the right whose radius point bears North 03 degrees 21 minutes 27 seconds East 275.00 feet from the last mentioned point an arc length of 38.52 feet to a point; thence North 61 degrees 29 minutes 42 seconds West 199.58 feet to a point; thence North 20 degrees 09 minutes 54 seconds East 45.15 feet to a point; thence North 48 degrees 32 minutes 45 seconds West 222.73 feet to a point; thence along a curve to the right whose radius point bears South 43 degrees 19 minutes 00 seconds East 295.00 feet from the last mentioned point an arc distance of 51.15 feet to a point; thence along a compound curve to the right whose radius point bears South 33 degrees 22 minutes 54 seconds East 200.00 feet from the last mentioned point an arc distance of 65.46 feet to a point in the aforesaid Northeast line of property conveyed to the State of Missouri; thence Southeastwardly along said Northeast line the following courses and distances: South 04 degrees 41 minutes 10 seconds West 84.67 feet, South 66 degrees 09 minutes 05 seconds East 74.40 feet and North 43 degrees 14 minutes 47 seconds East 141.30 feet to the point of beginning and containing 95,736 square feet or 2.198 acres according to a survey by EFK MOEN, L.L.C during January, 2015.**

2. The commissioner of administration shall set the terms and conditions for the sale as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the sale.

3. The instrument of conveyance shall include the following statement: The state and St. Louis County, recognizing the special relationship they share in regard to the use of the property, shall continue to cooperate regarding the use of the property.

4. The attorney general shall approve the form of the instrument of conveyance.

Approved July 10, 2015

SB 445 [CCS HCS SCS SB 445]

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

Modifies provisions relating to environmental protection

AN ACT to repeal sections 29.380, 260.200, 260.225, 260.250, 260.320, 260.325, 260.330, 260.335, and 260.345, RSMo, and to enact in lieu thereof eleven new sections relating to environmental protection.

SECTION
A. Enacting clause.
29.380. Solid waste management districts, authority to audit, when.
260.200. Definitions.
260.225. Duties of department — rules and regulations, promulgation of, procedures — model solid waste management plans, contents — coordination with other state agencies.
260.250. Major appliances, waste oil, yard waste and batteries, disposal restricted — recycling of certain items, addressed in solid waste management plan.
260.320. Executive board, meetings, selection of officers — powers, duties — contractual authority.
260.324. Grants, familial relationships not a disqualifier — voting restrictions.
260.325. Solid waste management plan, submitted to department, contents, procedures — approval, revision of plan — funds may be made available, purpose — audits.
260.330. Landfill fee, amount — solid waste management fund, created, purpose — department to enforce — transfer station, fee charged — free disposal day, notice.
260.335. Distribution of fund moneys, uses — grants, distribution of moneys — advisory board, solid waste, duties.
260.345. Solid waste advisory board, members — qualifications — duties and powers — removal of board member for failure to attend meetings, when — report — meetings.
643.650. Sulfur dioxide, ambient air quality monitoring or modeling network.

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

SECTION A. ENACTING CLAUSE. — Sections 29.380, 260.200, 260.225, 260.250, 260.320, 260.325, 260.330, 260.335, and 260.345, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 29.380, 260.200, 260.225, 260.250, 260.320, 260.324, 260.325, 260.330, 260.335, 260.345, and 643.650, to read as follows:

29.380. SOLID WASTE MANAGEMENT DISTRICTS, AUTHORITY TO AUDIT, WHEN. — 1. The state auditor shall have the authority to audit solid waste management districts created under section 260.305 in the same manner as the auditor may audit any agency of the state.

2. Beginning August 28, **[**2012**]** **2015**, the state auditor **[**shall conduct an audit of each solid waste management district created under section 260.305 and thereafter shall**]** **may** conduct audits of **[**each**]** solid waste management **[**district**]** **districts** as he or she deems necessary. The state auditor may request reimbursement from the district for the costs of conducting the audit. **If the auditor requests such reimbursement, the solid waste management district shall reimburse the auditor for the costs of conducting the audit and the moneys shall be deposited in the petition audit revolving trust fund created under section 29.230. Such**

reimbursement shall be limited to two percent of the solid waste management district's annual monetary allocation.

260.200. DEFINITIONS. — 1. The following words and phrases when used in sections 260.200 to 260.345 shall mean:

(1) "Alkaline-manganese battery" or "alkaline battery", a battery having a manganese dioxide positive electrode, a zinc negative electrode, an alkaline electrolyte, including alkaline-manganese button cell batteries intended for use in watches, calculators, and other electronic products, and larger-sized alkaline-manganese batteries in general household use;

(2) "Applicant", a person or persons seeking or holding a facility permit;

(3) "Bioreactor", a municipal solid waste disposal area or portion of a municipal solid waste disposal area where the controlled addition of liquid waste or water accelerates both the decomposition of waste and landfill gas generation;

(4) "Button cell battery" or "button cell", any small alkaline-manganese or mercuric-oxide battery having the size and shape of a button;

(5) "City", any incorporated city, town, or village;

(6) "Clean fill", uncontaminated soil, rock, sand, gravel, concrete, asphaltic concrete, cinderblocks, brick, minimal amounts of wood and metal, and inert solids as approved by rule or policy of the department for fill, reclamation or other beneficial use;

(7) "Closure", the permanent cessation of active disposal operations, abandonment of the disposal area, revocation of the permit or filling with waste of all areas and volumes specified in the permit and preparing the area for long-term care;

(8) "Closure plan", plans, designs and relevant data which specify the methods and schedule by which the operator will complete or cease disposal operations, prepare the area for long-term care, and make the area suitable for other uses, to achieve the purposes of sections 260.200 to 260.345 and the regulations promulgated thereunder;

(9) "Conference, conciliation and persuasion", a process of verbal or written communications consisting of meetings, reports, correspondence or telephone conferences between authorized representatives of the department and the alleged violator. The process shall, at a minimum, consist of one offer to meet with the alleged violator tendered by the department. During any such meeting, the department and the alleged violator shall negotiate in good faith to eliminate the alleged violation and shall attempt to agree upon a plan to achieve compliance;

(10) "Construction and demolition waste", waste materials from the construction and demolition of residential, industrial, or commercial structures, but shall not include materials defined as clean fill under this section;

(11) "Demolition landfill", a solid waste disposal area used for the controlled disposal of demolition wastes, construction materials, brush, wood wastes, soil, rock, concrete and inert solids insoluble in water;

(12) "Department", the department of natural resources;

(13) "Director", the director of the department of natural resources;

(14) "Disclosure statement", a sworn statement or affirmation, in such form as may be required by the director of the department of natural resources, which includes:

(a) The full names and business address of key personnel;

(b) The full name and business address of any entity, other than a natural person, that collects, transfers, processes, treats, stores, or disposes of solid waste in which all key personnel holds an equity interest of seven percent or more;

(c) A description of the business experience of all key personnel listed in the disclosure statement;

(d) For the five-year period ending on the date the sworn disclosure statement or affirmation is signed by key personnel:

a. A listing organized by issuing federal, state, or county or county-equivalent regulatory body of all environmental permits or licenses for the collection, transfer, treatment, processing, storage, or disposal of solid waste issued to or held by any key personnel;

b. A listing and explanation of notices of violation which shall by rule be defined, prosecutions, or other administrative enforcement actions resulting in an adjudication or conviction;

c. A listing of license or permit suspensions, revocations, or denials issued by any state, the federal government or a county or county equivalent, which are pending or have concluded with a finding of violation or entry of a consent agreement regarding an allegation of civil or criminal violation of law, regulation or requirement relating to the collection, transfer, treatment, processing, storage, or disposal of solid waste or violation of the environmental statutes of other states or federal statutes;

d. An itemized list of all felony convictions under the laws of the state of Missouri or the equivalent thereof under the laws of any other jurisdiction; and a listing of any findings of guilt for any crimes or criminal acts an element of which involves restraint of trade, price-fixing, intimidation of the customers of another person or for engaging in any other acts which may have the effect of restraining or limiting competition concerning activities regulated pursuant to this chapter or similar laws of other states or the federal government including, but not limited to, racketeering or violation of antitrust laws of any key personnel;

(15) "District", a solid waste management district established under section 260.305;

(16) "Financial assurance instrument", an instrument or instruments, including, but not limited to, cash or surety bond, letters of credit, corporate guarantee or secured trust fund, submitted by the applicant to ensure proper closure and postclosure care and corrective action of a solid waste disposal area in the event that the operator fails to correctly perform closure and postclosure care and corrective action requirements, except that the financial test for the corporate guarantee shall not exceed one and one-half times the estimated cost of closure and postclosure. The form and content of the financial assurance instrument shall meet or exceed the requirements of the department. The instrument shall be reviewed and approved or disapproved by the attorney general;

(17) "Flood area", any area inundated by the one hundred year flood event, or the flood event with a one percent chance of occurring in any given year;

(18) "Household consumer", an individual who generates used motor oil through the maintenance of the individual's personal motor vehicle, vessel, airplane, or other machinery powered by an internal combustion engine;

(19) "Household consumer used motor oil collection center", any site or facility that accepts or aggregates and stores used motor oil collected only from household consumers or farmers who generate an average of twenty-five gallons per month or less of used motor oil in a calendar year. This section shall not preclude a commercial generator from operating a household consumer used motor oil collection center;

(20) "Household consumer used motor oil collection system", any used motor oil collection center at publicly owned facilities or private locations, any curbside collection of household consumer used motor oil, or any other household consumer used motor oil collection program determined by the department to further the purposes of sections 260.200 to 260.345;

(21) "Infectious waste", waste in quantities and characteristics as determined by the department by rule, including isolation wastes, cultures and stocks of etiologic agents, blood and blood products, pathological wastes, other wastes from surgery and autopsy, contaminated laboratory wastes, sharps, dialysis unit wastes, discarded biologicals known or suspected to be infectious; provided, however, that infectious waste does not mean waste treated to department specifications;

(22) "Key personnel", the applicant itself and any person employed by the applicant in a managerial capacity, or empowered to make discretionary decisions with respect to the solid waste operations of the applicant in Missouri, but shall not include employees exclusively engaged in the physical or mechanical collection, transfer, transportation, treatment, processing, storage, or disposal of solid waste and such other employees as the director of the department of natural resources may designate by regulation. If the applicant has not previously conducted

solid waste operations in Missouri, the term also includes any officer, director, partner of the applicant, or any holder of seven percent or more of the equity or debt of the applicant. If any holder of seven percent or more of the equity or debt of the applicant or of any key personnel is not a natural person, the term includes all key personnel of that entity, provided that where such entity is a chartered lending institution or a reporting company under the federal Securities Exchange Act of 1934, the term does not include key personnel of such entity. Provided further that the term means the chief executive officer of any agency of the United States or of any agency or political subdivision of the state of Missouri, and all key personnel of any person, other than a natural person, that operates a landfill or other facility for the collection, transfer, treatment, processing, storage, or disposal of nonhazardous solid waste under contract with or for one of those governmental entities;

(23) "Lead-acid battery", a battery designed to contain lead and sulfuric acid with a nominal voltage of at least six volts and of the type intended for use in motor vehicles and watercraft;

(24) "Major appliance", clothes washers and dryers, water heaters, trash compactors, dishwashers, conventional ovens, ranges, stoves, woodstoves, air conditioners, refrigerators and freezers;

(25) "Mercuric-oxide battery" or "mercury battery", a battery having a mercuric-oxide positive electrode, a zinc negative electrode, and an alkaline electrolyte, including mercuric-oxide button cell batteries generally intended for use in hearing aids and larger size mercuric-oxide batteries used primarily in medical equipment;

(26) "Minor violation", a violation which possesses a small potential to harm the environment or human health or cause pollution, was not knowingly committed, and is not defined by the United States Environmental Protection Agency as other than minor;

(27) "Motor oil", any oil intended for use in a motor vehicle, as defined in section 301.010, train, vessel, airplane, heavy equipment, or other machinery powered by an internal combustion engine;

(28) "Motor vehicle", as defined in section 301.010;

(29) "Operator" and "permittee", anyone so designated, and shall include cities, counties, other political subdivisions, authority, state agency or institution, or federal agency or institution;

(30) "Permit modification", any permit issued by the department which alters or modifies the provisions of an existing permit previously issued by the department;

(31) "Person", any individual, partnership, limited liability company, corporation, association, trust, institution, city, county, other political subdivision, authority, state agency or institution, or federal agency or institution, or any other legal entity;

(32) "Plasma arc technology", a process that converts electrical energy into thermal energy. This electric arc is created when an ionized gas transfers electric power between two or more electrodes;

(33) "Postclosure plan", plans, designs and relevant data which specify the methods and schedule by which the operator shall perform necessary monitoring and care for the area after closure to achieve the purposes of sections 260.200 to 260.345 and the regulations promulgated thereunder;

(34) "Recovered materials", those materials which have been diverted or removed from the solid waste stream for sale, use, reuse or recycling, whether or not they require subsequent separation and processing;

(35) "Recycled content", the proportion of fiber in a newspaper which is derived from postconsumer waste;

(36) "Recycling", the separation and reuse of materials which might otherwise be disposed of as solid waste;

(37) "Resource recovery", a process by which recyclable and recoverable material is removed from the waste stream to the greatest extent possible, as determined by the department and pursuant to department standards, for reuse or remanufacture;

(38) "Resource recovery facility", a facility in which recyclable and recoverable material is removed from the waste stream to the greatest extent possible, as determined by the department and pursuant to department standards, for reuse or remanufacture;

(39) "Sanitary landfill", a solid waste disposal area which accepts commercial and residential solid waste;

(40) "Scrap tire", a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect;

(41) "Scrap tire collection center", a site where scrap tires are collected prior to being offered for recycling or processing and where fewer than five hundred tires are kept on site on any given day;

(42) "Scrap tire end-user facility", a site where scrap tires are used as a fuel or fuel supplement or converted into a usable product. Baled or compressed tires used in structures, or used at recreational facilities, or used for flood or erosion control shall be considered an end use;

(43) "Scrap tire generator", a person who sells tires at retail or any other person, firm, corporation, or government entity that generates scrap tires;

(44) "Scrap tire processing facility", a site where tires are reduced in volume by shredding, cutting, or chipping or otherwise altered to facilitate recycling, resource recovery, or disposal;

(45) "Scrap tire site", a site at which five hundred or more scrap tires are accumulated, but not including a site owned or operated by a scrap tire end-user that burns scrap tires for the generation of energy or converts scrap tires to a useful product;

(46) "Solid waste", garbage, refuse and other discarded materials including, but not limited to, solid and semisolid waste materials resulting from industrial, commercial, agricultural, governmental and domestic activities, but does not include hazardous waste as defined in sections 260.360 to 260.432, recovered materials, overburden, rock, tailings, matte, slag or other waste material resulting from mining, milling or smelting;

(47) "Solid waste disposal area", any area used for the disposal of solid waste from more than one residential premises, or one or more commercial, industrial, manufacturing, recreational, or governmental operations;

(48) "Solid waste fee", a fee imposed pursuant to sections 260.200 to 260.345 and may be:

(a) A solid waste collection fee imposed at the point of waste collection; or

(b) A solid waste disposal fee imposed at the disposal site;

(49) "Solid waste management area", a solid waste disposal area which also includes one or more of the functions contained in the definitions of recycling, resource recovery facility, waste tire collection center, waste tire processing facility, waste tire site or solid waste processing facility, excluding incineration;

(50) **"Solid waste management project", a targeted project that meets statewide waste reduction and recycling priorities, and for which no solid waste management district grant applicant has applied to perform, and for which no qualified applicants have applied to perform such project by a competitive bid issued by the solid waste management district for the completion of such project;**

(51) "Solid waste management system", the entire process of managing solid waste in a manner which minimizes the generation and subsequent disposal of solid waste, including waste reduction, source separation, collection, storage, transportation, recycling, resource recovery, volume minimization, processing, market development, and disposal of solid wastes;

[(51)**]** **(52)** "Solid waste processing facility", any facility where solid wastes are salvaged and processed, including:

(a) A transfer station; or

(b) An incinerator which operates with or without energy recovery but excluding waste tire end-user facilities; or

(c) A material recovery facility which operates with or without composting;

(d) A plasma arc technology facility;

[(52)] **(53)** "Solid waste technician", an individual who has successfully completed training in the practical aspects of the design, operation and maintenance of a permitted solid waste processing facility or solid waste disposal area in accordance with sections 260.200 to 260.345;

[(53)] **(54)** "Tire", a continuous solid or pneumatic rubber covering encircling the wheel of any self-propelled vehicle not operated exclusively upon tracks, or a trailer as defined in chapter 301, except farm tractors and farm implements owned and operated by a family farm or family farm corporation as defined in section 350.010;

[(54)] **(55)** "Used motor oil", any motor oil which, as a result of use, becomes unsuitable for its original purpose due to loss of original properties or the presence of impurities, but used motor oil shall not include ethylene glycol, oils used for solvent purposes, oil filters that have been drained of free flowing used oil, oily waste, oil recovered from oil tank cleaning operations, oil spilled to land or water, or industrial nonlube oils such as hydraulic oils, transmission oils, quenching oils, and transformer oils;

[(55)] **(56)** "Utility waste landfill", a solid waste disposal area used for fly ash waste, bottom ash waste, slag waste and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels;

[(56)] **(57)** "Yard waste", leaves, grass clippings, yard and garden vegetation and Christmas trees. The term does not include stumps, roots or shrubs with intact root balls.

2. For the purposes of this section and sections 260.270 to 260.279 and any rules in place as of August 28, 2005, or promulgated under said sections, the term "scrap" shall be used synonymously with and in place of waste, as it applies only to scrap tires.

260.225. DUTIES OF DEPARTMENT — RULES AND REGULATIONS, PROMULGATION OF, PROCEDURES — MODEL SOLID WASTE MANAGEMENT PLANS, CONTENTS — COORDINATION WITH OTHER STATE AGENCIES. — 1. The department shall administer sections 260.200 to 260.345 to maximize the amount of recovered materials and to minimize disposal of solid waste in sanitary landfills. The department shall, through its rules and regulations, policies and programs, encourage to the maximum extent practical, the use of alternatives to disposal. To accomplish these objectives, the department shall:

(1) Administer the state solid waste management program pursuant to the provisions of sections 260.200 to 260.345;

(2) Cooperate with appropriate federal, state, and local units of government of this or any other state, and with appropriate private organizations in carrying out its authority under sections 260.200 to 260.345;

(3) Promulgate and adopt, after public hearing, such rules and regulations relating to solid waste management systems as shall be necessary to carry out the purposes and provisions of sections 260.200 to 260.345;

(4) Develop a statewide solid waste management plan in cooperation with local governments, regional planning commissions, districts, and appropriate state agencies;

(5) Provide technical assistance to cities, counties, districts, and authorities;

(6) Develop and conduct a mandatory solid waste technician training course of study;

(7) Conduct and contract for research and investigations in the overall area of solid waste storage, collection, recycling, recovery, processing, transportation and disposal, including, but not limited to, new and novel procedures;

(8) Subject to appropriation by the general assembly, establish criteria for awarding state-funded solid waste management [planning] grants to cities, counties, and districts, allocate funds, and monitor the proper expenditure of funds;

(9) Issue such permits and orders and conduct such inspections as may be necessary to implement the provisions of sections 260.200 to 260.345 and the rules and regulations adopted pursuant to sections 260.200 to 260.345;

(10) Initiate, conduct and support research, demonstration projects, and investigations with applicable federal programs pertaining to solid waste management systems;

(11) Contract with cities, counties, districts and other persons to act as its agent in carrying out the provisions of sections 260.200 to 260.345 under procedures and conditions as the department shall prescribe.

2. The department shall prepare model solid waste management plans suitable for rural and urban areas which may be used by districts, counties and cities. In preparing the model plans, the department shall consider the findings and recommendations of the study of resource recovery conducted pursuant to section 260.038, and other relevant information. The plans shall conform with the requirements of section 260.220 and section 260.325 and shall:

(1) Emphasize waste reduction and recycling;

(2) Provide for economical waste management through regional **and district** cooperation;

(3) Be designed to achieve a reduction of forty percent in solid waste disposed, by weight, by January 1, 1998;

(4) Establish a means to measure the amount of reduction in solid waste disposal;

(5) Provide for the elimination of small quantities of hazardous waste, including household hazardous waste, from the solid waste stream; and

(6) Be designed to guide planning in districts, cities and counties including cities and counties not within a district.

3. The model plan shall be distributed to the executive board of each solid waste district and to counties and cities not within a district by December 1, 1991.

4. No rule or portion of a rule promulgated under the authority of sections 260.200 to 260.345 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

5. In coordination with other appropriate state agencies, including, but not limited to, the division of commerce and industrial development, the office of administration, the environmental improvement and energy resource authority, and the public service commission, the department shall perform the following duties in order to promote resource recovery in the state in ways which are economically feasible:

(1) Identify markets for recovered materials and for energy which could be produced from solid waste and household hazardous waste;

(2) Provide technical assistance pertaining to all aspects of resource recovery to cities, counties, districts, industries and other persons;

(3) Identify opportunities for resource recovery programs in state government and initiate actions to implement such programs;

(4) Expand state contracts for procurement of items made from recovered materials;

(5) Initiate recycling programs within state government;

(6) Provide a clearinghouse of consumer information regarding the need to support resource recovery, utilize and develop new resource recovery programs around existing enterprises, request and purchase recycled products, participate in resource conservation activities and other relevant issues;

(7) Identify barriers to resource recovery and resource conservation, and propose remedies to these barriers; and

(8) Initiate activities with appropriate state and local entities to develop markets for recovered materials.

260.250. MAJOR APPLIANCES, WASTE OIL, YARD WASTE AND BATTERIES, DISPOSAL RESTRICTED — RECYCLING OF CERTAIN ITEMS, ADDRESSED IN SOLID WASTE MANAGEMENT PLAN. — 1. After January 1, 1991, major appliances, waste oil and lead-acid batteries shall not be disposed of in a solid waste disposal area. After January 1, 1992, yard waste shall not be disposed of in a solid waste disposal area, except as otherwise provided in this subsection. After August 28, 2007, yard waste may be disposed of in a municipal solid waste disposal area or portion of a municipal solid waste disposal area provided that:

(1) The department has approved the municipal solid waste disposal area or portion of a solid waste disposal area to operate as a bioreactor under 40 CFR Part 258.4; and

(2) The landfill gas produced by the bioreactor shall be used for the generation of electricity.

2. After January 1, 1991, waste oil shall not be incinerated without energy recovery.

3. Each **solid waste management** district**[**, county and city**]** shall address the recycling, reuse and handling of aluminum containers, glass containers, newspapers, **textiles,** whole tires, plastic beverage containers and steel containers in its solid waste management plan consistent with sections 260.250 to 260.345.

260.320. EXECUTIVE BOARD, MEETINGS, SELECTION OF OFFICERS — POWERS, DUTIES — CONTRACTUAL AUTHORITY. — 1. The executive board shall meet within thirty days after the selection of the initial members. The time and place of the first meeting of the board shall be designated by the council. A majority of the members of the board shall constitute a quorum. At its first meeting the board shall elect a chairman from its members and select a secretary, treasurer and such officers or employees as it deems expedient or necessary for the accomplishment of its purposes. The secretary and treasurer need not be members of the board.

2. The executive board may adopt, alter or repeal its own bylaws, rules and regulations governing the manner in which its business may be transacted, including procedures for the replacement of persons who habitually fail to attend board meetings, and may establish its fiscal year, adopt an official seal, apply for and accept grants, gifts or appropriations from any public or private sector, make all expenditures which are incidental and necessary to carry out its purposes and powers, and take such action, enter into such agreements and exercise all other powers and functions necessary or appropriate to carry out the duties and purposes of sections 260.200 to 260.345.

3. The executive board shall:

(1) Review and comment upon applications for permits submitted pursuant to section 260.205, for solid waste processing facilities and solid waste disposal areas which are to be located within the region or, if located in an adjacent region, which will impact solid waste management practices within the region;

(2) Prepare and recommend to the council a solid waste management plan for the district;

(3) Identify illegal dump sites and provide all available information about such sites to the appropriate county prosecutor and to the department;

(4) Establish an education program to inform the public about responsible **solid** waste management practices;

(5) Establish procedures to minimize the introduction of small quantities of hazardous waste, including household hazardous waste, into the solid waste stream;

(6) Assure adequate capacity to manage waste which is not otherwise removed from the solid waste stream; and

(7) Appoint one or more geographically balanced advisory committees composed of the representatives of commercial generators, representatives of the solid waste management industry, and two citizens unaffiliated with a solid waste facility or operation to assess and make recommendations on solid waste management.

4. The executive board may enter into contracts with any person **or entity** for services related to any component of the solid waste management system. Bid specifications for solid waste management services shall be designed to meet the objectives of sections 260.200 to 260.345, encourage small businesses to engage and compete in the delivery of **solid** waste management services and to minimize the long-run cost of managing solid waste. Bid specifications shall enumerate the minimum components and minimum quantities of waste products which shall be recycled by the successful bidder. The board shall divide the district into units to maximize access for small businesses when it requests bids for solid waste management services, **but in no case shall a district executive board perform solid waste management projects that compete with a qualified private enterprise**.

5. No person shall serve as a member of the council or of the executive board who is a stockholder, officer, agent, attorney or employee or who is in any way pecuniarily interested in any business which engages in any aspect of solid waste management regulated under sections 260.200 to 260.345; provided, however, that such member may own stock in a publicly traded corporation which may be involved in **solid** waste management as long as such holdings are not substantial.

260.324. GRANTS, FAMILIAL RELATIONSHIPS NOT A DISQUALIFIER — VOTING RESTRICTIONS. — **1. Any person or entity that applies for a grant under section 260.335 shall not be disqualified from receiving such grant on the basis that there exists a familial relationship between the applicant and any member of the solid waste management district executive board within the fourth degree by consanguinity or affinity. For applicants with a familial relationship with any member of the solid waste management district executive board within the fourth degree by consanguinity or affinity, the solid waste management district executive board shall only approve such grant application if approved by a vote of two-thirds of the solid waste management district executive board.**

2. If a person, who by virtue of his or her membership on a solid waste management district executive board, does not abstain from a vote to award a solid waste management district grant to any person or entity providing solid waste management services who is a relative within the fourth degree by consanguinity or affinity, the person shall forfeit membership on the solid waste management district executive board and the solid waste management district council.

260.325. SOLID WASTE MANAGEMENT PLAN, SUBMITTED TO DEPARTMENT, CONTENTS, PROCEDURES — APPROVAL, REVISION OF PLAN — FUNDS MAY BE MADE AVAILABLE, PURPOSE — AUDITS. — 1. The executive board of each district shall submit to the department a plan which has been approved by the council for a solid waste management system serving areas within its jurisdiction and shall, from time to time, submit officially adopted revisions of its plan as it deems necessary or the department may require. In developing the district's solid waste management plan, the board shall consider the model plan distributed to the board pursuant to section 260.225. Districts may contract with a licensed professional engineer or as provided in chapter 70 for the development and submission of a joint plan.

2. The board shall hold at least one public hearing in each county in the district when it prepares a proposed plan or substantial revisions to a plan in order to solicit public comments on the plan.

3. The solid waste management plan shall be submitted to the department within eighteen months of the formation of the district. The plan shall be prepared and submitted according to the procedures specified in section 260.220 and this section.

4. Each plan shall:

(1) Delineate areas within the district where solid waste management systems are in existence;

(2) Reasonably conform to the rules and regulations adopted by the department for implementation of sections 260.200 to 260.345;

(3) Delineate provisions for the collection of recyclable materials or collection points for recyclable materials;

(4) Delineate provisions for the collection of compostable materials or collection points for compostable materials;

(5) Delineate provisions for the separation of household waste and other small quantities of hazardous waste at the source or prior to disposal;

(6) Delineate provisions for the orderly extension of solid waste management services in a manner consistent with the needs of the district, including economic impact, and in a manner which will minimize degradation of the waters or air of the state, prevent public nuisances or

health hazards, promote recycling and waste minimization and otherwise provide for the safe and sanitary management of solid waste;

(7) Take into consideration existing comprehensive plans, population trend projections, engineering and economics so as to delineate those portions of the district which may reasonably be expected to be served by a solid waste management system;

(8) Specify how the district will achieve a reduction in solid waste placed in sanitary landfills through waste minimization, reduction and recycling;

(9) Establish a timetable, with milestones, for the reduction of solid waste placed in a landfill through waste minimization, reduction and recycling;

(10) Establish an education program to inform the public about responsible waste management practices;

(11) Establish procedures to minimize the introduction of small quantities of hazardous waste, including household hazardous waste, into the solid waste stream;

(12) Establish a time schedule and proposed method of financing for the development, construction and operation of the planned solid waste management system together with the estimated cost thereof;

(13) Identify methods by which rural households that are not served by a regular solid waste collection service may participate in waste reduction, recycling and resource recovery efforts within the district; and

(14) Include such other reasonable information as the department shall require.

5. The board shall review the district's solid waste management plan at least every twenty-four months for the purpose of evaluating the district's progress in meeting the requirements and goals of the plan, and shall submit plan revisions to the department and council.

6. In the event any plan or part thereof is disapproved, the department shall furnish any and all reasons for such disapproval and shall offer assistance for correcting deficiencies. The executive board shall within sixty days revise and resubmit the plan for approval or request a hearing in accordance with section 260.235. Any plan submitted by a district shall stand approved one hundred twenty days after submission unless the department disapproves the plan or some provision thereof.

7. The director may institute appropriate action under section 260.240 to compel submission of plans in accordance with sections 260.200 to 260.345 and the rules and regulations adopted pursuant to sections 260.200 to 260.345.

8. **[**The provisions of section 260.215 to the contrary notwithstanding, any county within a region which on or after January 1, 1995, is not a member of a district shall by June 30, 1995, submit a solid waste management plan to the department of natural resources. Any county which withdraws from a district and all cities within the county with a population over five hundred shall submit a solid waste plan or a revision to an existing plan to the department of natural resources within one hundred eighty days of its decision not to participate. The plan shall meet the requirements of section 260.220 and this section.

9.**]** Funds may, upon appropriation, be made available to **[**cities, counties and**]** districts**[**,**]** under section 260.335, for the purpose of implementing the requirements of this section.

[10.**]** **9. Based upon the financial assistance amounts set forth in this section,** the district **executive** board shall arrange for **an** independent financial **[**audits**]** **statement audit** of the records and accounts of its operations by a certified public accountant or a firm of certified public accountants. Districts receiving **[**two**]** **more than eight** hundred thousand dollars **[**or more**]** of financial assistance **annually** shall have annual independent financial **statement** audits **[**and**]**; districts receiving **[**less than**]** **between** two hundred **fifty** thousand dollars **and eight hundred thousand dollars** of financial assistance **annually** shall have **a biennial** independent financial **[**audits at least once every two years. The state auditor may examine the findings of such audits and may conduct audits of the districts**]** **statement audit for the two-year period. All other districts shall be monitored biennially by the department and, based upon the findings within the monitoring report, may be required to arrange for an independent**

financial statement audit for the biennial monitoring period under review. Subject to limitations caused by the availability **of** resources, the department shall conduct a performance audit of grants to each district at least once every [three] **five** years**, or as deemed necessary by the department based upon district grantee performance**.

260.330. **LANDFILL FEE, AMOUNT — SOLID WASTE MANAGEMENT FUND, CREATED, PURPOSE — DEPARTMENT TO ENFORCE — TRANSFER STATION, FEE CHARGED — FREE DISPOSAL DAY, NOTICE.** — 1. Except as otherwise provided in subsection 6 of this section, effective October 1, 1990, each operator of a solid waste sanitary landfill shall collect a charge equal to one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted and each operator of the solid waste demolition landfill shall collect a charge equal to one dollar per ton or its volumetric equivalent of solid waste accepted. Each operator shall submit the charge, less collection costs, to the department of natural resources for deposit in the "Solid Waste Management Fund" which is hereby created. On October 1, 1992, and thereafter, the charge imposed herein 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. No annual adjustment shall be made to the charge imposed under this subsection during October 1, 2005, to October 1, [2017] **2027**, except an adjustment amount consistent with the need to fund the operating costs of the department and taking into account any annual percentage increase in the total of the volumetric equivalent of solid waste accepted in the prior year at solid waste sanitary landfills and demolition landfills and solid waste to be transported out of this state for disposal that is accepted at transfer stations. No annual increase during October 1, 2005, to October 1, [2017] **2027**, shall exceed the percentage increase 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 and calculated on the percentage of revenues dedicated under subdivision (1) of subsection 2 of section 260.335. Any such annual adjustment shall only be made at the discretion of the director, subject to appropriations. Collection costs shall be established by the department and shall not exceed two percent of the amount collected pursuant to this section.

2. The department shall, by rule and regulation, provide for the method and manner of collection.

3. The charges established in this section shall be enumerated separately from the disposal fee charged by the landfill and may be passed through to persons who generated the solid waste. Moneys [shall be] transmitted to the department shall be no less than the amount collected less collection costs and in a form, manner and frequency as the department shall prescribe. The provisions of section 33.080 to the contrary notwithstanding, moneys in the account shall not lapse to general revenue at the end of each biennium. Failure to collect the charge does not relieve the operator from responsibility for transmitting an amount equal to the charge to the department.

4. The department may examine or audit financial records and landfill activity records and measure landfill usage to verify the collection and transmittal of the charges established in this section. The department may promulgate by rule and regulation procedures to ensure and to verify that the charges imposed herein are properly collected and transmitted to the department.

5. Effective October 1, 1990, any person who operates a transfer station in Missouri shall transmit a fee to the department for deposit in the solid waste management fund which is equal to one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted. Such fee shall be applicable to all solid waste to be transported out of the state for disposal. On October 1, 1992, and thereafter, the charge imposed herein 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. No annual

adjustment shall be made to the charge imposed under this subsection during October 1, 2005, to October 1, [2017] **2027**, except an adjustment amount consistent with the need to fund the operating costs of the department and taking into account any annual percentage increase in the total of the volumetric equivalent of solid waste accepted in the prior year at solid waste sanitary landfills and demolition landfills and solid waste to be transported out of this state for disposal that is accepted at transfer stations. No annual increase during October 1, 2005, to October 1, [2017] **2027**, shall exceed the percentage increase 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 and calculated on the percentage of revenues dedicated under subdivision (1) of subsection 2 of section 260.335. Any such annual adjustment shall only be made at the discretion of the director, subject to appropriations. The department shall prescribe rules and regulations governing the transmittal of fees and verification of waste volumes transported out of state from transfer stations. Collection costs shall also be established by the department and shall not exceed two percent of the amount collected pursuant to this subsection. A transfer station with the sole function of separating materials for recycling or resource recovery activities shall not be subject to the fee imposed in this subsection.

6. Each political subdivision which owns an operational solid waste disposal area may designate, pursuant to this section, up to two free disposal days during each calendar year. On any such free disposal day, the political subdivision shall allow residents of the political subdivision to dispose of any solid waste which may be lawfully disposed of at such solid waste disposal area free of any charge, and such waste shall not be subject to any state fee pursuant to this section. Notice of any free disposal day shall be posted at the solid waste disposal area site and in at least one newspaper of general circulation in the political subdivision no later than fourteen days prior to the free disposal day.

260.335. DISTRIBUTION OF FUND MONEYS, USES — GRANTS, DISTRIBUTION OF MONEYS — ADVISORY BOARD, SOLID WASTE, DUTIES. — 1. Each fiscal year eight hundred thousand dollars from the solid waste management fund shall be made available, upon appropriation, to the department and the environmental improvement and energy resources authority to fund activities that promote the development and maintenance of markets for recovered materials. Each fiscal year up to two hundred thousand dollars from the solid waste management fund **may** be used by the department upon appropriation for grants to solid waste management districts for district grants and district operations. Only those solid waste management districts that are allocated fewer funds under subsection 2 of this section than if revenues had been allocated based on the criteria in effect in this section on August 27, 2004, are eligible for these grants. An eligible district shall receive a proportionate share of these grants based on that district's share of the total reduction in funds for eligible districts calculated by comparing the amount of funds allocated under subsection 2 of this section with the amount of funds that would have been allocated using the criteria in effect in this section on August 27, 2004. The department and the authority shall establish a joint interagency agreement with the department of economic development to identify state priorities for market development and to develop the criteria to be used to judge proposed projects. Additional moneys may be appropriated in subsequent fiscal years if requested. The authority shall establish a procedure to measure the effectiveness of the grant program under this subsection and shall provide a report to the governor and general assembly by January fifteenth of each year regarding the effectiveness of the program.

2. All remaining revenues deposited into the fund each fiscal year after moneys have been made available under subsection 1 of this section shall be allocated as follows:

(1) Thirty-nine percent of the revenues shall be dedicated, upon appropriation, to the elimination of illegal solid waste disposal, to identify and prosecute persons disposing of solid waste illegally, to conduct solid waste permitting activities, to administer grants and perform other duties imposed in sections 260.200 to 260.345 and section 260.432. In addition to the

thirty-nine percent of the revenues, the department may receive any annual increase in the charge during October 1, 2005, to October 1, [2014] **2027**, under section 260.330 and such increases shall be used solely to fund the operating costs of the department;

(2) Sixty-one percent of the revenues, except any annual increases in the charge under section 260.330 during October 1, 2005, to October 1, [2014] **2027**, which shall be used solely to fund the operating costs of the department, shall be allocated [through grants, upon appropriation, to participating cities, counties, and] **to solid waste management** districts. Revenues to be allocated under this subdivision shall be divided as follows: forty percent shall be allocated based on the population of each district in the latest decennial census, and sixty percent shall be allocated based on the amount of revenue generated within each district. For the purposes of this subdivision, revenue generated within each district shall be determined from the previous year's data. No more than fifty percent of the revenue allocable under this subdivision may be allocated to the districts upon approval of the department for implementation of a solid waste management plan and district operations, and at least fifty percent of the revenue allocable to the districts under this subdivision shall be allocated to the cities and counties of the district or to persons or entities providing solid waste management, waste reduction, recycling and related services in these cities and counties. Each district shall receive a minimum of seventy-five thousand dollars under this subdivision. After August 28, [2005] **2015**, each district shall receive a minimum of ninety-five thousand dollars under this subdivision for district grants and district operations. Each district receiving moneys under this subdivision shall expend such moneys pursuant to a solid waste management plan required under section 260.325, and only in the case that the district is in compliance with planning requirements established by the department. Moneys shall be awarded based upon grant applications. **The following criteria may be considered to establish the order of district grant priority:**

(a) Grants to facilities of organizations employing individuals with disabilities under sections 178.900 to 178.960 or sections 205.968 to 205.972;

(b) Grants for proposals that will promote and maximize the sharing of district resources;

(c) Grants for proposals which provide methods of recycling and solid waste reduction; and

(d) All other grants.

Any **allocated district** moneys remaining in any fiscal year due to insufficient or inadequate **grant** applications [may] **shall** be reallocated [pursuant to this subdivision] **for grant applications in subsequent years or for solid waste management projects other than district operations, including a district's next request for solid waste management project proposals. Any allocated district moneys remaining after a period of five years shall revert to the credit of the solid waste management fund created under section 260.330**;

(3) Except for the amount up to one-fourth of the department's previous fiscal year expense, any remaining unencumbered funds generated under subdivision (1) of this subsection in prior fiscal years shall be reallocated under this section;

(4) Funds may be made available under this subsection for the administration and grants of the used motor oil program described in section 260.253;

(5) The department and the environmental improvement and energy resources authority shall conduct sample audits of grants provided under this subsection.

3. **In addition to the criteria listed in this section,** the advisory board created in section 260.345 shall recommend criteria to be used to allocate grant moneys to districts, cities and counties. These criteria shall establish a priority for proposals which provide methods of solid waste reduction and recycling. The department shall promulgate criteria for evaluating grants by rule and regulation. Projects of cities and counties located within a district which are funded by grants under this section shall conform to the district solid waste management plan.

4. The funds awarded to the districts[, counties and cities] pursuant to this section shall be used for the purposes set forth in sections 260.300 to 260.345, and shall be used in addition to

existing funds appropriated by counties and cities for solid waste management and shall not supplant county or city appropriated funds.

5. **Once grants are approved by the solid waste management district, the district shall submit to the department the appropriate forms associated with the grant application and any supporting information to verify that appropriate public notice procedures were followed, that grant proposals were reviewed and ranked by the district, and that only eligible costs as set forth in regulations are to be funded. Within thirty days, the department shall review the grant application. If the department finds any deficiencies, or needs more information in order to evaluate the grant application, the department shall notify the district in writing. The district shall have an additional thirty days to respond to the department's request and to submit any additional information to the department. Within thirty days of receiving additional information, the department shall either approve or deny the grant application. If the department takes no action, the grant application shall be deemed approved.** The department, in conjunction with the solid waste advisory board, shall review the performance of all grant recipients to ensure that grant moneys were appropriately and effectively expended to further the purposes of the grant, as expressed in the recipient's grant application. The grant application shall contain specific goals and implementation dates, and grant recipients shall be contractually obligated to fulfill same. The department may require the recipient to submit periodic reports and such other data as are necessary, both during the grant period and up to five years thereafter, to ensure compliance with this section. The department may audit the records of any recipient to ensure compliance with this section. Recipients of grants under sections 260.300 to 260.345 shall maintain such records as required by the department. If a grant recipient fails to maintain records or submit reports as required herein, refuses the department access to the records, or fails to meet the department's performance standards, the department may withhold subsequent grant payments, if any, and may compel the repayment of funds provided to the recipient pursuant to a grant.

6. The department shall provide for a security interest in any machinery or equipment purchased through grant moneys distributed pursuant to this section.

7. If the moneys are not transmitted to the department within the time frame established by the rule promulgated, interest shall be imposed on the moneys due the department at the rate of ten percent per annum from the prescribed due date until payment is actually made. These interest amounts shall be deposited to the credit of the solid waste management fund.

260.345. SOLID WASTE ADVISORY BOARD, MEMBERS — QUALIFICATIONS — DUTIES AND POWERS — REMOVAL OF BOARD MEMBER FOR FAILURE TO ATTEND MEETINGS, WHEN — REPORT — MEETINGS. — 1. A state "Solid Waste Advisory Board" is created within the department of natural resources. The advisory board shall be composed of the chairman of the executive board of each of the solid waste management districts **or his or her designee,** and other members as provided in this section. Up to five additional members shall be appointed by the **program** director **of the solid waste management program** of which two members shall represent the solid waste management industry and have an economic interest in or activity with any solid waste facility or operation, one member may represent the solid waste composting or recycling industry businesses, and the remaining members shall be public members who have demonstrated interest in solid waste management issues and shall have no economic interest in or activity with any solid waste facility or operation but may own stock in a publicly traded corporation which may be involved in waste management as long as such holdings are not substantial. **Beginning January 1, 2016,** the advisory board shall [advise] **prepare an annual report due on or before January first advising** the department regarding:

(1) The efficacy of its technical assistance program;

(2) Solid waste management problems experienced by solid waste management districts;

(3) The effects of proposed rules and regulations upon solid waste management within the districts;

(4) Criteria to be used in awarding grants pursuant to section 260.335;
(5) Waste management issues pertinent to the districts;
(6) The development of improved methods of solid waste minimization, recycling and resource recovery; **[**and**]**
(7) **Unfunded solid waste management projects; and**
(8) Such other matters as the advisory board may determine.

2. The advisory board shall also prepare a report on the subjects listed in subdivisions (1) to (8) of subsection 1 of this section for any standing, statutory, interim, or select committee or task force of the general assembly having jurisdiction over solid waste. If a report is so prepared, it shall be delivered to the chair and vice-chair of each committee or task force having such jurisdiction. Such a report shall not be generated and distributed on more than an annual basis.

3. The advisory board shall hold regular meetings on a quarterly basis. A special meeting of the advisory board may occur upon a majority vote of all advisory board members at a regular quarterly meeting. Reasonable written notice of all meetings shall be given by the director of the solid waste management program to all members of the advisory board. A majority of advisory board members shall constitute a quorum for the transaction of business. All actions of the advisory board shall be taken at regular quarterly meetings open to the public.

643.650. SULFUR DIOXIDE, AMBIENT AIR QUALITY MONITORING OR MODELING NETWORK. — 1. Any owner of a coal-fired electric generating source in a National Ambient Air Quality Standards nonattainment area currently designated as of April 1, 2015, shall develop an ambient air quality monitoring or modeling network to characterize the sulfur dioxide air quality surrounding the electric generating source. The network shall adequately monitor the ambient air quality for sulfur dioxide surrounding the entire electric generating source and shall operate for not less than twelve consecutive quarters. The owner of such electric generating source shall notify the department of the manner in which it intends to characterize by either modeling or monitoring the air quality around such source. The location of any monitoring network installed by the owner of such electric generating source within a one-hour sulfur dioxide National Ambient Air Quality Standards nonattainment area shall be approved by the department.

2. Affected sources located in undesignated areas that elect to use monitoring to evaluate ambient air quality shall be consulted by the department on the use of existing monitors as well as the location of any new monitors intended to comprise the sulfur dioxide monitoring network. The department shall not submit its recommendation to the Environmental Protection Agency on the manner in which data will be gathered for the designation process that is inconsistent with the elections made by affected sources under this section. Where affected sources have elected to monitor under this section, the department shall submit recommendations for the designation process by the date set by a final, effective, and applicable Environmental Protection Agency requirement relating to state attainment designations and not prior.

3. The department shall consider all ambient air quality monitoring network data collected under subsection 1 of this section and under any agreement authorized under this subsection prior to proposing to the commission any sulfur dioxide limitation, emission reduction requirement, or other requirement for purposes of the one-hour sulfur dioxide National Ambient Air Quality Standard for any electric generating source that has elected to install a monitoring network under this section, except:

(1) The department may propose to the commission any sulfur dioxide limitations or emission reduction requirements specifically agreed to in any voluntary agreement entered into between the department and any owner of an electric generating source that has elected to install a monitoring network under this section; and

(2) The department may propose to the commission any adjustments to the sulfur dioxide limitations or emission reduction requirements applicable to any electric generating source located in a sulfur dioxide nonattainment area and subject to an agreement under subdivision (1) of this subsection, as justified by an ambient air quality analysis relying on no fewer than two quarters of monitored data collected through the monitoring network allowable under subsection 1 of this section and consistent with such agreement.

4. Nothing in this section shall prohibit the department from entering into an agreement with an owner of an electric generating source to limit or reduce sulfur dioxide emissions at such affected source that is below the source's permitted sulfur dioxide emission rate.

Approved July 14, 2015

SB 456 [HCS SCS SB 456]

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

Modifies provisions relating to the ownership of motor vehicles

AN ACT to repeal sections 301.140, 301.190, 301.562, and 407.581, RSMo, and to enact in lieu thereof five new sections relating to ownership of motor vehicles.

SECTION
- A. Enacting clause.
- 301.140. Plates removed on transfer or sale of vehicles — use by purchaser — reregistration — use of dealer plates — temporary permits, fees — credit, when — expiration date, certain subsections — additional temporary license plate may be purchased, when — salvage vehicles, temporary permits — rulemaking authority.
- 301.190. Certificate of registration — application, contents — special requirements, certain vehicles — fees — failure to obtain within time limit, delinquency penalty — duration of certificate — unlawful to operate without certificate — certain vehicles brought into state in a wrecked or damaged condition or after being towed, inspection — certain vehicles previously registered in other states, designation — reconstructed motor vehicles, procedure.
- 301.213. Dealers may purchase or accept in trade vehicles subject to existing liens, when — sale of vehicles subject to lien, when — replacement certificate, when — liability, when — violation, penalty.
- 301.562. License suspension, revocation, refusal to renew — procedure — grounds — complaint may be filed, when — clear and present danger, what constitutes, revocation or suspension authorized, procedure — agreement permitted, when.
- 301.644. Electronic signature permitted, when.
- 407.581. Purchase or trade of motor vehicles with certificates of title, requirements — resale of such vehicles, requirements — dealer liability, when — seller misrepresentation, liability.

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

SECTION A. ENACTING CLAUSE. — Sections 301.140, 301.190, 301.562, and 407.581, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 301.140, 301.190, 301.213, 301.562, and 301.644, to read as follows:

301.140. PLATES REMOVED ON TRANSFER OR SALE OF VEHICLES — USE BY PURCHASER — REREGISTRATION — USE OF DEALER PLATES — TEMPORARY PERMITS, FEES — CREDIT, WHEN — EXPIRATION DATE, CERTAIN SUBSECTIONS — ADDITIONAL TEMPORARY LICENSE PLATE MAY BE PURCHASED, WHEN — SALVAGE VEHICLES, TEMPORARY PERMITS — RULEMAKING AUTHORITY. — 1. Upon the transfer of ownership of any motor vehicle or trailer, the certificate of registration and the right to use the number plates shall expire and the number

plates shall be removed by the owner at the time of the transfer of possession, and it shall be unlawful for any person other than the person to whom such number plates were originally issued to have the same in his or her possession whether in use or not, unless such possession is solely for charitable purposes; except that the buyer of a motor vehicle or trailer who trades in a motor vehicle or trailer may attach the license plates from the traded-in motor vehicle or trailer to the newly purchased motor vehicle or trailer. The operation of a motor vehicle with such transferred plates shall be lawful for no more than thirty days**, or no more than ninety days if the dealer is selling the motor vehicle under the provisions of section 301.213**. As used in this subsection, the term "trade-in motor vehicle or trailer" shall include any single motor vehicle or trailer sold by the buyer of the newly purchased vehicle or trailer, as long as the license plates for the trade-in motor vehicle or trailer are still valid.

2. In the case of a transfer of ownership the original owner may register another motor vehicle under the same number, upon the payment of a fee of two dollars, if the motor vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that originally registered. When such motor vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a greater fee is prescribed, applicant shall pay a transfer fee of two dollars and a pro rata portion for the difference in fees. When such vehicle is of less horsepower, gross weight or (in case of a passenger-carrying commercial motor vehicle) seating capacity, for which a lesser fee is prescribed, applicant shall not be entitled to a refund.

3. License plates may be transferred from a motor vehicle which will no longer be operated to a newly purchased motor vehicle by the owner of such vehicles. The owner shall pay a transfer fee of two dollars if the newly purchased vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that of the vehicle which will no longer be operated. When the newly purchased motor vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a greater fee is prescribed, the applicant shall pay a transfer fee of two dollars and a pro rata portion of the difference in fees. When the newly purchased vehicle is of less horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a lesser fee is prescribed, the applicant shall not be entitled to a refund.

4. The director of the department of revenue shall have authority to produce or allow others to produce a weather resistant, nontearing temporary permit authorizing the operation of a motor vehicle or trailer by a buyer for not more than thirty days**, or no more than ninety days if issued by a dealer selling the motor vehicle under the provisions of section 301.213,** from the date of purchase. The temporary permit authorized under this section may be purchased by the purchaser of a motor vehicle or trailer from the central office of the department of revenue or from an authorized agent of the department of revenue upon proof of purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer and upon proof of financial responsibility, or from a motor vehicle dealer upon purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer, or from a motor vehicle dealer upon purchase of a motor vehicle or trailer for which the buyer has registered and is awaiting receipt of registration plates. The director of the department of revenue or a producer authorized by the director of the department of revenue may make temporary permits available to registered dealers in this state, authorized agents of the department of revenue or the department of revenue. The price paid by a motor vehicle dealer, an authorized agent of the department of revenue or the department of revenue for a temporary permit shall not exceed five dollars for each permit. The director of the department of revenue shall direct motor vehicle dealers and authorized agents to obtain temporary permits from an authorized producer. Amounts received by the director of the department of revenue for temporary permits shall constitute state revenue; however, amounts received by an authorized producer other than the director of the department of revenue shall not constitute state revenue and any amounts received

by motor vehicle dealers or authorized agents for temporary permits purchased from a producer other than the director of the department of revenue shall not constitute state revenue. In no event shall revenues from the general revenue fund or any other state fund be utilized to compensate motor vehicle dealers or other producers for their role in producing temporary permits as authorized under this section. Amounts that do not constitute state revenue under this section shall also not constitute fees for registration or certificates of title to be collected by the director of the department of revenue under section 301.190. No motor vehicle dealer, authorized agent or the department of revenue shall charge more than five dollars for each permit issued. The permit shall be valid for a period of thirty days**, or no more than ninety days if issued by a dealer selling the motor vehicle under the provisions of section 301.213,** from the date of purchase of a motor vehicle or trailer, or from the date of sale of the motor vehicle or trailer by a motor vehicle dealer for which the purchaser obtains a permit as set out above. No permit shall be issued for a vehicle under this section unless the buyer shows proof of financial responsibility. Each temporary permit issued shall be securely fastened to the back or rear of the motor vehicle in a manner and place on the motor vehicle consistent with registration plates so that all parts and qualities of the temporary permit thereof shall be plainly and clearly visible, reasonably clean and are not impaired in any way.

5. The permit shall be issued on a form prescribed by the director of the department of revenue and issued only for the applicant's temporary operation of the motor vehicle or trailer purchased to enable the applicant to temporarily operate the motor vehicle while proper title and registration plates are being obtained, or while awaiting receipt of registration plates, and shall be displayed on no other motor vehicle. Temporary permits issued pursuant to this section shall not be transferable or renewable and shall not be valid upon issuance of proper registration plates for the motor vehicle or trailer. The director of the department of revenue shall determine the size, material, design, numbering configuration, construction, and color of the permit. The director of the department of revenue, at his or her discretion, shall have the authority to reissue, and thereby extend the use of, a temporary permit previously and legally issued for a motor vehicle or trailer while proper title and registration are being obtained.

6. Every motor vehicle dealer that issues temporary permits shall keep, for inspection by proper officers, an accurate record of each permit issued by recording the permit number, the motor vehicle dealer's number, buyer's name and address, the motor vehicle's year, make, and manufacturer's vehicle identification number, and the permit's date of issuance and expiration date. Upon the issuance of a temporary permit by either the central office of the department of revenue, a motor vehicle dealer or an authorized agent of the department of revenue, the director of the department of revenue shall make the information associated with the issued temporary permit immediately available to the law enforcement community of the state of Missouri.

7. Upon the transfer of ownership of any currently registered motor vehicle wherein the owner cannot transfer the license plates due to a change of motor vehicle category, the owner may surrender the license plates issued to the motor vehicle and receive credit for any unused portion of the original registration fee against the registration fee of another motor vehicle. Such credit shall be granted based upon the date the license plates are surrendered. No refunds shall be made on the unused portion of any license plates surrendered for such credit.

8. The provisions of subsections 4, 5, and 6 of this section shall expire July 1, 2019.

9. An additional temporary license plate produced in a manner and of materials determined by the director to be the most cost-effective means of production with a configuration that matches an existing or newly issued plate may be purchased by a motor vehicle owner to be placed in the interior of the vehicle's rear window such that the driver's view out of the rear window is not obstructed and the plate configuration is clearly visible from the outside of the vehicle to serve as the visible plate when a bicycle rack or other item obstructs the view of the actual plate. Such temporary plate is only authorized for use when the matching actual plate is affixed to the vehicle in the manner prescribed in subsection 5 of section 301.130. The fee charged for the temporary plate shall be equal to the fee charged for a temporary permit issued

under subsection 4 of this section. Replacement temporary plates authorized in this subsection may be issued as needed upon the payment of a fee equal to the fee charged for a temporary permit under subsection 4 of this section. The newly produced third plate may only be used on the vehicle with the matching plate, and the additional plate shall be clearly recognizable as a third plate and only used for the purpose specified in this subsection.

10. Notwithstanding the provisions of section **[**301.127**]** **301.217**, the director may issue a temporary permit to an individual who possesses a salvage motor vehicle which requires an inspection under subsection 9 of section 301.190. The operation of a salvage motor vehicle for which the permit has been issued shall be limited to the most direct route from the residence, maintenance, or storage facility of the individual in possession of such motor vehicle to the nearest authorized inspection facility and return to the originating location. Notwithstanding any other requirements for the issuance of a temporary permit under this section, an individual obtaining a temporary permit for the purpose of operating a motor vehicle to and from an examination facility as prescribed in this subsection shall also purchase the required motor vehicle examination form which is required to be completed for an examination under subsection 9 of section 301.190 and provide satisfactory evidence that such vehicle has passed a motor vehicle safety inspection for such vehicle as required in section 307.350.

11. The director of the department of revenue may promulgate all necessary rules and regulations for the administration 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, 2012, shall be invalid and void.

12. The repeal and reenactment of this section shall become effective on the date the department of revenue or a producer authorized by the director of the department of revenue begins producing temporary permits described in subsection 4 of such section, or on July 1, 2013, whichever occurs first. If the director of revenue or a producer authorized by the director of the department of revenue begins producing temporary permits prior to July 1, 2013, the director of the department of revenue shall notify the revisor of statutes of such fact.

301.190. CERTIFICATE OF REGISTRATION — APPLICATION, CONTENTS — SPECIAL REQUIREMENTS, CERTAIN VEHICLES — FEES — FAILURE TO OBTAIN WITHIN TIME LIMIT, DELINQUENCY PENALTY — DURATION OF CERTIFICATE — UNLAWFUL TO OPERATE WITHOUT CERTIFICATE — CERTAIN VEHICLES BROUGHT INTO STATE IN A WRECKED OR DAMAGED CONDITION OR AFTER BEING TOWED, INSPECTION — CERTAIN VEHICLES PREVIOUSLY REGISTERED IN OTHER STATES, DESIGNATION — RECONSTRUCTED MOTOR VEHICLES, PROCEDURE. — 1. No certificate of registration of any motor vehicle or trailer, or number plate therefor, shall be issued by the director of revenue unless the applicant therefor shall make application for and be granted a certificate of ownership of such motor vehicle or trailer, or shall present satisfactory evidence that such certificate has been previously issued to the applicant for such motor vehicle or trailer. Application shall be made within thirty days after the applicant acquires the motor vehicle or trailer**, unless the motor vehicle was acquired under section 301.213 in which case the applicant shall make application within thirty days after receiving title from the dealer,** upon a blank form furnished by the director of revenue and shall contain the applicant's identification number, a full description of the motor vehicle or trailer, the vehicle identification number, and the mileage registered on the odometer at the time of transfer of ownership, as required by section 407.536, together with a statement of the applicant's source of title and of any liens or encumbrances on the motor vehicle or trailer, provided that for good cause shown the director of revenue may extend the period of time for

making such application. When an owner wants to add or delete a name or names on an application for certificate of ownership of a motor vehicle or trailer that would cause it to be inconsistent with the name or names listed on the notice of lien, the owner shall provide the director with documentation evidencing the lienholder's authorization to add or delete a name or names on an application for certificate of ownership.

2. The director of revenue shall use reasonable diligence in ascertaining whether the facts stated in such application are true and shall, to the extent possible without substantially delaying processing of the application, review any odometer information pertaining to such motor vehicle that is accessible to the director of revenue. If satisfied that the applicant is the lawful owner of such motor vehicle or trailer, or otherwise entitled to have the same registered in his name, the director shall thereupon issue an appropriate certificate over his signature and sealed with the seal of his office, procured and used for such purpose. The certificate shall contain on its face a complete description, vehicle identification number, and other evidence of identification of the motor vehicle or trailer, as the director of revenue may deem necessary, together with the odometer information required to be put on the face of the certificate pursuant to section 407.536, a statement of any liens or encumbrances which the application may show to be thereon, and, if ownership of the vehicle has been transferred, the name of the state issuing the transferor's title and whether the transferor's odometer mileage statement executed pursuant to section 407.536 indicated that the true mileage is materially different from the number of miles shown on the odometer, or is unknown.

3. The director of revenue shall appropriately designate on the current and all subsequent issues of the certificate the words "Reconstructed Motor Vehicle", "Motor Change Vehicle", "Specially Constructed Motor Vehicle", or "Non-USA-Std Motor Vehicle", as defined in section 301.010. Effective July 1, 1990, on all original and all subsequent issues of the certificate for motor vehicles as referenced in subsections 2 and 3 of section 301.020, the director shall print on the face thereof the following designation: "Annual odometer updates may be available from the department of revenue.". On any duplicate certificate, the director of revenue shall reprint on the face thereof the most recent of either:

(1) The mileage information included on the face of the immediately prior certificate and the date of purchase or issuance of the immediately prior certificate; or

(2) Any other mileage information provided to the director of revenue, and the date the director obtained or recorded that information.

4. The certificate of ownership issued by the director of revenue shall be manufactured in a manner to prohibit as nearly as possible the ability to alter, counterfeit, duplicate, or forge such certificate without ready detection. In order to carry out the requirements of this subsection, the director of revenue may contract with a nonprofit scientific or educational institution specializing in the analysis of secure documents to determine the most effective methods of rendering Missouri certificates of ownership nonalterable or noncounterfeitable.

5. The fee for each original certificate so issued shall be eight dollars and fifty cents, in addition to the fee for registration of such motor vehicle or trailer. If application for the certificate is not made within thirty days after the vehicle is acquired by the applicant, **or where the motor vehicle was acquired under section 301.213 and the applicant fails to make application within thirty days after receiving title from the dealer,** a delinquency penalty fee of twenty-five dollars for the first thirty days of delinquency and twenty-five dollars for each thirty days of delinquency thereafter, not to exceed a total of two hundred dollars, but such penalty may be waived by the director for a good cause shown. If the director of revenue learns that any person has failed to obtain a certificate within thirty days after acquiring a motor vehicle or trailer**, or where the motor vehicle was acquired under section 301.213 and the applicant fails to make application within thirty days after receiving title from the dealer,** or has sold a vehicle without obtaining a certificate, he shall cancel the registration of all vehicles registered in the name of the person, either as sole owner or as a co-owner, and shall notify the person that the cancellation will remain in force until the person pays the delinquency penalty fee provided

in this section, together with all fees, charges and payments which the person should have paid in connection with the certificate of ownership and registration of the vehicle. The certificate shall be good for the life of the motor vehicle or trailer so long as the same is owned or held by the original holder of the certificate and shall not have to be renewed annually.

6. Any applicant for a certificate of ownership requesting the department of revenue to process an application for a certificate of ownership in an expeditious manner requiring special handling shall pay a fee of five dollars in addition to the regular certificate of ownership fee.

7. It is unlawful for any person to operate in this state a motor vehicle or trailer required to be registered under the provisions of the law unless a certificate of ownership has been applied for as provided in this section.

8. Before an original Missouri certificate of ownership is issued, an inspection of the vehicle and a verification of vehicle identification numbers shall be made by the Missouri state highway patrol on vehicles for which there is a current title issued by another state if a Missouri salvage certificate of title has been issued for the same vehicle but no prior inspection and verification has been made in this state, except that if such vehicle has been inspected in another state by a law enforcement officer in a manner comparable to the inspection process in this state and the vehicle identification numbers have been so verified, the applicant shall not be liable for the twenty-five dollar inspection fee if such applicant submits proof of inspection and vehicle identification number verification to the director of revenue at the time of the application. The applicant, who has such a title for a vehicle on which no prior inspection and verification have been made, shall pay a fee of twenty-five dollars for such verification and inspection, payable to the director of revenue at the time of the request for the application, which shall be deposited in the state treasury to the credit of the state highways and transportation department fund.

9. Each application for an original Missouri certificate of ownership for a vehicle which is classified as a reconstructed motor vehicle, specially constructed motor vehicle, kit vehicle, motor change vehicle, non-USA-std motor vehicle, or other vehicle as required by the director of revenue shall be accompanied by a vehicle examination certificate issued by the Missouri state highway patrol, or other law enforcement agency as authorized by the director of revenue. The vehicle examination shall include a verification of vehicle identification numbers and a determination of the classification of the vehicle. The owner of a vehicle which requires a vehicle examination certificate shall present the vehicle for examination and obtain a completed vehicle examination certificate prior to submitting an application for a certificate of ownership to the director of revenue. Notwithstanding any provision of the law to the contrary, an owner presenting a motor vehicle which has been issued a salvage title and which is ten years of age or older to a vehicle examination described in this subsection in order to obtain a certificate of ownership with the designation prior salvage motor vehicle shall not be required to repair or restore the vehicle to its original appearance in order to pass or complete the vehicle examination. The fee for the vehicle examination application shall be twenty-five dollars and shall be collected by the director of revenue at the time of the request for the application and shall be deposited in the state treasury to the credit of the state highways and transportation department fund. If the vehicle is also to be registered in Missouri, the safety inspection required in chapter 307 and the emissions inspection required under chapter 643 shall be completed and the fees required by section 307.365 and section 643.315 shall be charged to the owner.

10. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri or as required by section 301.020, it shall be accompanied by a current inspection form certified by a duly authorized official inspection station as described in chapter 307. The completed form shall certify that the manufacturer's identification number for the vehicle has been inspected, that it is correctly displayed on the vehicle and shall certify the reading shown on the odometer at the time of inspection. The inspection station shall collect the same fee as authorized in section 307.365 for making the inspection, and the fee shall be deposited in the same manner as provided in section 307.365. If the vehicle is also to be registered in Missouri, the safety inspection required

in chapter 307 and the emissions inspection required under chapter 643 shall be completed and only the fees required by section 307.365 and section 643.315 shall be charged to the owner. This section shall not apply to vehicles being transferred on a manufacturer's statement of origin.

11. Motor vehicles brought into this state in a wrecked or damaged condition or after being towed as an abandoned vehicle pursuant to another state's abandoned motor vehicle procedures shall, in lieu of the inspection required by subsection 10 of this section, be inspected by the Missouri state highway patrol in accordance with subsection 9 of this section. If the inspection reveals the vehicle to be in a salvage or junk condition, the director shall so indicate on any Missouri certificate of ownership issued for such vehicle. Any salvage designation shall be carried forward on all subsequently issued certificates of title for the motor vehicle.

12. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri, and the certificate of ownership has been appropriately designated by the issuing state as a reconstructed motor vehicle, motor change vehicle, specially constructed motor vehicle, or prior salvage vehicle, the director of revenue shall appropriately designate on the current Missouri and all subsequent issues of the certificate of ownership the name of the issuing state and such prior designation. The absence of any prior designation shall not relieve a transferor of the duty to exercise due diligence with regard to such certificate of ownership prior to the transfer of a certificate. If a transferor exercises any due diligence with regard to a certificate of ownership, the legal transfer of a certificate of ownership without any designation that is subsequently discovered to have or should have had a designation shall be a transfer free and clear of any liabilities of the transferor associated with the missing designation.

13. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri, and the certificate of ownership has been appropriately designated by the issuing state as non-USA-std motor vehicle, the director of revenue shall appropriately designate on the current Missouri and all subsequent issues of the certificate of ownership the words "Non-USA-Std Motor Vehicle".

14. The director of revenue and the superintendent of the Missouri state highway patrol shall make and enforce rules for the administration of the inspections required by this section.

15. Each application for an original Missouri certificate of ownership for a vehicle which is classified as a reconstructed motor vehicle, manufactured forty or more years prior to the current model year, and which has a value of three thousand dollars or less shall be accompanied by:

(1) A proper affidavit submitted by the owner explaining how the motor vehicle or trailer was acquired and, if applicable, the reasons a valid certificate of ownership cannot be furnished;

(2) Photocopies of receipts, bills of sale establishing ownership, or titles, and the source of all major component parts used to rebuild the vehicle;

(3) A fee of one hundred fifty dollars in addition to the fees described in subsection 5 of this section. Such fee shall be deposited in the state treasury to the credit of the state highways and transportation department fund; and

(4) An inspection certificate, other than a motor vehicle examination certificate required under subsection 9 of this section, completed and issued by the Missouri state highway patrol, or other law enforcement agency as authorized by the director of revenue. The inspection performed by the highway patrol or other authorized local law enforcement agency shall include a check for stolen vehicles. The department of revenue shall issue the owner a certificate of ownership designated with the words "Reconstructed Motor Vehicle" and deliver such certificate of ownership in accordance with the provisions of this chapter. Notwithstanding subsection 9 of this section, no owner of a reconstructed motor vehicle described in this subsection shall be required to obtain a vehicle examination certificate issued by the Missouri state highway patrol.

301.213. DEALERS MAY PURCHASE OR ACCEPT IN TRADE VEHICLES SUBJECT TO EXISTING LIENS, WHEN — SALE OF VEHICLES SUBJECT TO LIEN, WHEN — REPLACEMENT

CERTIFICATE, WHEN — LIABILITY, WHEN — VIOLATION, PENALTY. — **1. Notwithstanding the provisions of sections 301.200 and 301.210, any person licensed as a motor vehicle dealer under sections 301.550 to 301.580 that has provided to the director of revenue a surety bond or irrevocable letter of credit in an amount not less than one hundred thousand dollars in a form which complies with the requirements of section 301.560 and in lieu of the twenty-five thousand dollar bond otherwise required for licensure as a motor vehicle dealer, shall be authorized to purchase or accept in trade any motor vehicle for which there has been issued a certificate of ownership, and to receive such vehicle subject to any existing liens thereon created and perfected under sections 301.600 to 301.660 provided the licensed dealer receives the following:**

(1) A signed written contract between the licensed dealer and the owner of the vehicle outlining the terms of the sale or acceptance in trade of such motor vehicle without transfer of the certificate of ownership; and

(2) Physical delivery of the vehicle to the licensed dealer; and

(3) A power of attorney from the owner to the licensed dealer, in accordance with subsection 4 of section 301.300, authorizing the licensed dealer to obtain a duplicate or replacement title in the owner's name and sign any title assignments on the owner's behalf.

2. If the dealer complies with the requirements of subsection 1 of this section, the sale or trade of the vehicle to the dealer shall be considered final, subject to any existing liens created and perfected under sections 301.600 to 301.660. Once the prior owner of the motor vehicle has physically delivered the motor vehicle to the licensed dealer, the prior owners' insurable interest in such vehicle shall cease to exist.

3. If a licensed dealer complies with the requirements of subsection 1 of this section, and such dealer has provided to the director of revenue a surety bond or irrevocable letter of credit in amount not less than one hundred thousand dollars in a form which complies with the requirements of section 301.560 and in lieu of the twenty-five thousand dollar bond otherwise required for licensure as a motor vehicle dealer, such dealer may sell such vehicle prior to receiving and assigning to the purchaser the certificate of ownership, provided such dealer complies with the following:

(1) All outstanding liens created on the vehicle pursuant to sections 301.600 to 301.660 have been paid in full, and the dealer provides a copy of proof or other evidence to the purchaser; and

(2) The dealer has obtained proof or other evidence from the department of revenue confirming that no outstanding child support liens exist upon the vehicle at the time of sale and provides a copy of said proof or other evidence to the purchaser; and

(3) The dealer has obtained proof or other evidence from the department of revenue confirming that all applicable state sales tax has been satisfied on the sale of the vehicle to the previous owner and provides a copy of said proof or other evidence to the purchaser; and

(4) The dealer has signed an application for duplicate or replacement title for the vehicle under subsection 4 of section 301.300 and provides a copy of the application to the purchaser, along with a copy of the power of attorney required by subsection 1 of this section, and the dealer has prepared and delivered to the purchaser an application for title for the vehicle in the purchaser's name; and

(5) The dealer and the purchaser have entered into a written agreement for the subsequent assignment and delivery of such certificate of ownership, on a form prescribed by the director of revenue, to take place at a time, not to exceed sixty calendar days, after the time of delivery of the motor vehicle to the purchaser. Such agreement shall require the purchaser to provide to the dealer proof of financial responsibility in accordance with chapter 303 and proof of comprehensive and collision coverage on the motor vehicle. Such dealer shall maintain the original or an electronic copy of the signed agreement and deliver a copy of the signed agreement to the purchaser. Such dealer shall also complete and deliver to the director of revenue such form as the director shall prescribe

demonstrating that the purchaser has purchased the vehicle without contemporaneous delivery of the title.

Notwithstanding any provision of law to the contrary, completion of the requirements of this subsection shall constitute prima facie evidence of an ownership interest vested in the purchaser of the vehicle for all purposes other than for a subsequent transfer of ownership of the vehicle by the purchaser, subject to the rights of any secured lienholder of record; however, the purchaser may use the dealer-supplied copy of the agreement to transfer his or her ownership of the vehicle to an insurance company in situations where the vehicle has been declared salvage or a total-loss by the insurance company as a result of a settlement of a claim. Such insurance company may apply for a salvage certificate of title or junking certificate pursuant to the provisions of subsection 3 of section 301.193 in order to transfer its interest in such vehicle. The purchaser may also use the dealer-supplied copy of the agreement on the form prescribed by the director of revenue as proof of ownership interest. Any lender or insurance company may rely upon a copy of the signed written agreement on the form prescribed by the director of revenue as proof of ownership interest. Any lien placed upon a vehicle based upon such signed written agreement shall be valid and enforceable, notwithstanding the absence of a certificate of ownership.

4. Following a sale or other transaction in which a certificate of ownership has not been assigned from the owner to the licensed dealer, the dealer shall, within ten business days, apply for a duplicate or replacement certificate of ownership. Upon receipt of a duplicate or replacement certificate of ownership applied for under subsection 4 of section 301.300, the dealer shall assign and deliver said certificate of ownership to the purchaser of the vehicle within five business days. The dealer shall maintain proof of the assignment and delivery of the certificate of ownership to the purchaser. For purposes of this subsection, a dealer shall be deemed to have delivered the certificate of ownership to the purchaser upon either:

(1) Physical delivery of the certificate of ownership to any of the purchasers identified in the contract with such dealer; or

(2) Mailing of the certificate, postage prepaid, return receipt requested, to any of the purchasers at any of their addresses identified in the contract with such dealer.

5. If a licensed dealer fails to comply with subsection 3 of this section, and the purchaser of the vehicle is thereby damaged, then the dealer shall be liable to the purchaser of the vehicle for actual damages, plus court costs and reasonable attorney fees.

6. If a licensed dealer fails or is unable to comply with subsection 4 of this section, and the purchaser of the vehicle is thereby damaged, then the dealer shall be liable to the purchaser of the vehicle for actual damages, plus court costs and reasonable attorney fees. If the dealer cannot be found by the purchaser after making reasonable attempts, or if the dealer fails to assign and deliver the duplicate or replacement certificate of ownership to the purchaser by the date agreed upon by the dealer and the purchaser, as required by subsection 4 of this section, then the purchaser may deliver to the director a copy of the contract for sale of the vehicle, a copy of the application for duplicate title provided by the dealer to the purchaser, a copy of the secure power of attorney allowing the dealer to assign the duplicate title, and the proof or other evidence obtained by the purchaser from the dealer under subsection 3 of this section. Thereafter, the director shall mail by certified mail, return receipt requested, a notice to the dealer at the last address given to the department by that dealer. That notice shall inform the dealer that the director intends to cancel any prior certificate of title which may have been issued to the dealer on the vehicle and issue to the purchaser a certificate of title in the name of the purchaser, subject to any liens incurred by the purchaser in connection with the purchase of the vehicle, unless the dealer, within ten business days from the date of the director's notice, files with the director a written objection to the director taking such action. If the dealer

does file a timely, written objection with the director, then the director shall not take any further action without an order from a court of competent jurisdiction. However, if the dealer does not file a timely, written objection with the director, then the director shall cancel the prior certificate of title issued to the dealer on the vehicle and issue a certificate of tile to the purchaser of the vehicle, subject to any liens incurred by the purchaser in connection with the purchase of the vehicle and subject to the purchaser satisfying all applicable taxes and fees associated with registering the vehicle.

7. If a seller misrepresents to a dealer that the seller is the owner of a vehicle and the dealer, the owner, any subsequent purchaser, or any prior or subsequent lienholder is thereby damaged, then the seller shall be liable to each such party for actual and punitive damages, plus court costs and reasonable attorney fees.

8. When a lienholder is damaged as a result of a licensed dealer's acts, errors, omissions, or violations of this section, then the dealer shall be liable to the lienholder for actual damages, plus court costs and reasonable attorney fees.

9. No court costs or attorney fees shall be awarded under this section unless, prior to filing any such action, the following conditions have been met:

(1) The aggrieved party seeking damages has delivered an itemized written demand of the party's actual damages to the party from whom damages are sought; and

(2) The party from whom damages are sought has not satisfied the written demand within thirty days after receipt of the written demand.

10. The department of revenue may use a dealer's repeated or intentional violation of this section as a cause to suspend, revoke, or refuse to issue or renew any license required pursuant to sections 301.550 to 301.580, in addition to the causes set forth in section 301.562. The hearing process shall be the same as that established in subsection 6 of section 301.562.

301.562. LICENSE SUSPENSION, REVOCATION, REFUSAL TO RENEW — PROCEDURE — GROUNDS — COMPLAINT MAY BE FILED, WHEN — CLEAR AND PRESENT DANGER, WHAT CONSTITUTES, REVOCATION OR SUSPENSION AUTHORIZED, PROCEDURE — AGREEMENT PERMITTED, WHEN. — 1. The department may refuse to issue or renew any license required pursuant to sections 301.550 to **[**301.573**] 301.580** for any one or any combination of causes stated in subsection 2 of this section. The department shall notify the applicant or licensee in writing at his or her last known address of the reasons for the refusal to issue or renew the license and shall advise the applicant or licensee of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The department may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any license issued under sections 301.550 to **[**301.573**] 301.580** for any one or any combination of the following causes:

(1) The applicant or license holder was previously the holder of a license issued under sections 301.550 to **[**301.573**] 301.580**, which license was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of suspension have not been fulfilled;

(2) The applicant or license holder was previously a partner, stockholder, director or officer controlling or managing a partnership or corporation whose license issued under sections 301.550 to **[**301.573**] 301.580** was revoked for cause and never reissued or was suspended for cause and the terms of suspension have not been fulfilled;

(3) The applicant or license holder has, within ten years prior to the date of the application, been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions, or duties of any business licensed under sections 301.550 to **[**301.573**] 301.580**; for any offense, an essential element of which is fraud, dishonesty, or an act of violence; or for any offense involving moral turpitude, whether or not sentence is imposed;

(4) Use of fraud, deception, misrepresentation, or bribery in securing any license issued pursuant to sections 301.550 to [301.573] **301.580**;

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

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

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

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

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

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

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

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

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

4. Upon the suspension or revocation of any person's license issued under sections 301.550 to [301.573] **301.580**, the department shall recall any distinctive number plates that were issued to that licensee. If any licensee who has been suspended or revoked shall neglect or refuse to surrender his or her license or distinctive number license plates issued under sections 301.550 to 301.580, the director shall direct any agent or employee of the department or any law enforcement officer, to secure possession thereof and return such items to the director. For purposes of this subsection, a "law enforcement officer" means any member of the highway patrol, any sheriff or deputy sheriff, or any peace officer certified under chapter 590 acting in his or her official capacity. Failure of the licensee to surrender his or her license or distinctive number license plates upon demand by the director, any agent or employee of the department, or any law enforcement officer shall be a class A misdemeanor.

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

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

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

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

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

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

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

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

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

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

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

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

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

301.644. ELECTRONIC SIGNATURE PERMITTED, WHEN. — **1. In cases where an insurance company has paid or is paying a total loss claim on a motor vehicle or trailer,**

the registered owner or owners of a motor vehicle or trailer may use an electronic signature in a similar form as that prescribed in sections 432.200 to 432.295 on a limited power of attorney, affidavit, or other documents to authorize the insurance company to assign ownership of such motor vehicle or trailer. A power of attorney, affidavit, or other similar document executed with an electronic signature for the authority to execute the assignment of a certificate of ownership by an insurance company under the authority of this section shall not require notarization.

2. The director of the department of revenue may promulgate rules and regulations to implement and administer the provisions 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 under 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, 2015, shall be invalid and void.

[**407.581. PURCHASE OR TRADE OF MOTOR VEHICLES WITH CERTIFICATES OF TITLE, REQUIREMENTS — RESALE OF SUCH VEHICLES, REQUIREMENTS — DEALER LIABILITY, WHEN — SELLER MISREPRESENTATION, LIABILITY.** — 1. Notwithstanding the provisions of sections 301.200 and 301.210, any person licensed as a motor vehicle dealer under sections 301.550 to 301.573 shall be authorized to purchase or accept in trade any motor vehicle for which there has been issued a certificate of title, and to receive such vehicle subject to any existing liens thereon created and perfected under sections 301.600 to 301.660 provided the licensed dealer receives the following:

(1) A signed written contract between the licensed dealer and the owner of the vehicle; and

(2) Physical delivery of the vehicle to the licensed dealer; and

(3) A power of attorney from the owner to the licensed dealer, in accordance with subsection 4 of section 301.300, authorizing the licensed dealer to obtain a duplicate or replacement title in the owner's name and sign any title assignments on the owner's behalf.

2. If the dealer complies with the requirements of subsection 1 of this section, the sale or trade of the vehicle to the dealer shall be considered final.

3. If a licensed dealer complies with the requirements of subsection 1 of this section, the licensed dealer may sell such vehicle prior to receiving and assigning to the purchaser the certificate of title, provided such dealer complies with the following:

(1) All outstanding liens created on the vehicle pursuant to sections 301.600 to 301.660 have been paid in full, and the dealer provides a copy of proof or other evidence to the purchaser; and

(2) The dealer has obtained proof or other evidence from the department of revenue confirming that no outstanding child support liens exist upon the vehicle at the time of sale and provides a copy of said proof or other evidence to the purchaser; and

(3) The dealer has obtained proof or other evidence from the department of revenue confirming that all applicable state sales tax has been satisfied on the sale of the vehicle to the previous owner and provides a copy of said proof or other evidence to the purchaser; and

(4) The dealer has signed and submitted an application for duplicate or replacement title for the vehicle pursuant to subsection 4 of section 301.300 and provides a copy of the application to the purchaser, along with a copy of the power of attorney required under subsection 1 of this section.

4. Following a sale or other transaction in which a certificate of title has not been assigned from the owner to the dealer, a licensed dealer shall, within five business days, apply for a duplicate or replacement title. Upon receipt of a duplicate or replacement title applied for pursuant to subsection 4 of section 301.300, the dealer shall assign and deliver said certificate of title to the purchaser of the vehicle within five business days. The dealer shall maintain proof of the assignment and delivery of the certificate of title to the purchaser. For purposes of this subsection, a dealer shall be deemed to have delivered the certificate of title to the purchaser upon either:

(1) Physical delivery of the certificate of title to any of the purchasers identified in the contract with the dealer; or

(2) Mailing of the certificate, postage prepaid, return receipt requested, to any of the purchasers at any of their addresses identified in the contract with the dealer.

5. If a dealer fails to comply with subsection 3 of this section, and the purchaser of the vehicle is thereby damaged, then the dealer shall be liable to the purchaser of the vehicle for actual damages, plus court costs and reasonable attorney fees.

6. If a dealer fails to comply with subsection 4 of this section, and the purchaser of the vehicle is thereby damaged, then the dealer shall be liable to the purchaser of the vehicle for actual damages, plus court costs and reasonable attorney fees. If the dealer cannot be found by the purchaser after making reasonable attempts, and thereby fails to assign and deliver the duplicate or replacement certificate of title to the purchaser, as required by subsection 4 of this section, then the purchaser may deliver to the director a copy of the contract for sale of the vehicle, a copy of the application for duplicate title provided by the dealer to the purchaser, a copy of the secure power of attorney allowing the dealer to assign the duplicate title, and the proof or other evidence obtained by the purchaser from the dealer under subsection 3 of this section. Thereafter, the director shall mail by certified mail, return receipt requested, a notice to the dealer at the last address given to the department by that dealer. That notice shall inform the dealer that the director intends to cancel any prior certificate of title issued to the dealer on the vehicle and issue to the purchaser a certificate of title in the name of the purchaser, subject to any liens incurred by the purchaser in connection with the purchase of the vehicle, unless the dealer, within ten business days from the date of the director's notice, files with the director a written objection to the director taking such action. If the dealer does file a timely, written objection with the director, then the director shall not take any further action without an order from a court of competent jurisdiction. However, if the dealer does not file a timely, written objection with the director, then the director shall cancel the prior certificate of title issued to the dealer on the vehicle and issue a certificate of title to the purchaser of the vehicle, subject to any liens incurred by the purchaser in connection with the purchase of the vehicle and subject to the purchaser satisfying all applicable taxes and fees associated with registering the vehicle.

7. If a seller fraudulently misrepresents to a dealer that the seller is the owner of a vehicle and the dealer or any subsequent purchaser is thereby damaged, then the seller shall be liable to the dealer and any subsequent purchaser for actual damages, plus court costs and reasonable attorney fees.

8. When a lienholder is damaged as a result of acts or omissions by the dealer to the lienholder or any party covered by subsections 5, 6, and 7 of this section, or by any combination of claims under this subsection, then the dealer shall be liable to the lienholder for actual damages, plus court costs and reasonable attorney fees.

9. No court costs or attorney fees shall be awarded under this section unless, prior to filing any such action, the following conditions have been met:

(1) The aggrieved party seeking damages has delivered an itemized written demand of the party's actual damages to the party from whom damages are sought; and

(2) The party from whom damages are sought has not satisfied the written demand within thirty days after receipt of the written demand.**]**

Approved July 13, 2015

SB 463 [SB 463]

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

Extends the sunset on the Residential Treatment Agency Tax Credit and the Developmental Disability Care Provider Tax Credit to 2027

AN ACT to repeal sections 135.1150 and 135.1180, RSMo, and to enact in lieu thereof two new sections relating to benevolent tax credits.

SECTION
A. Enacting clause.
135.1150. Citation of law — definitions — tax credit, amount — claim application — limitation — transferability of credit — rulemaking authority.
135.1180. Citation of law — definitions — tax credit, amount, procedure — rulemaking authority.

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

SECTION A. ENACTING CLAUSE. — Sections 135.1150 and 135.1180, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 135.1150 and 135.1180, to read as follows:

135.1150. CITATION OF LAW — DEFINITIONS — TAX CREDIT, AMOUNT — CLAIM APPLICATION — LIMITATION — TRANSFERABILITY OF CREDIT — RULEMAKING AUTHORITY. — 1. This section shall be known and may be cited as the "Residential Treatment Agency Tax Credit Act".

2. As used in this section, the following terms mean:

(1) "Certificate", a tax credit certificate issued under this section;

(2) "Department", the Missouri department of social services;

(3) "Eligible donation", donations received from a taxpayer by an agency that are used solely to provide direct care services to children who are residents of this state. Eligible donations may include cash, publicly traded stocks and bonds, and real estate that will be valued and documented according to rules promulgated by the department of social services. For purposes of this section, "direct care services" include but are not limited to increasing the quality of care and service for children through improved employee compensation and training;

(4) "Qualified residential treatment agency" or "agency", a residential care facility that is licensed under section 210.484, accredited by the Council on Accreditation (COA), the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), or the Commission on Accreditation of Rehabilitation Facilities (CARF), and is under contract with the Missouri department of social services to provide treatment services for children who are residents or wards of residents of this state, and that receives eligible donations. Any agency that operates more than one facility or at more than one location shall be eligible for the tax credit under this section only for any eligible donation made to facilities or locations of the agency which are licensed and accredited;

(5) "Taxpayer", any of the following individuals or entities who make an eligible donation to an agency:

(a) A person, firm, partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed in chapter 143;

(b) A corporation subject to the annual corporation franchise tax imposed in chapter 147;

(c) An insurance company paying an annual tax on its gross premium receipts in this state;

(d) Any other financial institution paying taxes to the state of Missouri or any political subdivision of this state under chapter 148;

(e) An individual subject to the state income tax imposed in chapter 143;

(f) Any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143.

3. For all taxable years beginning on or after January 1, 2007, any taxpayer shall be allowed a credit against the taxes otherwise due under chapter **[**147, 148, or**]** 143, **147, or 148,** excluding withholding tax imposed by sections 143.191 to 143.265, in an amount equal to fifty percent of the amount of an eligible donation, subject to the restrictions in this section. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state income tax liability in the tax year for which the credit is claimed. Any amount of credit that the taxpayer is prohibited by this section from claiming in a tax year shall not be refundable, but may be carried forward to any of the taxpayer's four subsequent taxable years.

4. To claim the credit authorized in this section, an agency may submit to the department an application for the tax credit authorized by this section on behalf of taxpayers. The department shall verify that the agency has submitted the following items accurately and completely:

(1) A valid application in the form and format required by the department;

(2) A statement attesting to the eligible donation received, which shall include the name and taxpayer identification number of the individual making the eligible donation, the amount of the eligible donation, and the date the eligible donation was received by the agency; and

(3) Payment from the agency equal to the value of the tax credit for which application is made. If the agency applying for the tax credit meets all criteria required by this subsection, the department shall issue a certificate in the appropriate amount.

5. An agency may apply for tax credits in an aggregate amount that does not exceed the payments made by the department to the agency in the preceding twelve months.

6. Tax credits issued under this section may be assigned, transferred, sold, or otherwise conveyed, and the new owner of the tax credit shall have the same rights in the credit as the taxpayer. Whenever a certificate is assigned, transferred, sold, or otherwise conveyed, a notarized endorsement shall be filed with the department specifying the name and address of the new owner of the tax credit or the value of the credit.

7. The department shall promulgate rules to implement the provisions 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, 2006, shall be invalid and void.

[8. Under section 23.253 of the Missouri sunset act:

(1) The program authorized under this section shall expire on December 31, 2015; and

(2) This section shall terminate on September 1, 2016.**]**

135.1180. **CITATION OF LAW — DEFINITIONS — TAX CREDIT, AMOUNT, PROCEDURE — RULEMAKING AUTHORITY.** — 1. This section shall be known and may be cited as the "Developmental Disability Care Provider Tax Credit Program".

2. As used in this section, the following terms mean:

(1) "Certificate", a tax credit certificate issued under this section;

(2) "Department", the Missouri department of social services;

(3) "Eligible donation", donations received by a provider from a taxpayer that are used solely to provide direct care services to persons with developmental disabilities who are residents of this state. Eligible donations may include cash, publicly traded stocks and bonds, and real estate that will be valued and documented according to rules promulgated by the department of social services. For purposes of this section, "direct care services" include, but are not limited to, increasing the quality of care and service for persons with developmental disabilities through improved employee compensation and training;

(4) "Qualified developmental disability care provider" or "provider", a care provider that provides assistance to persons with developmental disabilities, and is accredited by the Council on Accreditation (COA), the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), or the Commission on Accreditation of Rehabilitation Facilities (CARF), or is under contract with the Missouri department of social services or department of mental health to provide treatment services for such persons, and that receives eligible donations. Any provider that operates more than one facility or at more than one location shall be eligible for the tax credit under this section only for any eligible donation made to facilities or locations of the provider which are licensed or accredited;

(5) "Taxpayer", any of the following individuals or entities who make an eligible donation to a provider:

(a) A person, firm, partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed in chapter 143;

(b) A corporation subject to the annual corporation franchise tax imposed in chapter 147;

(c) An insurance company paying an annual tax on its gross premium receipts in this state;

(d) Any other financial institution paying taxes to the state of Missouri or any political subdivision of this state under chapter 148;

(e) An individual subject to the state income tax imposed in chapter 143;

(f) Any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143.

3. For all taxable years beginning on or after January 1, 2012, any taxpayer shall be allowed a credit against the taxes otherwise due under chapter 143, 147, or 148 excluding withholding tax imposed by sections 143.191 to 143.265 in an amount equal to fifty percent of the amount of an eligible donation, subject to the restrictions in this section. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state income tax liability in the tax year for which the credit is claimed. Any amount of credit that the taxpayer is prohibited by this section from claiming in a tax year shall not be refundable, but may be carried forward to any of the taxpayer's four subsequent taxable years.

4. To claim the credit authorized in this section, a provider may submit to the department an application for the tax credit authorized by this section on behalf of taxpayers. The department shall verify that the provider has submitted the following items accurately and completely:

(1) A valid application in the form and format required by the department;

(2) A statement attesting to the eligible donation received, which shall include the name and taxpayer identification number of the individual making the eligible donation, the amount of the eligible donation, and the date the eligible donation was received by the provider; and

(3) Payment from the provider equal to the value of the tax credit for which application is made. If the provider applying for the tax credit meets all criteria required by this subsection, the department shall issue a certificate in the appropriate amount.

5. Tax credits issued under this section may be assigned, transferred, sold, or otherwise conveyed, and the new owner of the tax credit shall have the same rights in the credit as the taxpayer. Whenever a certificate is assigned, transferred, sold, or otherwise conveyed, a

notarized endorsement shall be filed with the department specifying the name and address of the new owner of the tax credit or the value of the credit.

6. The department shall promulgate rules to implement the provisions 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, 2012, shall be invalid and void.

[7. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset on December 31, 2016, 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 twelve 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.**]**

Approved July 2, 2015

SB 474 [SB 474]

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

Expands the Heroes Way Interchange Designation Program

AN ACT to repeal section 227.297, RSMo, and to enact in lieu thereof one new section relating to the heroes way designation program.

SECTION
A. Enacting clause.
227.297. Heroes Way designation program established — signage — application procedure — joint committee to review applications.

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

SECTION A. ENACTING CLAUSE. — Section 227.297, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 227.297, to read as follows:

227.297. HEROES WAY DESIGNATION PROGRAM ESTABLISHED — SIGNAGE — APPLICATION PROCEDURE — JOINT COMMITTEE TO REVIEW APPLICATIONS. — 1. This section establishes **[**an interchange**]** **a** designation program, to be known as the "Heroes Way **[**Interchange**]** Designation Program", to honor the fallen Missouri heroes who have been killed in action while performing active military duty with the Armed Forces **[**in Afghanistan or Iraq on or after September 11, 2001**]**. The signs shall be placed upon interstate or state-numbered highway interchanges **or upon bridges or segments of highway on the state highway system** in accordance with this section, and any applicable federal and state limitations or conditions on highway signage, including location and spacing.

2. Any person who is related by marriage, adoption, or consanguinity within the second degree to a member of the United States Armed Forces who was killed in action while

performing active military duty with the Armed Forces **[**in Afghanistan or Iraq on or after September 11, 2001**]**, and who was a resident of this state at the time he or she was killed in action, may apply for **[**an interchange**] a** designation under the provisions of this section.

3. Any person described under subsection 2 of this section who desires to have an interstate or state numbered highway interchange **or bridge or segment of highway on the state highway system** designated after his or her family member shall petition the department of transportation by submitting the following:

(1) An application in a form prescribed by the director, describing the interstate or state numbered highway interchange **or bridge or segment of highway on the state highway system** for which the designation is sought and the proposed name of the interchange**, bridge or relevant segment of highway**. The application shall include the name of at least one current member of the general assembly who will sponsor the **[**interchange**]** designation. The application may contain written testimony for support of the **[**interchange**]** designation;

(2) Proof that the family member killed in action was a member of the United States Armed Forces and proof that such family member was in fact killed in action while performing active military duty with the United States Armed Forces **[**in Afghanistan or Iraq on or after September 11, 2001**]**. Acceptable proof shall be a statement from the Missouri veterans commission or the United States Department of Veterans Affairs so certifying such facts;

(3) By signing a form provided by the Missouri transportation department, the applicant shall certify that the applicant is related by marriage, adoption, or consanguinity within the second degree to the member of the United States Armed Forces who was killed in action; and

(4) A fee to be determined by the commission to cover the costs of constructing and maintaining the proposed interchange**, bridge, or highway** signs. The fee shall not exceed the cost of constructing and maintaining each sign.

4. All moneys received by the department of transportation for the construction and maintenance of interchange**, bridge, or highway** signs shall be deposited in the state treasury to the credit of the state road fund.

5. The documents and fees required under this section shall be submitted to the department of transportation.

6. The department of transportation shall submit for approval or disapproval all applications for **[**interchange**]** designations to the joint committee on transportation oversight. The joint committee on transportation oversight may review such applications at any scheduled meeting convened pursuant to section 21.795. If satisfied with the application and all its contents, the committee shall approve the application. The committee shall notify the department of transportation upon the approval or denial of an application for **[**an interchange**] a** designation.

7. The department of transportation shall give notice of any proposed **[**interchange**]** designation under this section in a manner reasonably calculated to advise the public of such proposal. Reasonable notice shall include posting the proposal for the designation on the department's official public website and making available copies of the sign designation application to any representative of the news media or public upon request and posting the application on a bulletin board or other prominent public place which is easily accessible to the public and clearly designated for that purpose at the principal office.

8. If the memorial **[**interchange**]** designation request is not approved by the joint committee on transportation oversight, ninety-seven percent of the application fee shall be refunded to the applicant.

9. Two signs shall be erected for each interchange**, bridge, or highway** designation processed under this section.

10. No interchange**, bridge, or highway** may be named or designated after more than one member of the United States Armed Forces killed in action. Such person shall only be eligible for one interchange**, bridge, or highway** designation under the provisions of this section.

11. Any highway signs erected for any **[**interchange**]** designation under the provisions of this section shall be erected and maintained for a twenty-year period. After such period, the signs

shall be subject to removal by the department of transportation and the interchange**, bridge, or highway** may be designated to honor persons other than the current designee. An existing **[**interchange**]** designation processed under the provisions of this section may be retained for additional twenty-year increments if, at least one year before the designation's expiration, an application to the department of transportation is made to retain the designation along with the required documents and all applicable fees required under this section.

Approved June 25, 2015

SB 497 [SB 497]

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

Modifies provisions relating to special purpose districts

AN ACT to repeal sections 67.950, 67.955, 393.015, and 644.145, RSMo, and to enact in lieu thereof five new sections relating to special purpose districts.

SECTION
- A. Enacting clause.
- 67.950. Dissolution of certain special purpose districts — procedure for election, form of ballot.
- 67.955. Procedure for dissolution — bonded indebtedness, effect of.
- 393.015. Sewer company may contract with water company to terminate water services for nonpayment of sewer bill — procedure — immunity — costs, reimbursement.
- 644.145. Affordability finding required, when — definitions — procedures to be adopted — appeal of determination — annual report, contents.
- 1. Election of board of directors, no person to cast more than one ballot.

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

SECTION A. ENACTING CLAUSE. — Sections 67.950, 67.955, 393.015, and 644.145, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 67.950, 67.955, 393.015, 644.145, and 1, to read as follows:

67.950. DISSOLUTION OF CERTAIN SPECIAL PURPOSE DISTRICTS — PROCEDURE FOR ELECTION, FORM OF BALLOT. — 1. Any special purpose district formed under the provisions of a statute of this state requiring approval by the voters of the district, and for which no specific procedure is provided to terminate or dissolve such a district, may be dissolved **[**in the following manner:

(1) Upon the filing with the governing body of the district of a petition containing the signatures of eight percent or more of the voters of the district or upon the motion of a majority of the members of the governing body it shall submit the question to the voters in the district using the same procedure and in the same manner so far as practicable as is provided for the submission of the question for forming the district.

(2)**] as provided in this section and section 67.955.**

2. A petition describing the boundaries of the district sought to be dissolved shall be filed with the clerk of the circuit court of the county in which the subject district is located or, if the subject district embraces lands in more than one county, with the clerk of the circuit court of the county having the largest acreage within the boundaries of the subject district. Such petition, in addition to such boundary description, shall allege that further operation of the subject district is inimical to the best interests of the inhabitants of the district and that the district should, in the interest of the public welfare and safety, be

dissolved, and such other information as may be useful to the court in determining whether the petition should be granted and a decree of dissolution entered. Such petition shall also include a detailed plan for payment of all debt and obligations of the district at the time of dissolution. Such petition shall be accompanied by a cash deposit of fifty dollars as an advancement of the costs of the proceeding, and the petition shall be signed by eight percent or more of the voters of the district. The petition shall be verified by at least one of the signers thereof and shall be served upon the governing board of the district. The district shall be a party, and if the governing board in its discretion determines that such dissolution is not in the public interest, the district shall oppose such petition and pay all cost and expense thereof.

3. Upon the filing of the petition, the petition shall be presented to the circuit court and such court shall fix a date for a hearing on such petition. The clerk of the court shall give notice of the filing of the petition in some newspaper of general circulation in the county in which the proceedings are pending, and if the district extends into any other county or counties, such notice shall also be published in some newspaper of general circulation in such other county or counties. The notice shall contain a description of the subject boundary lines of the district and the general purposes of the petition, and shall set forth the date fixed for the hearing on the petition, which shall not be less than seven nor more than twenty-one days after the date of the last publication of the notice and shall be on some regular judicial day of the court in which the petition is pending. Such notice shall be signed by the clerk of the circuit court and shall be published in three successive issues of a weekly newspaper or in twenty successive issues of a daily newspaper.

4. The court, for good cause shown, may continue the case or the hearing thereon from time to time until final disposition thereof.

5. Exceptions to the dissolution of a district may be made by any voter or landowner of the district, and by the district as provided in this section. Such exceptions shall be filed not less than five days prior to the date set for the hearing on the petition. Such exceptions shall specify the grounds upon which the exceptions are filed, and the court shall take them into consideration in passing upon the petition and shall also consider the evidence in support of the petition and in support of the exceptions made. Unless petitioners prove that all debts and financial obligations of the district can be paid in full upon dissolution, the petition shall be dismissed at the cost of the petitioners.

6. Should the court find that it would not be to the public interest to dissolve a district, the petition shall be dismissed at the costs of the petitioners. If, however, the court should find in favor of the petitioners, the court shall enter its interlocutory decree of dissolution, which decree shall provide for the submission of the question to the voters of the district. The decree of dissolution shall not become final and conclusive until it has been submitted to the voters residing within the boundaries described in such decree and approved by a majority of the votes cast. The decree shall provide for the submission of the question and shall fix the date thereof.

7. The question shall be submitted in substantially the following form:

Shall the .... district be dissolved?

[(3) If the question receives a majority of the votes cast the district shall be dissolved for all purposes except the payment of outstanding bonded indebtedness, if any**]**

8. The returns shall be certified by the election authority to the circuit court having jurisdiction in the case. Upon receiving such certification, the court shall enter its order canvassing the returns and declaring the result of such election. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the court shall, in such order declaring the result of the election, enter a further order declaring the decree of dissolution to be final and conclusive. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the court shall enter a further order declaring such decree of dissolution to be void and

of no effect. No appeal shall lie from any of such orders. In the event that the court declares the decree of dissolution to be final as provided in this subsection, the clerk of the circuit court shall file certified copies of such decree of dissolution and of such final order with the secretary of state, the recorder of deeds of the county or counties in which the district is located, and with the clerk of the county commission of the county or counties in which the district is located.

9. Notwithstanding any other provision of law in this section to the contrary, no district shall be dissolved until all of its outstanding indebtedness has been paid, and the court in its decree of dissolution shall provide for the disposition of the remaining property of the district.

67.955. PROCEDURE FOR DISSOLUTION — BONDED INDEBTEDNESS, EFFECT OF. — **Subject to any decree of dissolution entered under section 67.950,** the governing body, upon passage of a proposition to dissolve, shall dispose of all assets of the district and apply all proceeds to the payment of all indebtedness of the district and if any funds are left after such liquidation they shall be paid to the taxpayers of the district. Such payments shall be computed on the ratio of each taxpayer's tax paid in to the total tax collected for the last taxable year for which the district collected taxes. The liquidation, payments and refunds shall be completed within one hundred twenty days after the date of the submission of the question, and the district shall cease to exist; except that if general obligation bonded indebtedness exists the district shall continue to exist solely for the purpose of levying and collecting taxes to pay such indebtedness.

393.015. SEWER COMPANY MAY CONTRACT WITH WATER COMPANY TO TERMINATE WATER SERVICES FOR NONPAYMENT OF SEWER BILL — PROCEDURE — IMMUNITY — COSTS, REIMBURSEMENT. — 1. Notwithstanding any other provision of law to the contrary, any sewer corporation, municipality or sewer district established under the provisions of chapter 249 or 250, or sections 204.250 to 204.470, or any sewer district created and organized pursuant to constitutional authority, may contract with any water corporation**, any municipality providing water, or any water districts established under chapter 247, which for purposes of this section shall collectively be designated as a water provider,** to terminate water services to any customer premises for nonpayment of a sewer bill. No such termination of water service may occur until thirty days after the sewer corporation, municipality or statutory sewer district or sewer district created and organized pursuant to constitutional authority sends a written notice to the customer, except that if the water **[**corporation**] provider** is performing a combined water and sewer billing service for the sewer corporation, municipality or sewer district, no additional notice or any additional waiting period shall be required other than the notice and waiting period already used by the water **[**corporation**] provider** to disconnect water service for nonpayment of the water bill. Acting pursuant to a contract, the water **[**corporation**] provider** shall discontinue water service until such time as the sewer charges and all related costs of termination and reestablishment of sewer and water services are paid by the customer.

2. A water **[**corporation**] provider** acting pursuant to a contract with a sewer corporation, municipality or sewer district as provided in subsection 1 of this section shall not be liable for damages related to termination of water services unless such damage is caused by the negligence of such water [corporation] **provider**, in which case the water [corporation] **provider** shall be indemnified by the sewer corporation, municipality or sewer district. Unless otherwise specified in the contract, all costs related to the termination and reestablishment of services by the water **[**corporation**] provider** shall be reimbursed by the sewer corporation, municipality, sewer district or sewer district created and organized pursuant to constitutional authority.

644.145. AFFORDABILITY FINDING REQUIRED, WHEN — DEFINITIONS — PROCEDURES TO BE ADOPTED — APPEAL OF DETERMINATION — ANNUAL REPORT, CONTENTS. — 1. When issuing permits under this chapter that incorporate a new requirement for discharges from

publicly owned combined or separate sanitary or storm sewer systems or **water or sewer** treatment works, or when enforcing provisions of this chapter or the Federal Water Pollution Control Act, 33 U.S.C. Section 1251, et seq., pertaining to any portion of a publicly owned combined or separate sanitary or storm sewer system or **water or sewer** treatment works, the department of natural resources shall make a finding of affordability on the costs to be incurred and the impact of any rate changes on ratepayers upon which to base such permits and decisions, to the extent allowable under this chapter and the Federal Water Pollution Control Act.

2. (1) The department of natural resources shall not be required under this section to make a finding of affordability when:

(a) Issuing collection system extension permits;

(b) Issuing National Pollution Discharge Elimination System operating permit renewals which include no new environmental requirements; or

(c) The permit applicant certifies that the applicable requirements are affordable to implement or otherwise waives the requirement for an affordability finding; however, at no time shall the department require that any applicant certify, as a condition to approving any permit, administrative or civil action, that a requirement, condition, or penalty is affordable.

(2) The exceptions provided under paragraph (c) of subdivision (1) of this subsection do not apply when the community being served has less than three thousand three hundred residents.

3. When used in this chapter and in standards, rules and regulations promulgated pursuant to this chapter, the following words and phrases mean:

(1) "Affordability", with respect to payment of a utility bill, a measure of whether an individual customer or household with an income equal to **[**the**]** **or** lower **[**of**]** **than** the median household income for their community **[**or the state of Missouri**]** can pay the bill without undue hardship or unreasonable sacrifice in the essential lifestyle or spending patterns of the individual or household, taking into consideration the criteria described in subsection 4 of this section;

(2) "Financial capability", the financial capability of a community to make investments necessary to make water quality-related improvements;

(3) "Finding of affordability", a department statement as to whether an individual or a household receiving as income an amount equal to **[**the**]** **or** lower **[**of**]** **than** the median household income for the applicant community **[**or the state of Missouri**]** would be required to make unreasonable sacrifices in **[**their**]** **the individual's or the household's** essential lifestyle or spending patterns or undergo hardships in order to make the projected monthly payments for sewer services. The department shall make a statement that the proposed changes meet the definition of affordable, or fail to meet the definition of affordable, or are implemented as a federal mandate regardless of affordability.

4. The department of natural resources shall adopt procedures by which it will make affordability findings that evaluate the affordability of permit requirements and enforcement actions described in subsection 1 of this section, and may begin implementing such procedures prior to promulgating implementing regulations. The commission shall have the authority to promulgate rules to implement this section pursuant to chapters 536 and 644, and shall promulgate such rules as soon as practicable. Affordability findings shall be based upon reasonably verifiable data and shall include an assessment of affordability with respect to persons or entities affected. The department shall offer the permittee an opportunity to review a draft affordability finding, and the permittee may suggest changes and provide additional supporting information, subject to subsection 6 of this section. The finding shall be based upon the following criteria:

(1) A community's financial capability and ability to raise or secure necessary funding;

(2) Affordability of pollution control options for the individuals or households at or below the median household income level of the community;

(3) An evaluation of the overall costs and environmental benefits of the control technologies;

(4) Inclusion of ongoing costs of operating and maintaining the existing wastewater collection and treatment system, including payments on outstanding debts for wastewater collection and treatment systems when calculating projected rates;

(5) An inclusion of ways to reduce economic impacts on distressed populations in the community, including but not limited to low- and fixed-income populations. This requirement includes but is not limited to:

(a) Allowing adequate time in implementation schedules to mitigate potential adverse impacts on distressed populations resulting from the costs of the improvements and taking into consideration local community economic considerations; and

(b) Allowing for reasonable accommodations for regulated entities when inflexible standards and fines would impose a disproportionate financial hardship in light of the environmental benefits to be gained;

(6) An assessment of other community investments and operating costs relating to environmental improvements and public health protection;

(7) An assessment of factors set forth in the United States Environmental Protection Agency's guidance, including but not limited to the "Combined Sewer Overflow Guidance for Financial Capability Assessment and Schedule Development" that may ease the cost burdens of implementing wet weather control plans, including but not limited to small system considerations, the attainability of water quality standards, and the development of wet weather standards; and

(8) An assessment of any other relevant local community economic condition.

5. Prescriptive formulas and measures used in determining financial capability, affordability, and thresholds for expenditure, such as median household income, should not be considered to be the only indicator of a community's ability to implement control technology and shall be viewed in the context of other economic conditions rather than as a threshold to be achieved.

6. Reasonable time spent preparing draft affordability findings, allowing permittees to review draft affordability findings or draft permits, or revising draft affordability findings, shall be allowed in addition to the department's deadlines for making permitting decisions pursuant to section 644.051.

7. If the department of natural resources fails to make a finding of affordability where required by this section, then the resulting permit or decision shall be null, void and unenforceable.

8. The department of natural resources' findings under this section may be appealed to the commission pursuant to subsection 6 of section 644.051.

9. The department shall file an annual report by the beginning of the fiscal year with the governor, the speaker of the house of representatives, the president pro tempore of the senate, and the chairs of the committees in both houses having primary jurisdiction over natural resource issues showing at least the following information on the findings of affordability completed in the previous calendar year:

(1) The total number of findings of affordability issued by the department, those categorized as affordable, those categorized as not meeting the definition of affordable, and those implemented as a federal mandate regardless of affordability;

(2) The average increase in sewer rates both in dollars and percentage for all findings found to be affordable;

(3) The average increase in sewer rates as a percentage of median house income in the communities for those findings determined to be affordable and a separate calculation of average increases in sewer rates for those found not to meet the definition of affordable;

(4) A list of all the permit holders receiving findings, and for each permittee the following data taken from the finding of affordability shall be listed:

(a) Current and projected monthly residential sewer rates in dollars;

(b) Projected monthly residential sewer rates as a percentage of median **[**house**] household** income;

(c) Percentage of households at or below the state poverty rate.

SECTION 1. ELECTION OF BOARD OF DIRECTORS, NO PERSON TO CAST MORE THAN ONE BALLOT. — In any election for the board of directors of a community improvement district as established in sections 67.1401 to 67.1571, no person shall cast more that one ballot.

Approved July 10, 2015

SB 500 [SB 500]

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

Modifies provisions relating to honey

AN ACT to repeal section 261.241, RSMo, and to enact in lieu thereof one new section relating to honey.

SECTION
A. Enacting clause.
261.241. Sellers of honey, no manufacturing facilities required, when — exempt from health standards and regulations, when — label requirements.

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

SECTION A. ENACTING CLAUSE. — Section 261.241, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 261.241, to read as follows:

261.241. SELLERS OF HONEY, NO MANUFACTURING FACILITIES REQUIRED, WHEN — EXEMPT FROM HEALTH STANDARDS AND REGULATIONS, WHEN — LABEL REQUIREMENTS. — 1. Sellers of **[**jams, jellies, and**]** honey whose annual sales of **[**jams, jellies, and**]** honey are **[**thirty**]** **fifty** thousand dollars or less per domicile shall not be required to construct or maintain separate facilities for the **[**manufacture**]** **bottling** of **[**jams, jellies, and**]** honey. Such sellers shall be exempt from all remaining health standards and regulations for the **[**manufacture**]** **bottling** of **[**jams, jellies, and**]** honey pursuant to sections 196.190 to 196.271 if they meet the following requirements:

(1) **[**Jams, jellies, and**]** Honey shall be **[**manufactured**]** **bottled** in the domicile of the person **[**processing**]** **harvesting** and selling the **[**jams, jellies, and**]** honey **[**and sold by the manufacturer to the end consumer**]**;

(2) **[**Jams, jellies, and**]** Honey shall be labeled with the following information in legible English as set forth in subsection 2 of this section;

(3) **[**During the sale of such jams, jellies, and honey, a placard shall be displayed in a prominent location stating the following: "This product has not been inspected by the Department of Health and Senior Services.";

(4)**]** Annual gross sales shall not exceed **[**thirty**]** **fifty** thousand dollars. The person **[**manufacturing**]** **harvesting** such **[**jams, jellies, and**]** honey shall maintain a record of sales of **[**jams, jellies, and**]** honey **[**processed**]** **bottled** and sold. The record shall be available to the regulatory authority when requested.

2. The **[**jams, jellies, and**]** honey shall be labeled with the following information:

(1) Name and address of the persons preparing the food;

(2) Common name of the food; **and**

(3) The name of all ingredients in the food**[**; and

(4) Statement that the jams, jellies, and honey have not been inspected by the department of health and senior services**]**.

3. Sellers of **[**jams, jellies, and**]** honey who violate the provisions of this section may be enjoined from selling **[**jams, jellies, and**]** honey by the department of health and senior services.

Approved July 10, 2015

SB 524 [SB 524]

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

Modifies provisions relating to contractual fees charged by certain financial institutions

AN ACT to repeal sections 362.111, 369.159, and 370.073, RSMo, and to enact in lieu thereof three new sections relating to contractual fees charged by certain financial institutions.

SECTION

A. Enacting clause.
362.111. Fees and service charges permitted, when, conditions.
369.159. Fee or service charge authorized.
370.073. Fee or service charge authorized, when.

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

SECTION A. ENACTING CLAUSE. — Sections 362.111, 369.159, and 370.073, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 362.111, 369.159, and 370.073, to read as follows:

362.111. FEES AND SERVICE CHARGES PERMITTED, WHEN, CONDITIONS. — 1. A bank or trust company may impose fees or service charges on deposit accounts; however, such fees or service charges are subject to such conditions or requirements that may be fixed by regulations pursuant to section 361.105 by the director of the division of finance and the state banking and savings and loan board. Notwithstanding any law to the contrary, no such condition or requirement shall be more restrictive than the fees or service charges on deposit accounts or similar accounts permitted any federally chartered depository institution **and no contractual fee charged for overdrawing the balance of a deposit account shall be deemed interest**.

2. An agreement to operate or share an automated teller machine shall not prohibit an owner or operator of the automated teller machine from imposing, on an individual who conducts a transaction using a foreign account, an access fee or surcharge that is not otherwise prohibited under federal or state law.

3. As used in this section, the following terms mean:

(1) "Automated teller machine", any electronic device, wherever located, through which a consumer may initiate an electronic funds transfer or may order, instruct, or authorize a financial institution to debit or credit an account and includes any machine or device which may be used to carry out electronic banking business. "Automated teller machine" does not include point of sale terminals or telephones or personal computers operated by a consumer;

(2) "Foreign account", an account with a financial institution located outside the United States.

369.159. FEE OR SERVICE CHARGE AUTHORIZED. — An association may impose fees or service charges on accounts; however, such fees or service charges are subject to such conditions or requirements that may be fixed by regulations pursuant to section 369.301 by the director of the division of finance and the board. Notwithstanding any law to the contrary, no such condition or requirement shall be more restrictive than the fees or service charges on deposit accounts or similar accounts permitted any federally chartered depository institution **and no contractual fee charged for overdrawing the balance of a deposit account shall be deemed interest**.

370.073. FEE OR SERVICE CHARGE AUTHORIZED, WHEN. — 1. A credit union may impose fees or service charges on deposit accounts or similar accounts; however, such fees or service charges are subject to such conditions or requirements that may be fixed by regulations pursuant to this chapter by the director of credit union supervision and the credit union commission. Notwithstanding any law to the contrary, no such condition or requirement shall be more restrictive than the fees or service charges on deposit accounts or similar accounts permitted any federally chartered depository institution **and no contractual fee charged for overdrawing the balance of a deposit account shall be deemed interest**.

2. An agreement to operate or share an automated teller machine shall not prohibit an owner or operator of the automated teller machine from imposing, on an individual who conducts a transaction using a foreign account, an access fee or surcharge that is not otherwise prohibited under federal or state law.

3. As used in this section, the following terms mean:

(1) "Automated teller machine", any electronic device, wherever located, through which a consumer may initiate an electronic funds transfer or may order, instruct, or authorize a financial institution to debit or credit an account and includes any machine or device which may be used to carry out electronic banking business. "Automated teller machine" does not include point of sale terminals or telephones or personal computers operated by a consumer;

(2) "Foreign account", an account with a financial institution located outside the United States.

Approved June 22, 2015

SB 539 [SCS SB 539]

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

Allows the county commission, or a county officer designated by the county commission, to provide passport services if the circuit court clerk does not provide the services

AN ACT to amend chapter 49, RSMo, by adding thereto one new section relating to the authority of county officers to provide passport services.

SECTION
A. Enacting clause.
49.130. Passports, processing of applications, commission may provide service, when — fees.

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

SECTION A. ENACTING CLAUSE. — Chapter 49, RSMo, is amended by adding thereto one new section, to be known as section 49.130, to read as follows:

49.130. PASSPORTS, PROCESSING OF APPLICATIONS, COMMISSION MAY PROVIDE SERVICE, WHEN — FEES. — If the clerk of the court in the circuit in which the county is located does not offer passport service as provided under section 483.537, the county commission may take or process applications for passports or their renewal or may designate by order or ordinance any county officer to provide the service. Fees charged for the service shall be retained by the county office that provides the service.

Approved June 30, 2015

HB 42 [CCS SCS HCS HB 42]

Changes the laws regarding elementary and secondary education

AN ACT to repeal sections 163.011 and 163.031 as enacted by house bill no. 1689, ninety-seventh general assembly, second regular session, and sections 160.011, 160.400, 160.403, 160.405, 160.410, 160.415, 160.417, 160.425, 162.081, 162.1250, 163.018, 163.036, 167.121, 167.131, 171.031, and 210.861, RSMo, and to enact in lieu thereof fifty-one new sections relating to elementary and secondary education, with an emergency clause.

Vetoed June 26, 2015

HB 63 [SS SCS HCS#2 HB 63]

Changes the laws regarding persons seeking public office

AN ACT to repeal sections 162.481 and 162.491, RSMo, and to enact in lieu thereof four new sections relating to persons seeking public office, with an emergency clause.

Vetoed April 3, 2015
Overridden April 8, 2015

HB 116 [SCS HCS HBs 116 & 569]

Prohibits an employer from requiring a person to become a member of a labor organization as a condition or continuation of employment

AN ACT to amend chapter 290, RSMo, by adding thereto one new section relating to labor organizations, with penalty provisions.

Vetoed June 4, 2015

HB 150 [HB 150]

Modifies the duration of unemployment compensation, the method to pay federal advances, and raises the fund trigger causing contribution rate reductions

AN ACT to repeal sections 288.036, 288.060, 288.120, 288.122, and 288.330, RSMo, and to enact in lieu thereof five new sections relating to employment security.

Vetoed May 5, 2015
Overridden by House May 12, 2015, and the Senate on September 16, 2015

HB 326 [HB 326]

Specifies that each defined benefit pension plan must establish a board member education program

AN ACT to repeal section 105.666, RSMo, and to enact in lieu thereof one new section relating to defined benefit pension plans.

Vetoed July 10, 2015

HB 618 [SCS HCS HB 618]

Changes the laws regarding the disposition of human remains

AN ACT to repeal sections 193.015, 193.145, 194.119, and 214.208, RSMo, and to enact in lieu thereof four new sections relating to human remains.

Vetoed July 10, 2015
Overridden September 16, 2015

HB 629 [HB 629]

Changes the laws regarding public retirement systems

AN ACT to repeal sections 86.1270, 86.1630, 169.291, and 169.450, RSMo, and to enact in lieu thereof four new sections relating to retirement systems.

Vetoed July 7, 2015

HB 722 [SS#2 HCS HB 722]

Changes the laws regarding prohibited ordinances by political subdivisions

AN ACT to amend chapters 260 and 285, RSMo, by adding thereto two new sections relating to prohibited ordinances by political subdivisions.

Vetoed July 10, 2015
Overridden September 16, 2015

HB 799 [SS SCS HB 799]

Changes the laws regarding judicial circuits

AN ACT to repeal sections 67.320, 211.393, 476.083, 478.170, 478.191, 478.430, 478.433, 478.463, 478.740, 488.2206, and 600.042, RSMo, and to enact in lieu thereof sixteen new sections relating to judicial circuits.

Vetoed July 10, 2015

HB 878 [SCS HB 878]

Specifies that the Department of Public Safety must have the authority to commission corporate security advisors and establishes procedures to do so

AN ACT to repeal section 590.750, RSMo, and to enact in lieu thereof one new section relating to corporate security advisors, with an existing penalty provision.

Vetoed July 10, 2015
Overridden September 16, 2015

HB 1022 [HB 1022]

Authorizes a return of premiums paid by insureds

AN ACT to repeal section 379.470, RSMo, and to enact in lieu thereof one new section relating to authorized return of premiums paid by insureds.

Vetoed July 10, 2015
Overridden September 16, 2015

HB 1098 [SCS HB 1098]

Changes the laws regarding trust companies

AN ACT to repeal section 362.600, RSMo, and to enact in lieu thereof one new section relating to trust companies.

Vetoed July 7, 2015
Overridden September 16, 2015

SB 20 [SB 20]

Creates a sales and use tax exemption for materials and utilities used by commercial laundries

AN ACT to repeal section 144.054, RSMo, and to enact in lieu thereof one new section relating to a sales tax exemption for commercial laundries.

Vetoed July 10, 2015
Overridden September 16, 2015

SB 24 [CCS HCS SS#2 SCS SB 24]

Modifies provisions of law relating to the Temporary Assistance for Needy Families Program and the Supplemental Nutrition Assistance Program

AN ACT to repeal section 208.040, RSMo, and to enact in lieu thereof four new sections relating to nonmedical public assistance.

Vetoed April 30, 2015
Overridden May 5, 2015

SB 67 [CCS HCS SS SCS SB 67]

Authorizes certain court surcharges, Buchanan County to establish a county municipal court, certain circuits with a SORTS facility to appoint a court marshal, requires certain reporting regarding municipal courts

AN ACT to repeal sections 67.320, 476.083, 534.350, 534.360, 535.030, 535.110, and 535.160, RSMo, and to enact in lieu thereof ten new sections relating to courts.

Vetoed July 10, 2015

SB 142 [SS#3 SCS SB 142]

Requires the Department of Natural Resources to take certain actions when submitting certain plans the Environmental Protection Agency

AN ACT to amend chapter 640, RSMo, by adding thereto one new section relating to implementation impact reports.

Vetoed July 10, 2015
Overridden September 16, 2015

SB 224 [SCS SB 224]

Requires a student to be a United States citizen or permanent resident in order to be eligible to receive reimbursements from the A+ Schools Program

AN ACT to repeal section 160.545, RSMo, and to enact in lieu thereof one new section relating to eligibility criteria for reimbursements from the A+ schools program.

Vetoed July 11, 2015
Overridden September 16, 2015

SB 345 [SCS SB 345]

Modifies provisions relating to financial transactions

AN ACT to repeal sections 361.707, 361.715, 364.030, 364.105, 365.030, 367.140, 407.640, 408.140, 408.500, and 443.719, RSMo, and to enact in lieu thereof ten new sections relating to financial transactions, with an existing penalty provision.

Vetoed July 7, 2015
Overridden September 16, 2015

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VETOED BILLS OVERRIDDEN

HB 63 [SS SCS HCS#2 HB 63]

Changes the laws regarding persons seeking public office

AN ACT to repeal sections 162.481 and 162.491, RSMo, and to enact in lieu thereof four new sections relating to persons seeking public office, with an emergency clause.

Vetoed April 3, 2015
Overridden April 8, 2015

Please consult page 765 for the full text of HB 63.

HB 150 [HB 150]

Modifies the duration of unemployment compensation, the method to pay federal advances, and raises the fund trigger causing contribution rate reductions

AN ACT to repeal sections 288.036, 288.060, 288.120, 288.122, and 288.330, RSMo, and to enact in lieu thereof five new sections relating to employment security.

Vetoed May 5, 2015
Overridden by House May 12, 2015, and the Senate on September 16, 2015

Please consult page 767 for the full text of HB 150.

HB 618 [SCS HCS HB 618]

Changes the laws regarding the disposition of human remains

AN ACT to repeal sections 193.015, 193.145, 194.119, and 214.208, RSMo, and to enact in lieu thereof four new sections relating to human remains.

Vetoed July 10, 2015
Overridden September 16, 2015

Please consult page 778 for the full text of HB 618.

HB 722 [SS#2 HCS HB 722]

Changes the laws regarding prohibited ordinances by political subdivisions

AN ACT to amend chapters 260 and 285, RSMo, by adding thereto two new sections relating to prohibited ordinances by political subdivisions.

Vetoed July 10, 2015
Overridden September 16, 2015

Please consult page 783 for the full text of HB 722.

HB 878 [SCS HB 878]

Specifies that the Department of Public Safety must have the authority to commission corporate security advisors and establishes procedures to do so

AN ACT to repeal section 590.750, RSMo, and to enact in lieu thereof one new section relating to corporate security advisors, with an existing penalty provision.

Vetoed July 10, 2015
Overridden September 16, 2015

Please consult page 784 for the full text of HB 878.

HB 1022 [HB 1022]

Authorizes a return of premiums paid by insureds

AN ACT to repeal section 379.470, RSMo, and to enact in lieu thereof one new section relating to authorized return of premiums paid by insureds.

Vetoed July 10, 2015
Overridden September 16, 2015

Please consult page 785 for the full text of HB 1022.

HB 1098 [SCS HB 1098]

Changes the laws regarding trust companies

AN ACT to repeal section 362.600, RSMo, and to enact in lieu thereof one new section relating to trust companies.

Vetoed July 7, 2015
Overridden September 16, 2015

Please consult page 787 for the full text of HB 1098.

SB 20 [SB 20]

Creates a sales and use tax exemption for materials and utilities used by commercial laundries

AN ACT to repeal section 144.054, RSMo, and to enact in lieu thereof one new section relating to a sales tax exemption for commercial laundries.

Vetoed July 10, 2015
Overridden September 16, 2015

Please consult page 790 for the full text of SB 20.

SB 24 [CCS HCS SS#2 SCS SB 24]

Modifies provisions of law relating to the Temporary Assistance for Needy Families Program and the Supplemental Nutrition Assistance Program

AN ACT to repeal section 208.040, RSMo, and to enact in lieu thereof four new sections relating to nonmedical public assistance.

Vetoed April 30, 2015
Overridden May 5, 2015

Please consult page 792 for the full text of SB 24.

SB 142 [SS#3 SCS SB 142]

Requires the Department of Natural Resources to take certain actions when submitting certain plans the Environmental Protection Agency

AN ACT to amend chapter 640, RSMo, by adding thereto one new section relating to implementation impact reports.

Vetoed July 10, 2015
Overridden September 16, 2015

Please consult page 797 for the full text of SB 142.

SB 224 [SCS SB 224]

Requires a student to be a United States citizen or permanent resident in order to be eligible to receive reimbursements from the A+ Schools Program

AN ACT to repeal section 160.545, RSMo, and to enact in lieu thereof one new section relating to eligibility criteria for reimbursements from the A+ schools program.

Vetoed July 11, 2015
Overridden September 16, 2015

Please consult page 800 for the full text of SB 224.

SB 345 [SCS SB 345]

Modifies provisions relating to financial transactions

AN ACT to repeal sections 361.707, 361.715, 364.030, 364.105, 365.030, 367.140, 407.640, 408.140, 408.500, and 443.719, RSMo, and to enact in lieu thereof ten new sections relating to financial transactions, with an existing penalty provision.

Vetoed July 7, 2015
Overridden September 16, 2015

Please consult page 802 for the full text of SB 345.

HB 63 [SS SCS HCS#2 HB 63]

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

Changes the laws regarding persons seeking public office

AN ACT to repeal sections 162.481 and 162.491, RSMo, and to enact in lieu thereof four new sections relating to persons seeking public office, with an emergency clause.

SECTION
A. Enacting clause.
115.308. Inapplicability of sections 115.307 to 115.405, when.
162.025. Superintendents ineligible for school board membership.
162.481. Elections in urban school districts, held when — elections in Springfield, post-2000 census urban school districts, St. Charles County, and Buchanan County.
162.491. Directors may be nominated by petition, when — contents of petition, certain districts — no petition required, Buchanan County.
B. Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Sections 162.481 and 162.491, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 115.308, 162.025, 162.481, and 162.491, to read as follows:

115.308. INAPPLICABILITY OF SECTIONS 115.307 TO 115.405, WHEN. — Sections 115.307 to 115.405 shall not apply to candidates for special district offices; township offices in township organization counties; or city, town, and village offices.

162.025. SUPERINTENDENTS INELIGIBLE FOR SCHOOL BOARD MEMBERSHIP. — No person shall be a candidate for a member or director of the school board in any district in this state if such person has previously been employed by the district as the district's superintendent.

162.481. ELECTIONS IN URBAN SCHOOL DISTRICTS, HELD WHEN — ELECTIONS IN SPRINGFIELD, POST-2000 CENSUS URBAN SCHOOL DISTRICTS, ST. CHARLES COUNTY, AND BUCHANAN COUNTY. — 1. Except as otherwise provided in this section **and in section 162.492**, all elections of school directors in urban **school** districts shall be held biennially at the same times and places as municipal elections.

2. **[**In any urban district which includes all or the major part of a city which first obtained a population of more than seventy-five thousand inhabitants by reason of the 1960 federal decennial census, elections of directors shall be held on municipal election days of even-numbered years. The directors of the prior district shall continue as directors of the urban district until their successors are elected as herein provided. On the first Tuesday in April, 1964, four directors shall be elected, two for terms of two years to succeed the two directors of the prior district who were elected in 1960 and two for terms of six years to succeed the two directors of the prior district who were elected in 1961. The successors of these directors shall be elected for terms of six years. On the first Tuesday in April, 1968, two directors shall be elected for terms to commence on November 5, 1968, and to terminate on the first Tuesday in April, 1974, when their successors shall be elected for terms of six years. No director shall serve more than two consecutive six-year terms after October 13, 1963.

3.**]** Except as otherwise provided in subsections **3,** 4, and 5 of this section, hereafter when a seven-director district becomes an urban **school** district, the directors of the prior seven-director district shall continue as directors of the urban **school** district until the expiration of the terms for

which they were elected and until their successors are elected as provided in this subsection. The first biennial school election for directors shall be held in the urban **school** district at the time provided in subsection 1 which is on the date of or subsequent to the expiration of the terms of the directors of the prior district which are first to expire, and directors shall be elected to succeed the directors of the prior district whose terms have expired. If the terms of two directors only have expired, the directors elected at the first biennial school election in the urban **school** district shall be elected for terms of six years. If the terms of four directors have expired, two directors shall be elected for terms of six years and two shall be elected for terms of four years. At the next succeeding biennial election held in the urban district, successors for the remaining directors of the prior seven-director district shall be elected. If only two directors are to be elected they shall be elected for terms of six years each. If four directors are to be elected, two shall be elected for terms of six years and two shall be elected for terms of two years. After seven directors of the urban district have been elected under this subsection, their successors shall be elected for terms of six years.

[4.**] 3.** In any school district in **[**any city with a population of one hundred thousand or more inhabitants which is located within a county of the first classification that adjoins no other county of the first classification, or any school district which becomes an urban school district by reason of the 2000 federal decennial census**] which a majority of the district is located in any home rule city with more than one hundred fifty-five thousand but fewer than two hundred thousand inhabitants**, elections shall be held annually at the same times and places as general municipal elections for all years where one or more terms expire, and the terms shall be for three years and until their successors are duly elected and qualified for all directors elected on and after August 28, 1998.

4. For any school district which becomes an urban school district by reason of the 2000 federal decennial census, elections shall be held annually at the same times and places as general municipal elections for all years where one or more terms expire, and the terms shall be for three years and until their successors are duly elected and qualified for all directors elected on and after August 28, 2001.

5. In any school district in any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants which becomes an urban school district by reason of the 2010 federal decennial census, elections shall be held annually at the same times and places as general municipal elections for all years where one or more terms expire, and the terms shall be for three years and until their successors are duly elected and qualified for all directors elected on and after April 2, 2012.

6. In any urban school district in a county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a home rule city with more than seventy-six thousand but fewer than ninety-one thousand inhabitants as the county seat, elections shall be held annually at the same times and places as general municipal elections for all years where one or more terms expire, and upon expiration of any term after August 28, 2015, the term of office shall be for three years and until their successors are duly elected and qualified.

162.491. DIRECTORS MAY BE NOMINATED BY PETITION, WHEN — CONTENTS OF PETITION, CERTAIN DISTRICTS — NO PETITION REQUIRED, BUCHANAN COUNTY. — 1. Directors for urban school districts, other than those districts containing the greater part of a city of over one hundred thirty thousand inhabitants, may be nominated by petition to be filed with the secretary of the board and signed by a number of voters in the district equal to ten percent of the total number of votes cast for the director receiving the highest number of votes cast at the next preceding biennial election**, except as provided in subsection 4 of this section**.

2. This section shall not be construed as providing the sole method of nominating candidates for the office of school director in urban districts which do not contain the greater part of a city of over three hundred thousand inhabitants.

3. A director for any urban school district containing a city of greater than one hundred thirty thousand inhabitants and less than three hundred thousand inhabitants may be nominated as an independent candidate by filing with the secretary of the board a petition signed by five hundred registered voters of such school district.

4. In any urban school district located in a home rule city with more than seventy-one thousand but fewer than seventy-nine thousand inhabitants, a candidate for director shall file a declaration of candidacy with the secretary of the board and shall not be required to submit a petition.

SECTION B. EMERGENCY CLAUSE. — Because of the need to ensure uniform and final election practices in township organization counties, and cities, towns, and villages, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force upon its passage and approval.

Vetoed April 3, 2015
Overridden April 8, 2015

HB 150 [HB 150]

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

Modifies the duration of unemployment compensation, the method to pay federal advances, and raises the fund trigger causing contribution rate reductions

AN ACT to repeal sections 288.036, 288.060, 288.120, 288.122, and 288.330, RSMo, and to enact in lieu thereof five new sections relating to employment security.

SECTION
- A. Enacting clause.
- 288.036. Wages defined — state taxable wage base.
- 288.060. Benefits, how paid — wage credits — benefits due decedent — benefit warrants cancelled, when — electronic funds transfer system, allowed — remote claims filing procedures required, contents, duties.
- 288.120. Employer's contribution rate, how determined — exception shared work plan, how computed — surcharges for employers taxed at the maximum rate.
- 288.122. If cash in fund exceeds certain amounts, contribution rate to decrease, amount — table — effective when.
- 288.330. State liability for benefits limited, authority for application and repayment of federal advances — board of unemployment fund financing created, duties, requirements, powers — disposition of unobligated funds.

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

SECTION A. ENACTING CLAUSE. — Sections 288.036, 288.060, 288.120, 288.122, and 288.330, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 288.036, 288.060, 288.120, 288.122, and 288.330, to read as follows:

288.036. WAGES DEFINED — STATE TAXABLE WAGE BASE. — 1. "Wages" means all remuneration, payable or paid, for personal services including commissions and bonuses and, except as provided in subdivision (7) of this section, the cash value of all remuneration paid in any medium other than cash. Gratuities, including tips received from persons other than the employing unit, shall be considered wages only if required to be reported as wages pursuant to the Federal Unemployment Tax Act, 26 U.S.C. Sec. 3306, and shall be, for the purposes of this chapter, treated as having been paid by the employing unit. Severance pay shall be considered

as wages to the extent required pursuant to the Federal Unemployment Tax Act, 26 U.S.C. Section 3306(b). Vacation pay**, termination pay, severance pay** and holiday pay shall be considered as wages for the week with respect to which it is payable. **The total amount of wages derived from severance pay, if paid to an insured in a lump sum, shall be pro-rated on a weekly basis at the rate of pay received by the insured at the time of termination for the purposes of determining unemployment benefits eligibility.** The term "wages" shall not include:

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

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

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

(c) Death;

(2) The amount of any payment on account of sickness or accident disability, or medical or hospitalization expenses in connection with sickness or accident disability, made by an employing unit to, or on behalf of, an individual performing services for it after the expiration of six calendar months following the last calendar month in which the individual performed services for such employing unit;

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

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

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

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

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

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

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

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

2. The increases or decreases to the state taxable wage base for the remainder of calendar year 2004 shall be eight thousand dollars, and the state taxable wage base in calendar year 2005, and each calendar year thereafter, shall be determined by the provisions within this subsection.

On January 1, 2005, the state taxable wage base for calendar year 2005, 2006, and 2007 shall be eleven thousand dollars. The taxable wage base for calendar year 2008 shall be twelve thousand dollars. The state taxable wage base for each calendar year thereafter shall be determined by the average balance of the unemployment compensation trust fund of the four preceding calendar quarters (September thirtieth, June thirtieth, March thirty-first, and December thirty-first of the preceding calendar year), less any outstanding federal Title XII advances received pursuant to section 288.330, less the principal, interest, and administrative expenses related to any credit instrument issued under section 288.030, and less the principal, interest, and administrative expenses related to any financial agreements under subdivision (17) of subsection 2 of section 288.330. When the average balance of the unemployment compensation trust fund of the four preceding quarters (September thirtieth, June thirtieth, March thirty-first, and December thirty-first of the preceding calendar year), as so determined is:

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

(2) Six hundred fifty million or more, then the state taxable wage base for the subsequent calendar year shall be decreased by five hundred dollars. In no event, however, shall the state taxable wage base increase beyond twelve thousand five hundred dollars, or decrease to less than seven thousand dollars. For calendar year 2009, the tax wage base shall be twelve thousand five hundred dollars. For calendar year 2010 and each calendar year thereafter, in no event shall the state taxable wage base increase beyond thirteen thousand dollars, or decrease to less than seven thousand dollars. For any calendar year, the state taxable wage base shall not be reduced to less than that part of the remuneration which is subject to a tax under a federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment compensation trust fund. Nothing in this section shall be construed to prevent the wage base from increasing or decreasing by increments of five hundred dollars.

288.060. BENEFITS, HOW PAID — WAGE CREDITS — BENEFITS DUE DECEDENT — BENEFIT WARRANTS CANCELLED, WHEN — ELECTRONIC FUNDS TRANSFER SYSTEM, ALLOWED — REMOTE CLAIMS FILING PROCEDURES REQUIRED, CONTENTS, DUTIES. — 1. All benefits shall be paid through employment offices in accordance with such regulations as the division may prescribe.

2. Each eligible insured worker who is totally unemployed in any week shall be paid for such week a sum equal to his or her weekly benefit amount.

3. Each eligible insured worker who is partially unemployed in any week shall be paid for such week a partial benefit. Such partial benefit shall be an amount equal to the difference between his or her weekly benefit amount and that part of his or her wages for such week in excess of twenty dollars, and, if such partial benefit amount is not a multiple of one dollar, such amount shall be reduced to the nearest lower full dollar amount. For calendar year 2007 and each year thereafter, such partial benefit shall be an amount equal to the difference between his or her weekly benefit amount and that part of his or her wages for such week in excess of twenty dollars or twenty percent of his or her weekly benefit amount, whichever is greater, and, if such partial benefit amount is not a multiple of one dollar, such amount shall be reduced to the nearest lower full dollar amount. **[**Termination pay, severance pay or**]** Pay received by an eligible insured worker who is a member of the organized militia for training or duty authorized by Section 502(a)(1) of Title 32, United States Code, shall not be considered wages for the purpose of this subsection.

4. The division shall compute the wage credits for each individual by crediting him or her with the wages paid to him or her for insured work during each quarter of his or her base period or twenty-six times his or her weekly benefit amount, whichever is the lesser. In addition, if a claimant receives wages in the form of termination pay or severance pay and such payment appears in a base period established by the filing of an initial claim, the claimant may, at his or her option, choose to have such payment included in the calendar quarter in which it was paid

or choose to have it prorated equally among the quarters comprising the base period of the claim. **[**The maximum total amount of benefits payable to any insured worker during any benefit year shall not exceed twenty times his or her weekly benefit amount, or thirty-three and one-third percent of his or her wage credits, whichever is the lesser.**]**For the purpose of this section, wages shall be counted as wage credits for any benefit year, only if such benefit year begins subsequent to the date on which the employing unit by whom such wages were paid has become an employer. The wage credits of an individual earned during the period commencing with the end of a prior base period and ending on the date on which he or she filed an allowed initial claim shall not be available for benefit purposes in a subsequent benefit year unless, in addition thereto, such individual has subsequently earned either wages for insured work in an amount equal to at least five times his or her current weekly benefit amount or wages in an amount equal to at least ten times his or her current weekly benefit amount.

5. **The duration of benefits payable to any insured worker during any benefit year shall be limited to:**

(1) Twenty weeks if the Missouri average unemployment rate is nine percent or higher;

(2) Nineteen weeks if the Missouri average unemployment rate is between eight and one half percent and nine percent;

(3) Eighteen weeks if the Missouri average unemployment rate is eight percent up to and including eight and one half percent;

(4) Seventeen weeks if the Missouri average unemployment rate is between seven and one half percent and eight percent;

(5) Sixteen weeks if the Missouri average unemployment rate is seven percent up to and including seven and one half percent;

(6) Fifteen weeks if the Missouri average unemployment rate is between six and one half percent and seven percent;

(7) Fourteen weeks if the Missouri average unemployment rate is six percent up to and including six and one half percent;

(8) Thirteen weeks if the Missouri average unemployment rate is below six percent.

As used in this subsection, the phrase "Missouri average unemployment rate" means the average of the seasonally adjusted statewide unemployment rates as published by the United States Department of Labor, Bureau of Labor Statistics, for the time periods of January first through March thirty-first and July first through September thirtieth. The average of the seasonally adjusted statewide unemployment rates for the time period of January first through March thirty-first shall be effective on and after July first of each year and shall be effective through December thirty-first. The average of the seasonally adjusted statewide unemployment rates for the time period of July first through September thirtieth shall be effective on and after January first of each year and shall be effective through June thirtieth; and

(9) The provisions of this subsection shall become effective January 1, 2016.

6. In the event that benefits are due a deceased person and no petition has been filed for the probate of the will or for the administration of the estate of such person within thirty days after his or her death, the division may by regulation provide for the payment of such benefits to such person or persons as the division finds entitled thereto and every such payment shall be a valid payment to the same extent as if made to the legal representatives of the deceased.

[6.] **7.** The division is authorized to cancel any benefit warrant remaining outstanding and unpaid one year after the date of its issuance and there shall be no liability for the payment of any such benefit warrant thereafter.

[7.] **8.** The division may establish an electronic funds transfer system to transfer directly to claimants' accounts in financial institutions benefits payable to them pursuant to this chapter. To receive benefits by electronic funds transfer, a claimant shall satisfactorily complete a direct

deposit application form authorizing the division to deposit benefit payments into a designated checking or savings account. Any electronic funds transfer system created pursuant to this subsection shall be administered in accordance with regulations prescribed by the division.

[8.] **9.** The division may issue a benefit warrant covering more than one week of benefits.

[9.] **10.** Prior to January 1, 2005, the division shall institute procedures including, but not limited to, name, date of birth, and Social Security verification matches for remote claims filing via the use of telephone or the internet in accordance with such regulations as the division shall prescribe. At a minimum, the division shall verify the Social Security number and date of birth when an individual claimant initially files for unemployment insurance benefits. If verification information does not match what is on file in division databases to what the individual is stating, the division shall require the claimant to submit a division-approved form requesting an affidavit of eligibility prior to the payment of additional future benefits. The division of employment security shall cross-check unemployment compensation applicants and recipients with Social Security Administration data maintained by the federal government at least weekly. The division of employment security shall cross-check at least monthly unemployment compensation applicants and recipients with department of revenue drivers license databases.

288.120. EMPLOYER'S CONTRIBUTION RATE, HOW DETERMINED — EXCEPTION SHARED WORK PLAN, HOW COMPUTED — SURCHARGES FOR EMPLOYERS TAXED AT THE MAXIMUM RATE. — 1. On each June thirtieth, or within a reasonable time thereafter as may be fixed by regulation, the balance of an employer's experience rating account, except an employer participating in a shared work plan under section 288.500, shall determine his contribution rate for the following calendar year as determined by the following table:

Percentage the Employer's Experience Rating Account is to that Employer's Average Annual Payroll		
Equals or Exceeds	Less Than	Contribution Rate
- -	-12.0	6.0%
-12.0	-11.0	5.8%
-11.0	-10.0	5.6%
-10.0	-9.0	5.4%
-9.0	-8.0	5.2%
-8.0	-7.0	5.0%
-7.0	-6.0	4.8%
-6.0	-5.0	4.6%
-5.0	-4.0	4.4%
-4.0	-3.0	4.2%
-3.0	-2.0	4.0%
-2.0	-1.0	3.8%
-1.0	0	3.6%
0	2.5	2.7%
2.5	3.5	2.6%
3.5	4.5	2.5%
4.5	5.0	2.4%
5.0	5.5	2.3%
5.5	6.0	2.2%
6.0	6.5	2.1%
6.5	7.0	2.0%
7.0	7.5	1.9%
7.5	8.0	1.8%
8.0	8.5	1.7%
8.5	9.0	1.6%
9.0	9.5	1.5%

9.5	10.0	1.4%
10.0	10.5	1.3%
10.5	11.0	1.2%
11.0	11.5	1.1%
11.5	12.0	1.0%
12.0	12.5	0.9%
12.5	13.0	0.8%
13.0	13.5	0.6%
13.5	14.0	0.4%
14.0	14.5	0.3%
14.5	15.0	0.2%
15.0	- -	0.0%

2. Using the same mathematical principles used in constructing the table provided in subsection 1 of this section, the following table has been constructed. The contribution rate for the following calendar year of any employer participating in a shared work plan under section 288.500 during the current calendar year or any calendar year during a prior three-year period shall be determined from the balance in such employer's experience rating account as of the previous June thirtieth, or within a reasonable time thereafter as may be fixed by regulation, from the following table:

Percentage the Employer's Experience Rating
Account is to that Employer's Average Annual Payroll

Equals or Exceeds	Less Than	Contribution Rate
- -	-27.0	9.0%
-27.0	-26.0	8.8%
-26.0	-25.0	8.6%
-25.0	-24.0	8.4%
-24.0	-23.0	8.2%
-23.0	-22.0	8.0%
-22.0	-21.0	7.8%
-21.0	-20.0	7.6%
-20.0	-19.0	7.4%
-19.0	-18.0	7.2%
-18.0	-17.0	7.0%
-17.0	-16.0	6.8%
-16.0	-15.0	6.6%
-15.0	-14.0	6.4%
-14.0	-13.0	6.2%
-13.0	-12.0	6.0%
-12.0	-11.0	5.8%
-11.0	-10.0	5.6%
-10.0	-9.0	5.4%
-9.0	-8.0	5.2%
-8.0	-7.0	5.0%
-7.0	-6.0	4.8%
-6.0	-5.0	4.6%
-5.0	-4.0	4.4%
-4.0	-3.0	4.2%
-3.0	-2.0	4.0%
-2.0	-1.0	3.8%
-1.0	0	3.6%
0	2.5	2.7%
2.5	3.5	2.6%

3.5	4.5	2.5%
4.5	5.0	2.4%
5.0	5.5	2.3%
5.5	6.0	2.2%
6.0	6.5	2.1%
6.5	7.0	2.0%
7.0	7.5	1.9%
7.5	8.0	1.8%
8.0	8.5	1.7%
8.5	9.0	1.6%
9.0	9.5	1.5%
9.5	10.0	1.4%
10.0	10.5	1.3%
10.5	11.0	1.2%
11.0	11.5	1.1%
11.5	12.0	1.0%
12.0	12.5	0.9%
12.5	13.0	0.8%
13.0	13.5	0.6%
13.5	14.0	0.4%
14.0	14.5	0.3%
14.5	15.0	0.2%
15.0	- -	0.0%

3. Notwithstanding the provisions of subsection 2 of section 288.090, any employer participating in a shared work plan under section 288.500 who has not had at least twelve calendar months immediately preceding the calculation date throughout which his account could have been charged with benefits shall have a contribution rate equal to the highest contribution rate in the table in subsection 2 of this section, until such time as his account has been chargeable with benefits for the period of time sufficient to enable him to qualify for a computed rate on the same basis as other employers participating in shared work plans.

4. Employers who have been taxed at the maximum rate pursuant to this section for two consecutive years shall have a surcharge of one-quarter percent added to their contribution rate calculated pursuant to this section. In the event that an employer remains at the maximum rate pursuant to this section for a third or subsequent year, an additional surcharge of one-quarter percent shall be annually assessed, but in no case shall the surcharge authorized in this subsection cumulatively exceed one percent. Additionally, if an employer continues to remain at the maximum rate pursuant to this section an additional surcharge of one-half percent shall be assessed. In no case shall the total surcharge assessed to any employer exceed one and one-half percent in any given year.

5. For a period of sixty days beginning with the effective date of this section, an employer who reasonably believes that he or she has been assigned an erroneous experience rating as a result of the purchase of a company shall have the right to file a timely appeal for recovery of overpayments for the last five years due to such erroneous assignment.

288.122. IF CASH IN FUND EXCEEDS CERTAIN AMOUNTS, CONTRIBUTION RATE TO DECREASE, AMOUNT — TABLE — EFFECTIVE WHEN. — On October first of each calendar year, if the average balance, less any federal advances, of the unemployment compensation trust fund of the four preceding quarters (September thirtieth, June thirtieth, March thirty-first and December thirty-first of the preceding calendar year) is more than [six] **seven** hundred **twenty** million dollars, then each employer's contribution rate calculated for the four calendar quarters of the succeeding calendar year shall be decreased by the percentage determined from the following table:

Balance in Trust Fund

More Than	Equal to or Less Than	Percentage of Decrease
[$600,000,000] **$720,000,000**	[$750,000,000] **$870,000,000**	7%
[$750,000,000] **$870,000,000**		12%.

Notwithstanding the table in this section, if the balance in the unemployment insurance compensation trust fund as calculated in this section is more than [seven] **eight** hundred [fifty] **seventy** million dollars, the percentage of decrease of the employer's contribution rate calculated for the four calendar quarters of the succeeding calendar year shall be no greater than ten percent for any employer whose calculated contribution rate under section 288.120 is six percent or greater.

288.330. STATE LIABILITY FOR BENEFITS LIMITED, AUTHORITY FOR APPLICATION AND REPAYMENT OF FEDERAL ADVANCES — BOARD OF UNEMPLOYMENT FUND FINANCING CREATED, DUTIES, REQUIREMENTS, POWERS — DISPOSITION OF UNOBLIGATED FUNDS. — 1. Benefits shall be deemed to be due and payable only to the extent that moneys are available to the credit of the unemployment compensation fund and neither the state nor the division shall be liable for any amount in excess of such sums. The governor is authorized to apply for an advance to the state unemployment fund and to accept the responsibility for the repayment of such advance in order to secure to this state and its citizens the advantages available under the provisions of federal law.

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

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

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

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

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

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

(c) In the event that any of the board members or officers of the board whose signatures or facsimile signatures appear on any credit instrument shall cease to be board members or officers before the delivery of such credit instrument, their signatures or facsimile signatures shall be valid and sufficient for all purposes as if such board members or officers had remained in office until delivery of such credit instrument.

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

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

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

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

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

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

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

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

(9) The board may prescribe the form, details, and incidents of the credit instruments and make such covenants that in its judgment are advisable or necessary to properly secure the payment thereof. If such credit instruments shall be authenticated by the bank or trust company acting as registrar for such by the manual signature of a duly authorized officer or employee thereof, the duly authorized officers of the board executing and attesting such credit instruments may all do so by facsimile signature provided such signatures have been duly filed as provided in the uniform facsimile signature of public officials law, sections 105.273 to 105.278, when duly authorized by resolution of the board, and the provisions of section 108.175 shall not apply to such credit instruments. The board may provide for the flow of funds and the establishment and maintenance of separate accounts within the special employment security fund, including the interest and sinking account, the reserve account, and other necessary accounts, and may make additional covenants with respect to the credit instruments in the documents authorizing the issuance of credit instruments including refunding credit instruments. The resolutions

authorizing the issuance of credit instruments may also prohibit the further issuance of credit instruments or other obligations payable from appropriated moneys or may reserve the right to issue additional credit instruments to be payable from appropriated moneys on a parity with or subordinate to the lien and pledge in support of the credit instruments being issued and may contain other provisions and covenants as determined by the board, provided that any terms, provisions or covenants provided in any resolution of the board shall not be inconsistent with the provisions of this section.

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

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

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

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

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

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

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

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

(b) The board is authorized to enter financial agreements with any lender for the purposes set forth in subdivision (1) of this subsection, or to refinance other financial agreements in whole or in part, upon the approval of the simple majority of the members of the board of a resolution authorizing such financial agreements, with no other proceedings required. In no instance shall the outstanding obligation under any financial agreement continue for more than ten years.

Repayment of obligations to lenders shall be made from the special employment security fund, section 288.310, subject to appropriation by the general assembly.

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

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

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

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

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

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

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

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

4. **[**For purposes of this section, as contained in senate substitute no. 2 for senate committee substitute for house substitute for house committee substitute for house bill nos. 1268 and 1211, ninety-second general assembly, second regular session, the revisor of statutes shall renumber subdivision (16) of subsection 2 of such section as subdivision (17) of such subsection and renumber subdivision (17) of subsection 2 of such section as subdivision (16) of such subsection.**]** **Notwithstanding any other law to the contrary, in the event that the amount of moneys owed by the fund for total advancements by the federal government exceeds three hundred million dollars, the board shall be required to meet to consider authorizing the issuance, sale, and delivery of credit instruments pursuant to this section for the entire amount of the debt owed.**

5. If credit instruments are issued under subsection 4 of this section, the interest assessment required under section 288.128 shall continue to be paid and used to fully

finance such instruments and shall be paid at the same rate applicable at the time of issuance for all subsequent years until the credit instruments are fully financed.

Vetoed May 5, 2015
Overridden September 16, 2015

HB 618 [SCS HCS HB 618]

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

Changes the laws regarding the disposition of human remains

AN ACT to repeal sections 193.015, 193.145, 194.119, and 214.208, RSMo, and to enact in lieu thereof four new sections relating to human remains.

SECTION
A. Enacting clause.
193.015. Definitions.
193.145. Death certificate — electronic system — contents, filing, locale, duties of certain persons, time allowed — certificate marked presumptive, when.
194.119. Right of sepulcher, the right to choose and control final disposition of a dead human body.
214.208. Disinterment authorized, when — consent required, when — cemetery owner not liable, when.

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

SECTION A. ENACTING CLAUSE. — Sections 193.015, 193.145, 194.119, and 214.208, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 193.015, 193.145, 194.119, and 214.208, to read as follows:

193.015. DEFINITIONS. — As used in sections 193.005 to 193.325, unless the context clearly indicates otherwise, the following terms shall mean:

(1) **"Advanced practice registered nurse", a person licensed to practice as an advanced practice registered nurse under chapter 335, and who has been delegated tasks outlined in section 193.145 by a physician with whom they have entered into a collaborative practice arrangement under chapter 334;**

(2) "Assistant physician", as such term is defined in section 334.036, and who has been delegated tasks outlined in section 193.145 by a physician with whom they have entered into a collaborative practice arrangement under chapter 334;

(3) "Dead body", a human body or such parts of such human body from the condition of which it reasonably may be concluded that death recently occurred;

[(2)**]** **(4)** "Department", the department of health and senior services;

[(3)**]** **(5)** "Final disposition", the burial, interment, cremation, removal from the state, or other authorized disposition of a dead body or fetus;

[(4)**]** **(6)** "Institution", any establishment, public or private, which provides inpatient or outpatient medical, surgical, or diagnostic care or treatment or nursing, custodian, or domiciliary care, or to which persons are committed by law;

[(5)**]** **(7)** "Live birth", the complete expulsion or extraction from its mother of a child, irrespective of the duration of pregnancy, which after such expulsion or extraction, breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached;

[(6)] **(8)** "Physician", a person authorized or licensed to practice medicine or osteopathy pursuant to chapter 334;

[(7)] **(9) "Physician assistant", a person licensed to practice as a physician assistant pursuant to chapter 334, and who has been delegated tasks outlined in section 193.145 by a physician with whom they have entered into a supervision agreement under chapter 334;**

(10) "Spontaneous fetal death", a noninduced death prior to the complete expulsion or extraction from its mother of a fetus, irrespective of the duration of pregnancy; the death is indicated by the fact that after such expulsion or extraction the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles;

[(8)] **(11)** "State registrar", state registrar of vital statistics of the state of Missouri;

[(9)] **(12)** "System of vital statistics", the registration, collection, preservation, amendment and certification of vital records; the collection of other reports required by sections 193.005 to 193.325 and section 194.060; and activities related thereto including the tabulation, analysis and publication of vital statistics;

[(10)] **(13)** "Vital records", certificates or reports of birth, death, marriage, dissolution of marriage and data related thereto;

[(11)] **(14)** "Vital statistics", the data derived from certificates and reports of birth, death, spontaneous fetal death, marriage, dissolution of marriage and related reports.

193.145. DEATH CERTIFICATE — ELECTRONIC SYSTEM — CONTENTS, FILING, LOCALE, DUTIES OF CERTAIN PERSONS, TIME ALLOWED — CERTIFICATE MARKED PRESUMPTIVE, WHEN. — 1. A certificate of death for each death which occurs in this state shall be filed with the local registrar, or as otherwise directed by the state registrar, within five days after death and shall be registered if such certificate has been completed and filed pursuant to this section. All data providers in the death registration process, including, but not limited to, the state registrar, local registrars, the state medical examiner, county medical examiners, coroners, funeral directors or persons acting as such, embalmers, sheriffs, attending physicians and resident physicians, **physician assistants, assistant physicians, advanced practice registered nurses,** and the chief medical officers of licensed health care facilities, and other public or private institutions providing medical care, treatment, or confinement to persons, shall be required to use and utilize any electronic death registration system required and adopted under subsection 1 of section 193.265 within six months of the system being certified by the director of the department of health and senior services, or the director's designee, to be operational and available to all data providers in the death registration process. However, should the person or entity that certifies the cause of death not be part of, or does not use, the electronic death registration system, the funeral director or person acting as such may enter the required personal data into the electronic death registration system and then complete the filing by presenting the signed cause of death certification to the local registrar, in which case the local registrar shall issue death certificates as set out in subsection 2 of section 193.265. Nothing in this section shall prevent the state registrar from adopting pilot programs or voluntary electronic death registration programs until such time as the system can be certified; however, no such pilot or voluntary electronic death registration program shall prevent the filing of a death certificate with the local registrar or the ability to obtain certified copies of death certificates under subsection 2 of section 193.265 until six months after such certification that the system is operational.

2. If the place of death is unknown but the dead body is found in this state, the certificate of death shall be completed and filed pursuant to the provisions of this section. The place where the body is found shall be shown as the place of death. The date of death shall be the date on which the remains were found.

3. When death occurs in a moving conveyance in the United States and the body is first removed from the conveyance in this state, the death shall be registered in this state and the place

where the body is first removed shall be considered the place of death. When a death occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space and the body is first removed from the conveyance in this state, the death shall be registered in this state but the certificate shall show the actual place of death if such place may be determined.

4. The funeral director or person in charge of final disposition of the dead body shall file the certificate of death. The funeral director or person in charge of the final disposition of the dead body shall obtain or verify **and enter into the electronic death registration system**:

(1) The personal data from the next of kin or the best qualified person or source available; **[**and**]**

(2) The medical certification from the person responsible for such certification **if designated to do so under subsection 5 of this section; and**

(3) Any other information or data that may be required to be placed on a death certificate or entered into the electronic death certificate system including, but not limited to, the name and license number of the embalmer.

5. The medical certification shall be completed, attested to its accuracy either by signature or an electronic process approved by the department, and returned to the funeral director or person in charge of final disposition within seventy-two hours after death by the physician**, physician assistant, assistant physician, advanced practice registered nurse** in charge of the patient's care for the illness or condition which resulted in death. In the absence of the physician**, physician assistant, assistant physician, advanced practice registered nurse** or with the physician's**, physician assistant's, assistant physician's, or advanced practice registered nurse's** approval the certificate may be completed and attested to its accuracy either by signature or an approved electronic process by the physician's associate physician, the chief medical officer of the institution in which death occurred, or the physician who performed an autopsy upon the decedent, provided such individual has access to the medical history of the case, views the deceased at or after death and death is due to natural causes. **The person authorized to complete the medical certification may, in writing, designate any other person to enter the medical certification information into the electronic death registration system if the person authorized to complete the medical certificate has physically or by electronic process signed a statement stating the cause of death. Any persons completing the medical certification or entering data into the electronic death registration system shall be immune from civil liability for such certification completion, data entry, or determination of the cause of death, absent gross negligence or willful misconduct.** The state registrar may approve alternate methods of obtaining and processing the medical certification and filing the death certificate. The Social Security number of any individual who has died shall be placed in the records relating to the death and recorded on the death certificate.

6. When death occurs from natural causes more than thirty-six hours after the decedent was last treated by a physician**, physician assistant, assistant physician, advanced practice registered nurse**, the case shall be referred to the county medical examiner or coroner or physician or local registrar for investigation to determine and certify the cause of death. If the death is determined to be of a natural cause, the medical examiner or coroner or local registrar shall refer the certificate of death to the attending physician**, physician assistant, assistant physician, advanced practice registered nurse** for such **[**physician's**]** certification. If the attending physician**, physician assistant, assistant physician, advanced practice registered nurse** refuses or is otherwise unavailable, the medical examiner or coroner or local registrar shall attest to the accuracy of the certificate of death either by signature or an approved electronic process within thirty-six hours.

7. If the circumstances suggest that the death was caused by other than natural causes, the medical examiner or coroner shall determine the cause of death and shall complete and attest to the accuracy either by signature or an approved electronic process the medical certification within seventy-two hours after taking charge of the case.

8. If the cause of death cannot be determined within seventy-two hours after death, the attending medical examiner [or]**,** coroner [or]**,** attending physician**, physician assistant, assistant physician, advanced practice registered nurse,** or local registrar shall give the funeral director, or person in charge of final disposition of the dead body, notice of the reason for the delay, and final disposition of the body shall not be made until authorized by the medical examiner [or]**,** coroner, attending physician**, physician assistant, assistant physician, advanced practice registered nurse,** or local registrar.

9. When a death is presumed to have occurred within this state but the body cannot be located, a death certificate may be prepared by the state registrar upon receipt of an order of a court of competent jurisdiction which shall include the finding of facts required to complete the death certificate. Such a death certificate shall be marked "Presumptive", show on its face the date of registration, and identify the court and the date of decree.

10. (1) The department of health and senior services shall notify all physicians, physician assistants, assistant physicians, and advanced practice registered nurses licensed under chapters 334 and 335 of the requirements regarding the use of the electronic vital records system provided for in this section.

(2) On or before August 30, 2015, the department of health and senior services, division of community and public health shall create a working group comprised of representation from the Missouri electronic vital records system users and recipients of death certificates used for professional purposes to evaluate the Missouri electronic vital records system, develop recommendations to improve the efficiency and usability of the system, and to report such findings and recommendations to the general assembly no later than January 1, 2016.

194.119. RIGHT OF SEPULCHER, THE RIGHT TO CHOOSE AND CONTROL FINAL DISPOSITION OF A DEAD HUMAN BODY. — 1. As used in this section, the term "right of sepulcher" means the right to choose and control the burial, cremation, or other final disposition of a dead human body.

2. For purposes of this chapter and chapters 193, 333, and 436, and in all cases relating to the custody, control, and disposition of deceased human remains, including the common law right of sepulcher, where not otherwise defined, the term "next-of-kin" means the following persons in the priority listed if such person is eighteen years of age or older, is mentally competent, and is willing to assume responsibility for the costs of disposition:

(1) An attorney in fact designated in a durable power of attorney wherein the deceased specifically granted the right of sepulcher over his or her body to such attorney in fact;

(2) For a decedent who was on active duty in the United States military at the time of death, the person designated by such decedent in the written instrument known as the United States Department of Defense Form 93, Record of Emergency Data, in accordance with P.L. 109-163, Section 564, 10 U.S.C. Section 1482;

(3) The surviving spouse;

(4) Any surviving child of the deceased. If a surviving child is less than eighteen years of age and has a legal or natural guardian, such child shall not be disqualified on the basis of the child's age and such child's legal or natural guardian, if any, shall be entitled to serve in the place of the child unless such child's legal or natural guardian was subject to an action in dissolution from the deceased. In such event the person or persons who may serve as next-of-kin shall serve in the order provided in subdivisions (5) to (9) of this subsection;

(5) (a) Any surviving parent of the deceased; or

(b) If the deceased is a minor, a surviving parent who has custody of the minor; or

(c) If the deceased is a minor and the deceased's parents have joint custody, the parent whose residence is the minor child's residence for purposes of mailing and education;

(6) Any surviving sibling of the deceased;

(7) The next nearest surviving relative of the deceased by consanguinity or affinity;

(8) Any person or friend who assumes financial responsibility for the disposition of the deceased's remains if no next-of-kin assumes such responsibility;

(9) The county coroner or medical examiner; provided however that such assumption of responsibility shall not make the coroner, medical examiner, the county, or the state financially responsible for the cost of disposition.

3. The next-of-kin of the deceased shall be entitled to control the final disposition of the remains of any dead human being consistent with all applicable laws, including all applicable health codes.

4. A funeral director or establishment is entitled to rely on and act according to the lawful instructions of any person claiming to be the next-of-kin of the deceased; provided however, in any civil cause of action against a funeral director or establishment licensed pursuant to this chapter for actions taken regarding the funeral arrangements for a deceased person in the director's or establishment's care, the relative fault, if any, of such funeral director or establishment may be reduced if such actions are taken in reliance upon a person's claim to be the deceased person's next-of-kin.

5. Any person who desires to exercise the right of sepulcher and who has knowledge of an individual or individuals with a superior right to control disposition shall notify such individual or individuals prior to making final arrangements.

6. If an individual with a superior claim is personally served with written notice from a person with an inferior claim that such person desires to exercise the right of sepulcher and the individual so served does not object within forty-eight hours of receipt, such individual shall be deemed to have waived such right. An individual with a superior right may also waive such right at any time if such waiver is in writing and dated.

7. If there is more than one person in a class who are equal in priority and the funeral director has no knowledge of any objection by other members of such class, the funeral director or establishment shall be entitled to rely on and act according to the instructions of the first such person in the class to make arrangements; provided that such person assumes responsibility for the costs of disposition and no other person in such class provides written notice of his or her objection. **If the funeral director has knowledge that there is more than one person in a class who are equal in priority and who do not agree on the disposition, the decision of the majority of the members of such class shall control the disposition.**

8. For purposes of conducting a majority vote under subsection 7 of this section, the funeral director shall allow voting by proxy using a written authorization or instrument.

214.208. DISINTERMENT AUTHORIZED, WHEN — CONSENT REQUIRED, WHEN — CEMETERY OWNER NOT LIABLE, WHEN. — 1. Every person or association which owns any cemetery in which dead human remains are buried or otherwise interred is authorized, at the cemetery owner's expense, to disinter individual remains and reinter or rebury the remains at another location within the cemetery in order to correct an error made in the original burial or interment of the remains.

2. Every person or association which owns any cemetery in which dead human remains are buried or otherwise interred is authorized to disinter individual remains and either to reinter or rebury the remains at another location within the cemetery or to deliver the remains to a carrier for transportation out of the cemetery, all pursuant to written instructions signed and acknowledged by **the next-of-kin at the time of death of the deceased person as set out in section 194.119. If the next-of-kin at the time of death as set out in section 194.119 is no longer living, then** a majority of the following adult members of the deceased person's family who are then known and living: surviving spouse, children, and parents **may authorize the disinterment**. If none of the above family members survive the deceased, then the majority of the grandchildren, brothers and sisters of whole and half blood may authorize the disinterment, relocation or delivery of the remains of the deceased. The costs of such disinterment, relocation or delivery shall be paid by the deceased person's family.

3. Every person or association which owns any cemetery in which dead human remains are buried or otherwise interred is authorized to disinter individual remains and either to reinter or rebury the remains at another location within the cemetery or to deliver the remains to a carrier for transportation out of the cemetery, all pursuant to a final order issued by the circuit court for the county in which the cemetery is located. The court may issue the order, in the court's discretion and upon such notice and hearing as the court shall deem appropriate, for good cause shown, including without limitation, the best interests of public health or safety, the best interests of the deceased person's family, or the reasonable requirements of the cemetery to facilitate the operation, maintenance, improvement or enlargement of the cemetery. The costs of such disinterment, relocation and delivery, and the related court proceedings, shall be paid by the persons so ordered by the court.

4. The cemetery owner**, cemetery operator, funeral director, funeral establishment, or any other person or entity involved in the process** shall not be liable to the deceased person's family or to any third party for a disinterment, relocation or delivery of deceased human remains made pursuant to this section.

Vetoed July 10, 2015
Overridden September 16, 2015

HB 722 [SS#2 HCS HB 722]

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

Changes the laws regarding prohibited ordinances by political subdivisions

AN ACT to amend chapters 260 and 285, RSMo, by adding thereto two new sections relating to prohibited ordinances by political subdivisions.

SECTION
- A. Enacting clause.
- 260.283. Paper or plastic bags, customers to have option, when — political subdivisions prohibited from imposing ban, fee, or tax on.
- 285.055. Minimum wage and benefits, political subdivisions not to require employers to provide more than federal or state requirements — definitions.

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

SECTION A. ENACTING CLAUSE. — Chapters 260 and 285, RSMo, are amended by adding thereto two new sections, to be known as sections 260.283 and 285.055, to read as follows:

260.283. PAPER OR PLASTIC BAGS, CUSTOMERS TO HAVE OPTION, WHEN — POLITICAL SUBDIVISIONS PROHIBITED FROM IMPOSING BAN, FEE, OR TAX ON. — 1. All merchants, itinerant vendors, and peddlers doing business in this state shall have the option to provide customers either a paper or a plastic bag for the packaging of any item or good purchased, provided such purchase is of a size and manner commensurate with the use of paper and plastic bags.

2. Notwithstanding any other provision of law, no political subdivision shall impose any ban, fee, or tax upon the use of either paper or plastic bags for packaging of any item or good purchased from a merchant, itinerant vendor, or peddler. No political subdivision shall prohibit a consumer from using a reusable bag for the packaging of any item or good purchased from a merchant, itinerant vendor, or peddler.

285.055. MINIMUM WAGE AND BENEFITS, POLITICAL SUBDIVISIONS NOT TO REQUIRE EMPLOYERS TO PROVIDE MORE THAN FEDERAL OR STATE REQUIREMENTS — DEFINITIONS. — 1. As used in this section, the following terms shall mean:

(1) "Employee", an individual employed in this state by an employer;

(2) "Employer", any individual, sole proprietorship, partnership, limited liability company, corporation, or any other entity that is legally doing business in this state; provided, however, that employer shall not include any public employer as defined in section 285.525;

(3) "Employment benefits", anything of value that an employee may receive from an employer in addition to wages and salary. The term includes, but is not limited to, health, disability, retirement, profit-sharing, and death benefits; group accidental death and dismemberment benefits; paid or unpaid days off from work for holidays, sick leave, vacation, and personal necessity; and terms of employment, attendance, or leave policies;

(4) "Political subdivision", any county, city, town, or village.

2. No political subdivision shall establish, mandate, or otherwise require an employer to provide to an employee:

(1) A minimum or living wage rate; or

(2) Employment benefits;

that exceed the requirements of federal or state laws, rules, or regulations. The provisions of this subsection shall not preempt any state law or local minimum wage ordinance requirements in effect on August 28, 2015.

Vetoed July 10, 2015
Overridden September 16, 2015

HB 878 [SCS HB 878]

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

Specifies that the Department of Public Safety must have the authority to commission corporate security advisors and establishes procedures to do so

AN ACT to repeal section 590.750, RSMo, and to enact in lieu thereof one new section relating to corporate security advisors, with an existing penalty provision.

SECTION
A. Enacting clause.
590.750. Department to have sole authority to regulate and license advisors — acting without a license, penalty — rulemaking authority.

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

SECTION A. ENACTING CLAUSE. — Section 590.750, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 590.750, to read as follows:

590.750. DEPARTMENT TO HAVE SOLE AUTHORITY TO REGULATE AND LICENSE ADVISORS — ACTING WITHOUT A LICENSE, PENALTY — RULEMAKING AUTHORITY. — 1. The department of public safety shall have the sole authority to regulate and license all corporate security advisors. **Licensed corporate security advisors who are not also commissioned by the department shall not have the power of arrest for violations of the criminal code, except as otherwise provided by law.**

2. The director shall have the sole authority to commission corporate security advisors. No person shall hold a commission as a corporate security advisor without a valid peace officer license. The director shall commission corporate security advisors as he or she deems appropriate, taking into consideration the education, training, and experience of each individual in relation to the powers of peace officers and the limitations on the powers of peace officers in regard to the constitutional rights of citizens to be secure in their persons and property. Each individual commissioned by the department shall be issued a commission by the director of the department and before entering into the performance of his or her duties shall subscribe before the clerk of a circuit court of this state an oath, in the form prescribed by article VII, section 11 of the Constitution of Missouri, to support the constitution and laws of the United States and this state; to faithfully demean himself or herself in the office; and to faithfully perform the duties of the office. The executed oath of office, along with a copy of the individual's commission, shall be filed with the director until the commission is terminated or revoked.

3. The authority and jurisdiction of a corporate security advisor shall be limited only by the geographical limits of the state, unless the corporate security advisor's license is recognized by the laws or regulations of another state or the federal government.

[2.] **4. The department shall establish a minimum amount of liability insurance to be provided by the prospective or current employer of the corporate security advisor, and require the employer to provide a statement that the corporate security advisor will be included in the policy as a named insured.**

5. Acting as a corporate security advisor without a license from the department of public safety is a class A misdemeanor.

[3.] **6.** The director may promulgate rules to implement the provisions of this section under chapter 536 and section 590.190.

[4.] **7.** Any corporate security advisor licensed as of February 1, 2014 shall not be required to apply for a new license from the department until the advisor's license expires or is otherwise revoked.

8. All applications for corporate security advisor licenses shall be made upon such forms and in such manner as the director shall prescribe. The department shall charge a fee for issuance of a license under this section, in an amount, not to exceed two hundred dollars, established by regulation promulgated in accordance with the provisions of chapter 536.

9. Nothing in this section is intended to nor shall it be construed as a waiver of sovereign immunity or the acknowledgment or creation of any liability on the part of the state for personal injury, death, or property damage. The department of public safety and the director shall have immunity from civil liability arising out of the commissioning of corporate security advisors under this section.

Vetoed July 10, 2015
Overridden September 16, 2015

HB 1022 [HB 1022]

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

Authorizes a return of premiums paid by insureds

AN ACT to repeal section 379.470, RSMo, and to enact in lieu thereof one new section relating to authorized return of premiums paid by insureds.

SECTION
A. Enacting clause.
379.470. Provisions governing rates.

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

SECTION A. ENACTING CLAUSE. — Section 379.470, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 379.470, to read as follows:

379.470. PROVISIONS GOVERNING RATES. — The rates made by each insurer or rating organization shall be subject to the following provisions:

(1) Rates shall not be excessive or inadequate, as herein defined, nor shall they be unfairly discriminatory.

(2) No rate shall be held to be excessive unless such rate is unreasonably high for the insurance provided and a reasonable degree of competition does not exist in the area with respect to the classification to which such rate is applicable.

(3) No rate shall be held to be inadequate unless such rate is unreasonably low for the insurance provided and the continued use of such rate endangers the solvency of the insurer using the same, or unless such rate is unreasonably low for the insurance provided and the use of such rate by the insurer using same has, or if continued will have, the effect of destroying competition or creating a monopoly.

(4) Due consideration shall be given to past and prospective loss experience within this state and consideration may also be given to past and prospective loss experience outside this state to the extent appropriate. Each insurer and rating organization may also give consideration to physical hazards, to catastrophe hazards, if any, to a reasonable margin for underwriting profit and contingencies, to dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members or subscribers, to past and prospective expenses both countrywide and those especially applicable to this state, and to any other factors within or outside this state which the insurer or rating organization deems relevant to the making of rates.

(5) The systems of expense provisions included in the rates for use by any insurer or group of insurers may differ from those of other insurers or groups of insurers to reflect the requirements of the operating methods of any such insurer or group with respect to any kind of insurance, or with respect to any subdivision or combination thereof for which subdivision or combination separate expense provisions are applicable.

(6) Risks may be grouped by classifications for the establishment of rates and minimum premiums. Classification rates may be modified to produce rates for individual risks in accordance with standards for measuring variations in hazards or expense provisions, or both. Such standards may measure any differences among risks that can be demonstrated to have a probable effect upon losses or expenses. Classifications or modifications of classification or any portion or any division thereof, of risks may be predicated upon size, expense, management, individual experience, purpose of insurance, location or dispersion of hazard, or any other reasonable considerations, provided such classifications and modifications shall be applicable to the fullest practicable extent to all risks under the same or substantially the same circumstances or conditions. Classification rates may also be modified to produce rates for individual or special risks which are not susceptible to measurement by any established standards.

(7) Except to the extent necessary to meet the provisions of subdivision (1) of this section, uniformity among insurers in any matters within the scope of this section is not required.

(8) Any rate, rating schedule, rating system, or rating plan may return or refund a portion of its expense savings to the insured if the insured makes no reportable claim under specified coverages within a prescribed period of time established by the insurer, regardless of whether such claim is due to the fault of the insured. Such return of savings may be represented as a predetermined portion of the premium, and shall not constitute a rebate or an unfair trade practice under sections 375.930 to 375.948.

Vetoed July 10, 2015
Overridden September 16, 2015

HB 1098 [SCS HB 1098]

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

Changes the laws regarding trust companies

AN ACT to repeal section 362.600, RSMo, and to enact in lieu thereof one new section relating to trust companies.

SECTION
A. Enacting clause.
362.600. Reciprocal corporate fiduciary powers — certificates of reciprocity.

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

SECTION A. ENACTING CLAUSE. — Section 362.600, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 362.600, to read as follows:

362.600. RECIPROCAL CORPORATE FIDUCIARY POWERS — CERTIFICATES OF RECIPROCITY. — 1. The term "out-of-state bank or trust company", as used in this section, shall mean:

(1) Any bank or trust company now or hereafter organized under the laws of any state of the United States other than Missouri; and

(2) Any national banking association or any thrift institution under the jurisdiction of the office of **[**thrift supervision**]** **the comptroller of the currency** having its principal place of business in any state of the United States other than Missouri.

2. Except as provided in **[**subsection**]** **subsections 4 and** 6 of this section, any out-of-state bank or trust company may act in this state as trustee, executor, administrator, guardian, or in any other like fiduciary capacity, without the necessity of complying with any law of this state relating to the licensing of foreign banking corporations by the director of finance or relating to the qualifications of foreign corporations to do business in this state, and notwithstanding any prohibition, limitation or restriction contained in any other law of this state, provided only that:

(1) The out-of-state bank or trust company is authorized to act in this fiduciary capacity or capacities in the state in which it is incorporated, or, if the out-of-state bank or trust company be a national banking association, or a thrift institution, it is authorized to act in this fiduciary capacity or capacities in the state in which it has its principal place of business; and

(2) Any bank or other corporation organized under the laws of this state or a national banking association or thrift institution having its principal place of business in this state may act in these fiduciary capacities in that state without further showing or qualification, other than that it is authorized to act in these fiduciary capacities in this state, compliance with minimum capital, bonding, or securities pledge requirements applicable to all banks and trust companies doing business in that state, and compliance with any law of that state concerning service of process:

(a) Which may require the appointment of an official or other person for the receipt of process; or

(b) Which contains provisions to the effect that any bank or trust company which is not incorporated under the laws of that state, or if a national bank or thrift institution then which does not have its principal place of business in that state, acting in that state in a fiduciary capacity pursuant to provisions of law making it eligible to do so, shall be deemed to have appointed an

official of that state to be its true and lawful attorney upon whom may be served all legal process in any action or proceeding against it relating to or growing out of any trust, estate or matter in respect of which the entity has acted or is acting in that state in this fiduciary capacity, and that the acceptance of or engagement in that state in any acts in this fiduciary capacity shall be deemed its agreement that the process against it, which is so served, shall be of the same legal force and validity as though served upon it personally, or which contains any substantially similar provisions.

3. Any out-of-state bank or trust company eligible to act in any fiduciary capacity in this state pursuant to the provisions of this section may so act whether or not a resident of this state be acting with it in this capacity, may use its corporate name in connection with such activity in this state, and may be appointed to act in this fiduciary capacity by any court having jurisdiction in the premises, all notwithstanding any provision of law to the contrary. Nothing in this section contained shall be construed to prohibit or make unlawful any activity in this state by a bank or trust company which is not incorporated under the laws of this state, or if a national bank or thrift institution then which does not have its principal place of business in this state, which would be lawful in the absence of this section.

4. Except as provided in subsection 6 of this section, prior to the time when any out-of-state bank or trust company acts pursuant to the authority of this section in any fiduciary capacity or capacities in this state, the out-of-state bank or trust company shall file with the director of finance a written application for a certificate of reciprocity and the director of finance shall issue the certificate to the out-of-state bank or trust company. The application shall state **the information set forth in the following subdivisions (1) to (7), and the out-of-state bank or trust company shall be subject to the following subdivisions (8) to (10)**:

(1) The correct corporate name of the out-of-state bank or trust company;

(2) The name of the state under the laws of which it is incorporated, or if the out-of-state bank or trust company is a national banking association or thrift institution shall state that fact;

(3) The address of its principal business office;

(4) In what fiduciary capacity or capacities it desires to act, in the state of Missouri;

(5) **Whether the out-of-state bank or trust company intends to establish a trust representative office, facility, branch, or other physical location in the state of Missouri and the activities to be conducted at such office, facility, branch, or location;**

(6) That it is authorized to act in a similar fiduciary capacity or capacities in the state in which it is incorporated, or, if it is a national banking association, in which it has its principal place of business;

[(6)**]** **(7)** That the application shall constitute the irrevocable appointment of the director of finance of Missouri as its true and lawful attorney to receive service of all legal process in any action or proceeding against it relating to or growing out of any trust, estate or matter in respect of which the out-of-state bank or trust company may act in this state in the fiduciary capacity pursuant to the certificate of reciprocity applied for;

[(7)**]** **(8) Subject to subdivision (10) of this subsection** unless the out-of-state bank or trust company verifies to the director of the division of finance that it satisfies capital requirements equal to the new charter requirement for a Missouri trust company or that it maintains a bond for the faithful performance of all its fiduciary activities equivalent to the Missouri capital requirements, the director may require the applicant to submit a bond issued by a surety company authorized to do business in the state of Missouri in the minimum amount of one million dollars in a form or such greater amount acceptable to the director of the division of finance. The surety bond shall secure the faithful performance of the fiduciary obligations of the out-of-state bank or trust company in Missouri.

(9) The application shall be verified by an officer of the out-of-state bank or trust company, and there shall be filed with it such certificates of public officials and copies of documents certified by public officials as may be necessary to show that the out-of-state bank or trust company is authorized to act in a fiduciary capacity or capacities similar to those in which it

desires to act in the state of Missouri, in the state in which it is incorporated, or, if it is a national banking association in which it has its principal place of business. The director of finance shall, thereupon, if the out-of-state bank or trust company is one which may act in the fiduciary capacity or capacities as provided in subsection 2 of this section, issue to the entity a certificate of reciprocity, retaining a duplicate thereof together with the application and accompanying documents in his or her office. The certificate of reciprocity shall recite and certify that the out-of-state bank or trust company is eligible to act in this state pursuant to this section and shall recite the fiduciary capacity or capacities in which the out-of-state bank or trust company is eligible so to act.

(10) Notwithstanding subdivision (8) of this subsection, to facilitate interstate reciprocity under this section, the director may enter a memorandum of understanding with the bank or trust company regulator of another jurisdiction to accept the capital requirements of that jurisdiction in lieu of the Missouri minimum capital or bond requirements set forth in subdivision (8) of this subsection and establish such other terms to assure reciprocal interstate treatment for Missouri chartered bank or trust companies in that jurisdiction.

5. A certificate of reciprocity issued to any out-of-state bank or trust company shall remain in effect until the out-of-state bank or trust company shall cease to be entitled under subsection 2 of this section to act in this state in the fiduciary capacity or capacities covered by the certificate, and thereafter until revoked by the director of finance. If at any time the out-of-state bank or trust company shall cease to be entitled under subsection 2 of this section to act in this state in the fiduciary capacity or capacities covered by the certificate, the director of finance shall revoke the certificate and give written notice of the revocation to the out-of-state bank or trust company. No revocation of any certificate of reciprocity shall affect the right of the out-of-state bank or trust company to continue to act in this state in a fiduciary capacity in estates or matters in which it has theretofore begun to act in a fiduciary capacity pursuant to the certificate.

6. An out-of-state bank or trust company shall not establish or maintain **[**in this state a place of business, branch office or agency for the conduct**]** **a trust representative office, facility, branch, or other physical location** in this state **[**of**]** **for the conduct of** business as a fiduciary unless:

(1) The out-of-state bank or trust company is under the control of a Missouri bank or a Missouri bank holding company, as these terms are defined in section 362.925, and the out-of-state bank or trust company has complied with the requirements relating to the qualifications of out-of-state bank or trust company to do business in this state;

(2) The out-of-state bank or trust company is a bank, trust company or national banking association in good standing that possesses fiduciary powers from its chartering authority and is the surviving corporation to a merger or consolidation with a national banking association located in Missouri or a Missouri bank or trust company **or is otherwise authorized by federal law to establish a branch in Missouri**. The provisions of this subdivision are enacted to implement subsection 2 of this section and section 362.610, and the provisions of Title 12, U.S.C. 36**[**(f)(2)**]** of the National Bank Act **and other applicable federal law**; or

(3) The out-of-state bank or trust company is a state-chartered bank, savings and loan association, trust company, national banking association, or thrift institution in good standing that possesses fiduciary powers and has received a certificate of reciprocity, in which case it may **[**only**]** open a trust representative office**, facility, branch, or other physical location** in Missouri **[**which is not otherwise a branch of such out-of-state bank or trust company**]**, provided a bank, savings and loan association or trust company chartered under the laws of Missouri and a national bank or thrift institution with its principal location in Missouri, all with fiduciary powers, are permitted to open and operate **such** a trust representative office**, facility, branch, or other physical location** under the same or less restrictive conditions in the state in which the out-of-state bank or trust company is organized or has its principal office.

7. An out-of-state bank or trust company, insofar as it acts in a fiduciary capacity in this state pursuant to the provisions of this section, shall not be deemed to be transacting business in this state, if the out-of-state bank or trust company does not establish or maintain in this state a place of business, branch office, or agency for the conduct in this state of business as a fiduciary.

8. Every out-of-state bank or trust company to which a certificate of reciprocity shall have been issued shall be deemed to have appointed the director of finance to be its true and lawful attorney upon whom may be served all legal process in any action or proceeding against it relating to or growing out of any trust, estate or matter in respect of which the out-of-state bank or trust company acts in this state in any fiduciary capacity pursuant to the certificate of reciprocity. Service of the process shall be made by delivering a copy of the summons or other process, with a copy of the petition when service of the copy is required by law, to the director of finance or to any person in his or her office authorized by him to receive the service. The director of finance shall immediately forward the process, together with the copy of the petition, if any, to the out-of-state bank or trust company, by registered mail, addressed to it at the address on file with the director, or if there be none on file then at its last known address. The director of finance shall keep a permanent record in his or her office showing for all **such** process served, the style of the action or proceeding, the court in which it was brought, the name and title of the officer serving the process, the day and hour of service, and the day of mailing by registered mail to the out-of-state bank or trust company and the address to which mailed. In case the process is issued by a court, the same may be directed to and served by any officer authorized to serve process in the city or county where the director of finance shall have his or her office, at least fifteen days before the return thereof. **If an out-of-state bank or trust company has established a trust representative office, trust facility, branch, or other physical location in the state of Missouri, that bank or trust company may also be served legal process at any such location by service upon any officer, agent, or employee at that location**.

Vetoed July 7, 2015
Overridden September 16, 2015

SB 20 [SB 20]

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

Creates a sales and use tax exemption for materials and utilities used by commercial laundries

AN ACT to repeal section 144.054, RSMo, and to enact in lieu thereof one new section relating to a sales tax exemption for commercial laundries.

SECTION
A. Enacting clause.
144.054. Additional sales tax exemptions for various industries and political subdivisions.

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

SECTION A. ENACTING CLAUSE. — Section 144.054, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 144.054, to read as follows:

144.054. ADDITIONAL SALES TAX EXEMPTIONS FOR VARIOUS INDUSTRIES AND POLITICAL SUBDIVISIONS. — 1. As used in this section, the following terms mean:

(1) "Processing", any mode of treatment, act, or series of acts performed upon materials to transform or reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(2) "Recovered materials", those materials which have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not they require subsequent separation and processing.

2. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, electrical energy and gas, whether natural, artificial, or propane, water, coal, and energy sources, chemicals, machinery, equipment, and materials used or consumed in the manufacturing, processing, compounding, mining, or producing of any product, or used or consumed in the processing of recovered materials, or used in research and development related to manufacturing, processing, compounding, mining, or producing any product. The exemptions granted in this subsection shall not apply to local sales taxes as defined in section 32.085 and the provisions of this subsection shall be in addition to any state and local sales tax exemption provided in section 144.030.

3. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, all utilities, machinery, and equipment used or consumed directly in television or radio broadcasting and all sales and purchases of tangible personal property, utilities, services, or any other transaction that would otherwise be subject to the state or local sales or use tax when such sales are made to or purchases are made by a contractor for use in fulfillment of any obligation under a defense contract with the United States government, and all sales and leases of tangible personal property by any county, city, incorporated town, or village, provided such sale or lease is authorized under chapter 100, and such transaction is certified for sales tax exemption by the department of economic development, and tangible personal property used for railroad infrastructure brought into this state for processing, fabrication, or other modification for use outside the state in the regular course of business.

4. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, all sales and purchases of tangible personal property, utilities, services, or any other transaction that would otherwise be subject to the state or local sales or use tax when such sales are made to or purchases are made by a private partner for use in completing a project under sections 227.600 to 227.669.

5. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, all materials, manufactured goods, machinery and parts, electrical energy and gas, whether natural, artificial or propane, water, coal and other energy sources, chemicals, soaps, detergents, cleaning and sanitizing agents, and other ingredients and materials inserted by commercial or industrial laundries to treat, clean, and sanitize textiles in facilities which process at least five hundred pounds of textiles per hour and at least sixty thousand pounds per week.

Vetoed July 10, 2015
Overridden September 16, 2015

SB 24 [CCS HCS SS#2 SCS SB 24]

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

Modifies provisions of law relating to the Temporary Assistance for Needy Families Program and the Supplemental Nutrition Assistance Program

AN ACT to repeal section 208.040, RSMo, and to enact in lieu thereof four new sections relating to nonmedical public assistance.

SECTION
A. Enacting clause.
208.026. Citation of law — work activities defined — TANF recipients required to engage in work activity — rulemaking authority.
208.040. Temporary assistance benefits — eligibility for — assignment of rights to support to state, when, effect of — authorized policies.
208.067. TANF set-aside minimums for certain programs.
208.244. Waiver of SNAP work requirements, inapplicable, when — savings used for child care assistance — annual report.

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

SECTION A. ENACTING CLAUSE. — Section 208.040, RSMo, is repealed and four new sections enacted in lieu thereof, to be known as sections 208.026, 208.040, 208.067, and 208.244, to read as follows:

208.026. CITATION OF LAW — WORK ACTIVITIES DEFINED — TANF RECIPIENTS REQUIRED TO ENGAGE IN WORK ACTIVITY — RULEMAKING AUTHORITY. — 1. Sections 208.026, 208.040, 208.067, and 208.244 shall be known and may be cited as the "Strengthening Missouri Families Act".

2. For the purposes of this section and sections 208.040 and 208.244, "work activities" shall have the same meaning as defined in 42 U.S.C. Section 607(d), including:

(1) Unsubsidized employment;

(2) Subsidized private sector employment;

(3) Subsidized public sector employment;

(4) Work experience, including work associated with refurbishing of publicly assisted housing, if sufficient private sector employment is not available;

(5) On-the-job training;

(6) Job search and job readiness assistance, which shall include utilization of the state employment database website. The department shall, in conjunction with the department of economic development, create a database tracking method in order to track temporary assistance for needy families benefits recipients' utilization of the employment database for the purpose of recording work activities, as well as include information on the state employment database website about the temporary assistance for needy families program's eligibility and work requirements, application process, and contact information;

(7) Community service programs;

(8) Vocational educational training, provided that such training does not exceed twelve months for any individual;

(9) Job skills training directly related to employment;

(10) Education directly related to employment for individuals who have not received a high school diploma or certificate of high school equivalency;

(11) Satisfactory attendance at a secondary school, provided that the individual has not already completed secondary school; and

(12) Provision of child care services to an individual who is participating in a community service program.

3. Beginning January 1, 2016, any parent or caretaker seeking assistance under the temporary assistance for needy families program shall engage in work activities before becoming eligible for benefits, unless such individual is otherwise exempt from the work requirement.

4. If after an investigation the department determines that a person is not cooperating with a work activity requirement under the temporary assistance for needy families program, a representative of the department shall meet face-to- face with the person to explain the potential sanction and the requirements to cure the sanction. After the meeting, the person shall have six weeks to comply with the work activity requirement, during which time no sanction of benefits shall occur. If the person does not comply with the work activity requirement within that six-week period, the department shall immediately apply a sanction terminating fifty percent of the amount of temporary assistance benefits to or for the person and the person's family for a maximum of ten weeks. During that period of sanctions, the person shall remain on the caseload in sanction status and a representative of the department shall attempt to meet face-to-face with the person to explain the existing sanction and the requirements to cure the sanction. To cure a sanction, the person shall perform work activities for at least a minimum average of thirty hours per week for one month, as described in 45 CFR 261.31(d). If the person does not cure the sanction, the case shall be closed.

5. To return to the temporary assistance for needy families benefits program after having been sanctioned off the caseload under subsection 4 of this section, the person shall complete work activities for a minimum average of thirty hours per week within one month of the temporary assistance eligibility interview.

6. This section does not prohibit the state from providing child care or any other related social or support services for a person who is eligible for financial assistance but to whom that assistance is not paid because of the person's failure to cooperate with the work activity.

7. In order to encourage the formation and maintenance of two-parent families, when a temporary assistance for needy families benefits recipient marries, the new spouse's income and assets shall be disregarded for six consecutive months. This disregard shall be a once-in-a-lifetime benefit for the recipient.

8. The department shall promulgate rules to implement this section including procedures to determine whether a person has cooperated with the requirements of the work activity and procedures for notification of a caretaker relative, second parent, or payee receiving the financial assistance on behalf of the person's family unit. 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, 2015, shall be invalid and void.

208.040. TEMPORARY ASSISTANCE BENEFITS — ELIGIBILITY FOR — ASSIGNMENT OF RIGHTS TO SUPPORT TO STATE, WHEN, EFFECT OF — AUTHORIZED POLICIES. — 1. Temporary assistance benefits shall be granted on behalf of a dependent child or children and

may be granted to the parents or other needy eligible relative caring for a dependent child or children who:

(1) Is under the age of eighteen years; or is under the age of nineteen years and a full-time student in a secondary school (or at the equivalent level of vocational or technical training), if before the child attains the age of nineteen the child may reasonably be expected to complete the program of the secondary school (or vocational or technical training);

(2) Has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, and who is living with father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew or niece, in a place of residence maintained by one or more of such relatives as the child's own home, and financial aid for such child is necessary to save the child from neglect and to secure for the child proper care in such home. Physical or mental incapacity shall be certified to by competent medical or other appropriate authority designated by the family support division, and such certificate is hereby declared to be competent evidence in any proceedings concerning the eligibility of such claimant to receive temporary assistance benefits. Benefits may be granted and continued for this reason only while it is the judgment of the family support division that a physical or mental defect, illness or disability exists which prevents the parent from performing any gainful work;

(3) Is not receiving supplemental aid to the blind, blind pension, supplemental payments, or aid or public relief as an unemployable person;

(4) Is a resident of the state of Missouri.

2. The family support division shall require as additional conditions of eligibility for benefits that each applicant for or recipient of assistance:

(1) Shall furnish to the division the applicant's or recipient's Social Security number or numbers, if the applicant or recipient has more than one such number;

(2) Shall assign to the family support division in behalf of the state any rights to support from any other person such applicant may have in the applicant's own behalf or in behalf of any other person for whom the applicant is applying for or receiving assistance. An application for benefits made under this section shall constitute an assignment of support rights which shall take effect, by operation of law, upon a determination that the applicant is eligible for assistance under this section. The assignment shall comply with the requirements of 42 U.S.C. Section 608(a)(3) and authorizes the family support division of the department of social services to bring any administrative or judicial action to establish or enforce a current support obligation, to collect support arrearages accrued under an existing order for support, or to seek reimbursement of support provided by the division;

(3) Shall cooperate with the family support division unless the division determines in accordance with federally prescribed standards that such cooperation is contrary to the best interests of the child on whose behalf assistance is claimed or to the caretaker of such child, in establishing the paternity of a child born out of wedlock with respect to whom assistance is claimed, and in obtaining support payments for such applicant and for a child with respect to whom such assistance is claimed, or in obtaining any other payments or property due such applicant or such child. The family support division shall impose all penalties allowed pursuant to federal participation requirements;

(4) Shall cooperate with the department of social services in identifying and providing information to assist the state in pursuing any third party who may be liable to pay for care and services available under the state's plan for medical assistance as provided in section 208.152, unless such individual has good cause for refusing to cooperate as determined by the department of social services in accordance with federally prescribed standards; and

(5) Shall participate in any program designed to reduce the recipient's dependence on welfare, if requested to do so by the department of social services.

3. The division shall require as a condition of eligibility for temporary assistance benefits that a minor child under the age of eighteen who has never married and who has a dependent

child in his or her care, or who is pregnant and otherwise eligible for temporary assistance benefits, shall reside in a place of residence maintained by a parent, legal guardian, or other adult relative or in some other adult-supervised supportive living arrangement, as required by Section 403 of P.L. 100-485. Exceptions to the requirements of this subsection shall be allowed in accordance with requirements of the federal Family Support Act of 1988 in any of the following circumstances:

(1) The individual has no parent or legal guardian who is living or the whereabouts of the individual's parent or legal guardian is unknown; or

(2) The family support division determines that the physical health or safety of the individual or the child of the individual would be jeopardized; or

(3) The individual has lived apart from any parent or legal guardian for a period of at least one year prior to the birth of the child or applying for benefits; or

(4) The individual claims to be or to have been the victim of abuse while residing in the home where she would be required to reside and the case has been referred to the child abuse hotline and a "reason to suspect finding" has been made. Households where the individual resides with a parent, legal guardian or other adult relative or in some other adult-supervised supportive living arrangement shall, subject to federal waiver to retain full federal financial participation and appropriation, have earned income disregarded from eligibility determinations up to one hundred percent of the federal poverty level.

4. If the relative with whom a child is living is found to be ineligible because of refusal to cooperate as required in subdivision (3) of subsection 2 of this section, any assistance for which such child is eligible will be paid in the manner provided in subsection 2 of section 208.180, without regard to subsections 1 and 2 of this section.

5. The department of social services may implement policies designed to reduce a family's dependence on welfare. The department of social services is authorized to implement these policies by rule promulgated pursuant to section 660.017 and chapter 536, including the following:

(1) The department shall increase the earned income and resource disregards allowed recipients to help families achieve a gradual transition to self-sufficiency, including implementing policies to simplify employment-related eligibility standards by increasing the earned income disregard to two-thirds by October 1, 1999. The expanded earned income disregard shall apply only to recipients of cash assistance who obtain employment but not to new applicants for cash assistance who are already working. Once the individual has received the two-thirds disregard for twelve months, the individual would not be eligible for the two-thirds disregard until the individual has not received temporary assistance benefits for twelve consecutive months. The department shall promulgate rules pursuant to chapter 536 to implement the expanded earned income disregard provisions;

(2) The department shall permit a recipient's enrollment in educational programs beyond secondary education to qualify as a work activity for purposes of receipt of temporary assistance for needy families. Such education beyond secondary education shall qualify as a work activity if such recipient is attending and according to the standards of the institution and the family support division, making satisfactory progress towards completion of a postsecondary or vocational program. Weekly classroom time and allowable study time shall be applied toward the recipient's weekly work requirement. Such recipient shall be subject to the **[**sixty-month**]** **forty-five-month** lifetime limit for receipt of temporary assistance for needy families unless otherwise excluded by rule of the family support division;

(3) Beginning January 1, 2002, and every two years thereafter, the department of social services shall make a detailed report and a presentation on the temporary assistance for needy families program to the house appropriations for social services committee and the house social services, Medicaid and the elderly committee, and the senate aging, families and mental health committee, or comparable committees;

(4) Other policies designed to reduce a family's dependence on welfare may include supplementing wages for recipients for the lesser of forty-eight months or the length of the recipient's employment by diverting the temporary assistance grant;

(5) Beginning January 1, 2016, the lifetime limit for temporary assistance for needy families shall be forty-five months. The lifetime limit shall not apply to the exceptions set forth in 42 U.S.C. Section 608(a)(7), including but not limited to:

(a) Any assistance provided with respect to and during the time in which the individual was a minor child, provided that the minor child was not the head of a household or married to the head of a household; and

(b) Any family to which the state has granted an exemption for reasons of hardship or if the family includes an individual who has been battered or subjected to extreme cruelty, provided that the average monthly number of such families in a fiscal year shall not exceed twenty percent of the average monthly number of families to which temporary assistance for needy families is provided during the fiscal year or the immediately preceding fiscal year.

The provisions of this subdivision shall not apply to persons obtaining assistance under subdivision (6) of this subsection;

(6) Beginning January 1, 2016, the department shall implement a cash diversion program that grants eligible temporary assistance for needy families benefits recipients lump-sum cash grants for short-term needs, as well as job referrals or referrals to career centers, in lieu of signing up for the long-term monthly cash assistance program upon a showing of good cause as determined by the department. Such lump-sum grants shall be available for use once in a twelve-month period and only five instances in a lifetime. Good cause may include loss of employment, excluding voluntarily quitting or a dismissal due to poor job performance or failure to meet a condition of employment; catastrophic illness or accident of a family member that requires an employed recipient to leave employment; a domestic violence incident; or another situation or emergency that renders an employed family member unable to care for the basic needs of the family. The department shall promulgate rules determining the parameters for the diversion program, including good cause determinations, and shall set the lump-sum maximum limit at three times the family size allowance and for use once in a twelve-month period and only five instances in a lifetime; and

(7) The department shall develop a standardized program orientation for temporary assistance for needy families benefits applicants that informs applicants of the program's rules and requirements, available resources for work activities, and consequences if the program's requirements are not satisfied. Following the orientation, applicants shall sign a participation agreement in which applicants commit to participate in the program and specify the work activities in which they will participate. This participation agreement shall be known as a personal responsibility plan. The department shall not issue a case without confirmation that an applicant has undergone the orientation and signed a personal responsibility plan, unless the individual is otherwise exempt from the work activity requirements.

The provisions of this subsection shall be subject to compliance by the department with all applicable federal laws and rules regarding temporary assistance for needy families.

6. The work history requirements and definition of unemployed shall not apply to any parents in order for these parents to be eligible for assistance pursuant to section 208.041.

7. The department shall continue to apply uniform standards of eligibility and benefits, excepting pilot projects, in all political subdivisions of the state.

8. Consistent with federal law, the department shall establish income and resource eligibility requirements that are no more restrictive than its July 16, 1996, income and resource eligibility requirements in determining eligibility for temporary assistance benefits.

208.067. TANF SET-ASIDE MINIMUMS FOR CERTAIN PROGRAMS. — 1. Of the moneys received by the state under the federal temporary assistance for needy families block grant during each fiscal year, the department of social services shall, consistent with federal law and subject to appropriation, set aside a minimum of:

(1) Two percent of such moneys to fund the alternatives to abortion services program under section 188.325 and the alternatives to abortion public awareness program under section 188.335. The department shall give preference to contracting with not-for-profit entities that promote one or more of the four purposes established by Congress under 42 U.S.C. Section 601 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; and

(2) Two percent of such moneys to fund healthy marriage promotion activities and activities promoting responsible fatherhood, as defined in 42 U.S.C. Section 603 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The department shall give preference to contracting with not- for-profit entities that promote one or more of the four purposes established by Congress under 42 U.S.C. Section 601 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

2. It is the intent of the general assembly that funding authorized under this section shall be used to supplement, not supplant, other sources of revenue heretofore or hereafter used for the purposes of this section.

208.244. WAIVER OF SNAP WORK REQUIREMENTS, INAPPLICABLE, WHEN — SAVINGS USED FOR CHILD CARE ASSISTANCE — ANNUAL REPORT. — 1. Beginning January 1, 2016, the waiver of the work requirement for the supplemental nutrition assistance program under 7 U.S.C. Section 2015(o) shall no longer apply to individuals seeking benefits in this state. The provisions of this subsection shall terminate on January 1, 2019.

2. Any ongoing savings resulting from a reduction in state expenditures due to modification of the supplemental nutrition assistance program under this section or the temporary assistance for needy families program under sections 208.026 and 208.040 effective on August 28, 2015, subject to appropriations, shall be used to provide child care assistance for single parent households, education assistance, transportation assistance, and job training for individuals receiving benefits under such programs as allowable under applicable state and federal law.

3. The department shall make an annual report to the joint committee on government accountability on the progress of implementation of sections 208.026 and 208.040, including information on enrollment, demographics, work participation, and changes to specific policies. The joint committee shall meet at least once a year to review the department's report and shall make recommendations to the president pro tempore of the senate and the speaker of the house of representatives.

Vetoed April 30, 2015
Overridden May 5, 2015

SB 142 [SS#3 SCS SB 142]

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

Requires the Department of Natural Resources to take certain actions when submitting certain plans the Environmental Protection Agency

AN ACT to amend chapter 640, RSMo, by adding thereto one new section relating to implementation impact reports.

SECTION
A. Enacting clause.
640.090. Implementation impact report, submitted to whom – criteria.

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

SECTION A. ENACTING CLAUSE. — Chapter 640, RSMo, is amended by adding thereto one new section, to be known as section 640.090, to read as follows:

640.090. IMPLEMENTATION IMPACT REPORT, SUBMITTED TO WHOM — CRITERIA. — 1. In developing, amending, or revising state implementation plans to address National Ambient Air Quality Standard nonattainment areas under the federal Clean Air Act, as amended (42 U.S.C. Section 7401, et seq.), state plans to comply with federal regulations relating to carbon emissions for existing-source performance standards (42 U.S.C. Section 7412), or non-point source management plans under the federal Clean Water Act, as amended (33 U.S.C. Section 1251, et seq. and 33 U.S.C. Section 1329), for submission to the United States Environmental Protection Agency based on promulgated rules and regulations, the department, and its respective commissions, in collaboration with the department of health and senior services, department of revenue, public service commission, the department of conservation, and division of energy of the department of economic development, shall prepare an implementation impact report in lieu of a regulatory impact report required under section 640.015 and submit such report in addition to the proposed state implementation plan, state plan, or non-point source management plan to the governor, the joint committee on government accountability, the president pro tempore of the senate, and the speaker of the house of representatives forty-five calendar days prior to final submission to the United States Environmental Protection Agency. The department shall also post the implementation impact report and the proposed state implementation plan, state plan, or non-point source management plan prominently on the home page of its departmental website forty-five calendar days prior to submission to the Environmental Protection Agency. If such implementation impact report or state implementation plan, state plan, or non-point source management plan is revised after such report and plan is delivered to such elected officials but prior to submission to the United States Environmental Protection Agency, the updated report and plan shall also be delivered to the governor, the joint committee on government accountability, the president pro tempore of the senate, and the speaker of the house of representatives, and posted prominently on the home page of its departmental website upon release. All implementation impact reports and plans shall remain on the departmental website for no less than one year after final submission to the United States Environmental Protection Agency.

2. The implementation impact report shall take into consideration the unique policies, energy needs, resource mix, reliability, and economic priorities of Missouri, and shall include, but is not limited to, the following criteria:

(1) The economic impact the plan will have on businesses and citizens in the state, including any disproportionate impact it will have on lower income populations, and any job losses or gains that are anticipated as a result of the plan, rule, or regulation;

(2) The existence and cost efficiency of any technology that may be needed to achieve the reduction goal and whether the reduction goals are achievable within the allotted time frame;

(3) Whether the plan achieves reduction goals at a sustainable cost;

(4) The remaining useful life of any emitting structure affected by the plan if provided by the emitting entity;

(5) Any existing depreciation schedules of an emitting structure that will be forced into early retirement due to implementation of the plan if provided by the emitting entity;

(6) Any policy options for the adoption of less stringent standards or longer compliance schedules;

(7) The potential impact on taxes and the general revenue of the state;

(8) The potential impact on citizen health, including any evidence that the pollutant contributes to health problems based upon peer-reviewed scientific evidence;

(9) Options, to the maximum extent allowable, that provide flexibility in achieving reduction goals, including the averaging of emissions or any other alternative implementation measure that may further the interests of Missouri's citizens;

(10) A cost-benefit analysis of how the plan affects the economic well-being of the state, as well as the projected cost or benefits to any industry affected by the plan, and projected costs or benefits to consumers and citizens;

(11) The potential impact of the plan on generation, supply, distributions, and service reliability;

(12) The elements of a regulatory impact report as required under section 640.015;

(13) Information, to the extent that it is available, regarding how other states are formulating their plans.

3. In developing, amending, or revising state implementation plans, state plans, or non-point source management plans for submission to the United States Environmental Protection Agency based on rules or regulations under:

(1) The federal Clean Air Act, as amended (42 U.S.C. Section 7401, et seq.), the department shall hold at least one stakeholder meeting in order to solicit stakeholder input from each of the following groups: electric generators and load serving entities, industrial energy consumers, citizens consumer groups, and renewable energy groups;

(2) The federal Clean Water Act, as amended (33 U.S.C. Section 12541, et seq. and 33 U.S.C. Section 1329), the department shall hold at least one stakeholder meeting in order to solicit stakeholder input from each of the following groups: agricultural groups, municipal groups, industrial groups, environmental and natural resource groups, and citizen groups.

4. Before final submission of a state implementation plan, state plan, or non-point source management plan to the United States Environmental Protection Agency, the joint committee on government accountability may conduct at least two public hearings within forty-five days of receiving the implementation impact report and plan in order to seek public comment on the proposed state implementation plan, state plan, non-point source management plan, or implementation impact report. The joint committee on government accountability may request that a representative from the United States Environmental Protection Agency attend at least one of the public hearings.

5. Nothing in this section shall be construed as otherwise conferring upon the public service commission or the department jurisdiction over the service, rates, financing, accounting, or management of any rural electric cooperative or municipally- owned utility, or to amend, modify, or otherwise limit the rights to provide service as otherwise provided by law.

6. Nothing in this section shall be construed to effect, limit, or supersede section 643.640.

Vetoed July 10, 2015
Overridden September 16, 2015

SB 224 [SCS SB 224]

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

Requires a student to be a United States citizen or permanent resident in order to be eligible to receive reimbursements from the A+ Schools Program

AN ACT to repeal section 160.545, RSMo, and to enact in lieu thereof one new section relating to eligibility criteria for reimbursements from the A+ schools program.

SECTION
A. Enacting clause.
160.545. A+ school program established — purpose — rules — variable fund match requirement — waiver of rules and regulations, requirement — reimbursement for higher education costs for students — evaluation — reimbursement for two-year schools.

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

SECTION A. ENACTING CLAUSE. — Section 160.545, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 160.545, to read as follows:

160.545. A+ SCHOOL PROGRAM ESTABLISHED — PURPOSE — RULES — VARIABLE FUND MATCH REQUIREMENT — WAIVER OF RULES AND REGULATIONS, REQUIREMENT — REIMBURSEMENT FOR HIGHER EDUCATION COSTS FOR STUDENTS — EVALUATION — REIMBURSEMENT FOR TWO-YEAR SCHOOLS. — 1. There is hereby established within the department of elementary and secondary education the "A+ Schools Program" to be administered by the commissioner of education. The program shall consist of grant awards made to public secondary schools that demonstrate a commitment to ensure that:

(1) All students be graduated from school;

(2) All students complete a selection of high school studies that is challenging and for which there are identified learning expectations; and

(3) All students proceed from high school graduation to a college or postsecondary vocational or technical school or high-wage job with work place skill development opportunities.

2. The state board of education shall promulgate rules and regulations for the approval of grants made under the program to schools that:

(1) Establish measurable districtwide performance standards for the goals of the program outlined in subsection 1 of this section; and

(2) Specify the knowledge, skills and competencies, in measurable terms, that students must demonstrate to successfully complete any individual course offered by the school, and any course of studies which will qualify a student for graduation from the school; and

(3) Do not offer a general track of courses that, upon completion, can lead to a high school diploma; and

(4) Require rigorous coursework with standards of competency in basic academic subjects for students pursuing vocational and technical education as prescribed by rule and regulation of the state board of education; and

(5) Have a partnership plan developed in cooperation and with the advice of local business persons, labor leaders, parents, and representatives of college and postsecondary vocational and technical school representatives, with the plan then approved by the local board of education. The plan shall specify a mechanism to receive information on an annual basis from those who developed the plan in addition to senior citizens, community leaders, and teachers to update the plan in order to best meet the goals of the program as provided in subsection 1 of this section. Further, the plan shall detail the procedures used in the school to identify students that may drop

out of school and the intervention services to be used to meet the needs of such students. The plan shall outline counseling and mentoring services provided to students who will enter the work force upon graduation from high school, address apprenticeship and intern programs, and shall contain procedures for the recruitment of volunteers from the community of the school to serve in schools receiving program grants.

3. A school district may participate in the program irrespective of its accreditation classification by the state board of education, provided it meets all other requirements.

4. By rule and regulation, the state board of education may determine a local school district variable fund match requirement in order for a school or schools in the district to receive a grant under the program. However, no school in any district shall receive a grant under the program unless the district designates a salaried employee to serve as the program coordinator, with the district assuming a minimum of one-half the cost of the salary and other benefits provided to the coordinator. Further, no school in any district shall receive a grant under the program unless the district makes available facilities and services for adult literacy training as specified by rule of the state board of education.

5. For any school that meets the requirements for the approval of the grants authorized by this section and specified in subsection 2 of this section for three successive school years, by August first following the third such school year, the commissioner of education shall present a plan to the superintendent of the school district in which such school is located for the waiver of rules and regulations to promote flexibility in the operations of the school and to enhance and encourage efficiency in the delivery of instructional services in the school. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257 in the school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school related to the authority of the state board of education to classify school districts pursuant to subdivision (9) of section 161.092 and such other rules and regulations as determined by the commissioner of education, except such waivers shall be confined to the school and not other schools in the school district unless such other schools meet the requirements of this subsection. However, any waiver provided to any school as outlined in this subsection shall be void on June thirtieth of any school year in which the school fails to meet the requirements for the approval of the grants authorized by this section as specified in subsection 2 of this section.

6. For any school year, grants authorized by subsections 1 **[**to 3**], 2, and 4** of this section shall be funded with the amount appropriated for this program, less those funds necessary to reimburse eligible students pursuant to subsection 7 of this section.

7. The department of higher education shall, by rule, establish a procedure for the reimbursement of the cost of tuition, books and fees to any public community college or vocational or technical school or within the limits established in subsection 9 of this section for any two-year private vocational or technical school for any student:

(1) Who has attended a public high school in the state for at least three years immediately prior to graduation that meets the requirements of subsection 2 of this section; except that, students who are active duty military dependents, and students who are dependants of retired military who relocate to Missouri within one year of the date of the parent's retirement from active duty, who, in the school year immediately preceding graduation, meet all other requirements of this subsection and are attending a school that meets the requirements of subsection 2 of this section shall be exempt from the three-year attendance requirement of this subdivision; and

(2) Who has made a good faith effort to first secure all available federal sources of funding that could be applied to the reimbursement described in this subsection; and

(3) Who has earned a minimal grade average while in high school as determined by rule of the department of higher education, and other requirements for the reimbursement authorized by this subsection as determined by rule and regulation of **[**said board**] the department; and**

(4) Who is a citizen or permanent resident of the United States.

8. The commissioner of education shall develop a procedure for evaluating the effectiveness of the program described in this section. Such evaluation shall be conducted annually with the results of the evaluation provided to the governor, speaker of the house, and president pro tempore of the senate.

9. For a two-year private vocational or technical school to obtain reimbursements under subsection 7 of this section, the following requirements shall be satisfied:

(1) Such two-year private vocational or technical school shall be a member of the North Central Association and be accredited by the Higher Learning Commission as of July 1, 2008, and maintain such accreditation;

(2) Such two-year private vocational or technical school shall be designated as a 501(c)(3) nonprofit organization under the Internal Revenue Code of 1986, as amended;

(3) No two-year private vocational or technical school shall receive tuition reimbursements in excess of the tuition rate charged by a public community college for course work offered by the private vocational or technical school within the service area of such college; and

(4) The reimbursements provided to any two-year private vocational or technical school shall not violate the provisions of Article IX, Section 8, or Article I, Section 7, of the Missouri Constitution or the first amendment of the United States Constitution.

Vetoed July 11, 2015
Overridden September 16, 2015

SB 345 [SCS SB 345]

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

Modifies provisions relating to financial transactions

AN ACT to repeal sections 361.707, 361.715, 364.030, 364.105, 365.030, 367.140, 407.640, 408.140, 408.500, and 443.719, RSMo, and to enact in lieu thereof ten new sections relating to financial transactions, with an existing penalty provision.

SECTION
A. Enacting clause.
361.707. Application for license, content — investigation fee, applied to license fee, when.
361.715. License issued upon investigation, when — fee — charge for applications to amend and reissue.
364.030. Financial institutions to obtain license, exceptions — application — fee.
364.105. Registration required — fee — forms.
365.030. Sales finance company, license required — exceptions — application — fee.
367.140. Annual registration — fee, amount — certificates, issuance, display.
407.640. Registration statements, filing, contents — fee.
408.140. Additional charges or fees prohibited, exceptions — no finance charges if purchases are paid for within certain time limit, exception.
408.500. Unsecured loans of five hundred dollars or less, licensure of lenders, interest rates and fees allowed — penalties for violations — cost of collection expenses — notice required, form.
443.719. Written test required, test measures — minimum competency requirements.

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

SECTION A. ENACTING CLAUSE. — Sections 361.707, 361.715, 364.030, 364.105, 365.030, 367.140, 407.640, 408.140, 408.500, and 443.719, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 361.707, 361.715, 364.030, 364.105, 365.030, 367.140, 407.640, 408.140, 408.500, and 443.719, to read as follows:

361.707. APPLICATION FOR LICENSE, CONTENT — INVESTIGATION FEE, APPLIED TO LICENSE FEE, WHEN. — 1. Each application for a license pursuant to sections 361.700 to 361.727 shall be in writing and under oath to the director in such form as he may prescribe. The application shall state the full name and business address of:

(1) The proprietor, if the applicant is an individual;

(2) Every member, if the applicant is a partnership or association;

(3) The corporation and each officer and director thereof, if the applicant is a corporation.

2. Each application for a license shall be accompanied by an investigation fee of **[**one**]** **three** hundred dollars. If the license is granted the investigation fee shall be applied to the license fee for the first year. No investigation fee shall be refunded.

361.715. LICENSE ISSUED UPON INVESTIGATION, WHEN — FEE — CHARGE FOR APPLICATIONS TO AMEND AND REISSUE. — 1. Upon the filing of the application, the filing of a certified audit, the payment of the investigation fee and the approval by the director of the necessary bond, the director shall cause, investigate, and determine whether the character, responsibility, and general fitness of the principals of the applicant or any affiliates are such as to command confidence and warrant belief that the business of the applicant will be conducted honestly and efficiently and that the applicant is in compliance with all other applicable state and federal laws. If satisfied, the director shall issue to the applicant a license pursuant to the provisions of sections 361.700 to 361.727. In processing a renewal license, the director shall require the same information and follow the same procedures described in this subsection.

2. Each licensee shall pay to the director before the issuance of the license, and annually thereafter on or before April fifteenth of each year, a license fee of **[**one**]** **three** hundred dollars.

3. The director may assess a reasonable charge, not to exceed **[**one**]** **three** hundred dollars, for any application to amend and reissue an existing license.

364.030. FINANCIAL INSTITUTIONS TO OBTAIN LICENSE, EXCEPTIONS — APPLICATION — FEE. — 1. No person shall engage in the business of a financing institution in this state without a license therefor as provided in this chapter; except, however, that no bank, trust company, loan and investment company, licensed sales finance company, registrant under the provisions of sections 367.100 to 367.200, or person who makes only occasional purchases of retail time contracts or accounts under retail charge agreements and which purchases are not being made in the course of repeated or successive purchase of retail installment contracts from the same seller, shall be required to obtain a license under this chapter but shall comply with all the laws of this state applicable to the conduct and operation of a financing institution.

2. The application for the license shall be in writing, under oath and in the form prescribed by the director. The application shall contain the name of the applicant; date of incorporation, if incorporated; the address where the business is or is to be conducted and similar information as to any branch office of the applicant; the name and resident address of the owner or partners or, if a corporation or association, of the directors, trustees and principal officers, and other pertinent information as the director may require.

3. The license fee for each calendar year or part thereof shall be the sum of **[**three**]** **five** hundred dollars for each place of business of the licensee in this state which shall be paid into the general revenue fund. The director may establish a biennial licensing arrangement but in no case shall the fees be payable for more than one year at a time.

4. Each license shall specify the location of the office or branch and must be conspicuously displayed therein. In case the location is changed, the director shall either endorse the change of location of the license or mail the licensee a certificate to that effect, without charge.

5. Upon the filing of an application, and the payment of the fee, the director shall issue a license to the applicant to engage in the business of a financing institution under and in accordance with the provisions of this chapter for a period which shall expire the last day of December next following the date of its issuance. The license shall not be transferable or

assignable. No licensee shall transact any business provided for by this chapter under any other name.

364.105. REGISTRATION REQUIRED — FEE — FORMS. — 1. No person shall engage in the business of a premium finance company in this state without first registering as a premium finance company with the director.

2. The annual registration fee shall be **[**three**]** **five** hundred dollars payable to the director as of the first day of July of each year. The director may establish a biennial licensing arrangement but in no case shall the fees be payable for more than one year at a time.

3. Registration shall be made on forms prepared by the director and shall contain the following information:

(1) Name, business address and telephone number of the premium finance company;

(2) Name and business address of corporate officers and directors or principals or partners;

(3) A sworn statement by an appropriate officer, principal or partner of the premium finance company that:

(a) The premium finance company is financially capable to engage in the business of insurance premium financing; and

(b) If a corporation, that the corporation is authorized to transact business in this state;

(4) If any material change occurs in the information contained in the registration form, a revised statement shall be submitted to the director accompanied by an additional fee of **[**one**]** **three** hundred dollars.

365.030. SALES FINANCE COMPANY, LICENSE REQUIRED — EXCEPTIONS — APPLICATION — FEE. — 1. No person shall engage in the business of a sales finance company in this state without a license as provided in this chapter; except, that no bank, trust company, savings and loan association, loan and investment company or registrant under the provisions of sections 367.100 to 367.200 authorized to do business in this state is required to obtain a license under this chapter but shall comply with all of the other provisions of this chapter.

2. The application for the license shall be in writing, under oath and in the form prescribed by the director. The application shall contain the name of the applicant; date of incorporation, if incorporated; the address where the business is or is to be conducted and similar information as to any branch office of the applicant; the name and resident address of the owner or partners or, if a corporation or association, of the directors, trustees and principal officers, and such other pertinent information as the director may require.

3. The license fee for each calendar year or part thereof shall be the sum of **[**three**]** **five** hundred dollars for each place of business of the licensee in this state. The director may establish a biennial licensing arrangement but in no case shall the fees be payable for more than one year at a time.

4. Each license shall specify the location of the office or branch and must be conspicuously displayed there. In case the location is changed, the director shall either endorse the change of location on the license or mail the licensee a certificate to that effect, without charge.

5. Upon the filing of the application, and the payment of the fee, the director shall issue a license to the applicant to engage in the business of a sales finance company under and in accordance with the provisions of this chapter for a period which shall expire the last day of December next following the date of its issuance. The license shall not be transferable or assignable. No licensee shall transact any business provided for by this chapter under any other name.

367.140. ANNUAL REGISTRATION — FEE, AMOUNT — CERTIFICATES, ISSUANCE, DISPLAY. — 1. Every lender shall, at the time of filing application for certificate of registration as provided in section 367.120 hereof, pay the sum of **[**three**]** **five** hundred dollars as an annual registration fee for the period ending the thirtieth day of June next following the date of payment

and in full payment of all expenses for investigations, examinations and for the administration of sections 367.100 to 367.200, except as provided in section 367.160, and thereafter a like fee shall be paid on or before June thirtieth of each year; provided, that if a lender is supervised by the commissioner of finance under any other law, the charges for examination and supervision required to be paid under said law shall be in lieu of the annual fee for registration and examination required under this section. The fee shall be made payable to the director of revenue. If the initial registration fee for any certificate of registration is for a period of less than twelve months, the registration fee shall be prorated according to the number of months that said period shall run. The director may establish a biennial licensing arrangement but in no case shall the fees be payable for more than one year at a time.

2. Upon receipt of such fee and application for registration, and provided the bond, if required by the director, has been filed, the director shall issue to the lender a certificate containing the lender's name and address and reciting that such lender is duly and properly registered to conduct the supervised business. The lender shall keep this certificate of registration posted in a conspicuous place at the place of business recited in the registration certificate. Where the lender engages in the supervised business at or from more than one office or place of business, such lender shall obtain a separate certificate of registration for each such office or place of business.

3. Certificates of registration shall not be assignable or transferable except that the lender named in any such certificate may obtain a change of address of the place of business therein set forth. Each certificate of registration shall remain in full force and effect until surrendered, revoked, or suspended as herein provided.

407.640. REGISTRATION STATEMENTS, FILING, CONTENTS — FEE. — 1. A credit services organization shall file a registration statement with the director of finance before conducting business in this state. The registration statement must contain:

(1) The name and address of the credit services organization; and

(2) The name and address of any person who directly or indirectly owns or controls ten percent or more of the outstanding shares of stock in the credit services organization.

2. The registration statement must also contain either:

(1) A full and complete disclosure of any litigation or unresolved complaint filed by or with a governmental authority of this state relating to the operation of the credit services organization; or

(2) A notarized statement that states that there has been no litigation or unresolved complaint filed by or with a governmental authority of this state relating to the operation of the credit services organization.

3. The credit services organization shall update the statement not later than the ninetieth day after the date on which a change in the information required in the statement occurs.

4. Each credit services organization registering under this section shall maintain a copy of the registration statement in the office of the credit services organization. The credit services organization shall allow a buyer to inspect the registration statement on request.

5. The director of finance may charge each credit services organization that files a registration statement with the director of finance a reasonable fee not to exceed [one] **three** hundred dollars to cover the cost of filing. The director of finance may not require a credit services organization to provide information other than that provided in the registration statement as part of the registration process.

408.140. ADDITIONAL CHARGES OR FEES PROHIBITED, EXCEPTIONS — NO FINANCE CHARGES IF PURCHASES ARE PAID FOR WITHIN CERTAIN TIME LIMIT, EXCEPTION. — 1. No further or other charge or amount whatsoever shall be directly or indirectly charged, contracted for or received for interest, service charges or other fees as an incident to any such extension of credit except as provided and regulated by sections 367.100 to 367.200 and except:

(1) On loans for thirty days or longer which are other than "open-end credit" as such term is defined in the federal Consumer Credit Protection Act and regulations thereunder, a fee, not to exceed ten percent of the principal amount loaned not to exceed [seventy-five] **one hundred** dollars may be charged by the lender; however, no such fee shall be permitted on any extension, refinance, restructure or renewal of any such loan, unless any investigation is made on the application to extend, refinance, restructure or renew the loan;

(2) The lawful fees actually and necessarily paid out by the lender to any public officer for filing, recording, or releasing in any public office any instrument securing the loan, which fees may be collected when the loan is made or at any time thereafter; however, premiums for insurance in lieu of perfecting a security interest required by the lender may be charged if the premium does not exceed the fees which would otherwise be payable;

(3) If the contract so provides, a charge for late payment on each installment or minimum payment in default for a period of not less than fifteen days in an amount not to exceed five percent of each installment due or the minimum payment due or fifteen dollars, whichever is greater, not to exceed fifty dollars. If the contract so provides, a charge for late payment on each twenty-five dollars or less installment in default for a period of not less than fifteen days shall not exceed five dollars;

(4) If the contract so provides, a charge for late payment for a single payment note in default for a period of not less than fifteen days in an amount not to exceed five percent of the payment due; provided that, the late charge for a single payment note shall not exceed fifty dollars;

(5) Charges or premiums for insurance written in connection with any loan against loss of or damage to property or against liability arising out of ownership or use of property as provided in section 367.170; however, notwithstanding any other provision of law, with the consent of the borrower, such insurance may cover property all or part of which is pledged as security for the loan, and charges or premiums for insurance providing life, health, accident, or involuntary unemployment coverage;

(6) Reasonable towing costs and expenses of retaking, holding, preparing for sale, and selling any personal property in accordance with section 400.9;

(7) Charges assessed by any institution for processing a refused instrument plus a handling fee of not more than twenty- five dollars;

(8) If the contract or promissory note, signed by the borrower, provides for attorney fees, and if it is necessary to bring suit, such attorney fees may not exceed fifteen percent of the amount due and payable under such contract or promissory note, together with any court costs assessed. The attorney fees shall only be applicable where the contract or promissory note is referred for collection to an attorney, and is not handled by a salaried employee of the holder of the contract;

(9) Provided the debtor agrees in writing, the lender may collect a fee in advance for allowing the debtor to defer up to three monthly loan payments, so long as the fee is no more than the lesser of fifty dollars or ten percent of the loan payments deferred, no extensions are made until the first loan payment is collected and no more than one deferral in a twelve-month period is agreed to and collected on any one loan; this subdivision applies to nonprecomputed loans only and does not affect any other subdivision;

(10) If the open-end credit contract is tied to a transaction account in a depository institution, such account is in the institution's assets and such contract provides for loans of thirty-one days or longer which are "open-end credit", as such term is defined in the federal Consumer Credit Protection Act and regulations thereunder, the creditor may charge a credit advance fee of up to the lesser of seventy-five dollars or ten percent of the credit advanced from time to time from the line of credit; such credit advance fee may be added to the open-end credit outstanding along with any interest, and shall not be considered the unlawful compounding of interest as that term is defined in section 408.120;

(11) A deficiency waiver addendum, guaranteed asset protection, or a similar product purchased as part of a loan transaction with collateral and at the borrower's consent, provided the cost of the product is disclosed in the loan contract, is reasonable, and the requirements of section 408.380 are met.

2. Other provisions of law to the contrary notwithstanding, an open-end credit contract under which a credit card is issued by a company, financial institution, savings and loan or other credit issuing company whose credit card operations are located in Missouri may charge an annual fee, provided that no finance charge shall be assessed on new purchases other than cash advances if such purchases are paid for within twenty-five days of the date of the periodic statement therefor.

3. Notwithstanding any other provision of law to the contrary, in addition to charges allowed pursuant to section 408.100, an open-end credit contract provided by a company, financial institution, savings and loan or other credit issuing company which is regulated pursuant to this chapter may charge an annual fee not to exceed fifty dollars.

408.500. UNSECURED LOANS OF FIVE HUNDRED DOLLARS OR LESS, LICENSURE OF LENDERS, INTEREST RATES AND FEES ALLOWED — PENALTIES FOR VIOLATIONS — COST OF COLLECTION EXPENSES — NOTICE REQUIRED, FORM. — 1. Lenders, other than banks, trust companies, credit unions, savings banks and savings and loan companies, in the business of making unsecured loans of five hundred dollars or less shall obtain a license from the director of the division of finance. An annual license fee of **[**three**]** **five** hundred dollars per location shall be required. The license year shall commence on January first each year and the license fee may be prorated for expired months. The director may establish a biennial licensing arrangement but in no case shall the fees be payable for more than one year at a time. The provisions of this section shall not apply to pawnbroker loans, consumer credit loans as authorized under chapter 367, nor to a check accepted and deposited or cashed by the payee business on the same or the following business day. The disclosures required by the federal Truth in Lending Act and regulation Z shall be provided on any loan, renewal or extension made pursuant to this section and the loan, renewal or extension documents shall be signed by the borrower.

2. Entities making loans pursuant to this section shall contract for and receive simple interest and fees in accordance with sections 408.100 and 408.140. Any contract evidencing any fee or charge of any kind whatsoever, except for bona fide clerical errors, in violation of this section shall be void. Any person, firm or corporation who receives or imposes a fee or charge in violation of this section shall be guilty of a class A misdemeanor.

3. Notwithstanding any other law to the contrary, cost of collection expenses, which include court costs and reasonable attorneys fees, awarded by the court in suit to recover on a bad check or breach of contract shall not be considered as a fee or charge for purposes of this section.

4. Lenders licensed pursuant to this section shall conspicuously post in the lobby of the office, in at least fourteen-point bold type, the maximum annual percentage rates such licensee is currently charging and the statement:

NOTICE:

This lender offers short-term loans. Please read and understand the terms of the loan agreement before signing.

5. The lender shall provide the borrower with a notice in substantially the following form set forth in at least ten-point bold type, and receipt thereof shall be acknowledged by signature of the borrower:

(1) This lender offers short-term loans. Please read and understand the terms of the loan agreement before signing.

(2) You may cancel this loan without costs by returning the full principal balance to the lender by the close of the lender's next full business day.

6. The lender shall renew the loan upon the borrower's written request and the payment of any interest and fees due at the time of such renewal; however, upon the first renewal of the loan agreement, and each subsequent renewal thereafter, the borrower shall reduce the principal amount of the loan by not less than five percent of the original amount of the loan until such loan is paid in full. However, no loan may be renewed more than six times.

7. When making or negotiating loans, a licensee shall consider the financial ability of the borrower to reasonably repay the loan in the time and manner specified in the loan contract. All records shall be retained at least two years.

8. A licensee who ceases business pursuant to this section must notify the director to request an examination of all records within ten business days prior to cessation. All records must be retained at least two years.

9. Any lender licensed pursuant to this section who fails, refuses or neglects to comply with the provisions of this section, or any laws relating to consumer loans or commits any criminal act may have its license suspended or revoked by the director of finance after a hearing before the director on an order of the director to show cause why such order of suspension or revocation should not be entered specifying the grounds therefor which shall be served on the licensee at least ten days prior to the hearing.

10. Whenever it shall appear to the director that any lender licensed pursuant to this section is failing, refusing or neglecting to make a good faith effort to comply with the provisions of this section, or any laws relating to consumer loans, the director may issue an order to cease and desist which order may be enforceable by a civil penalty of not more than one thousand dollars per day for each day that the neglect, failure or refusal shall continue. The penalty shall be assessed and collected by the director. In determining the amount of the penalty, the director shall take into account the appropriateness of the penalty with respect to the gravity of the violation, the history of previous violations, and such other matters as justice may require.

443.719. WRITTEN TEST REQUIRED, TEST MEASURES — MINIMUM COMPETENCY REQUIREMENTS. — 1. In order to meet the written test requirement under sections 443.701 to 443.893, an individual shall pass, in accordance with the standards established under this section, a qualified written test developed by the NMLSR based upon reasonable standards**, and designated as the NMLSR'S National Test Component with Uniform State Content for Mortgage Loan Originator licensing**.

2. A written test shall not be treated as a qualified written test for purposes of subsection 1 of this section unless the test adequately measures the applicant's knowledge and comprehension in appropriate subject areas, including:

(1) Ethics;

(2) Federal law and regulation pertaining to mortgage origination;

(3) State law and regulation pertaining to mortgage origination;

(4) Federal and state law and regulation on fraud, consumer protection, the nontraditional mortgage marketplace, and fair lending issues.

3. Nothing in this section shall prohibit a test provider approved by the NMLSR from providing a test at the location of the employer of the applicant or the location of any subsidiary or affiliate of the employer of the applicant, or the location of any person with which the applicant holds an exclusive arrangement to conduct the business of a mortgage loan originator.

4. An applicant for licensure as a mortgage loan originator shall demonstrate minimum competence as follows:

(1) An individual shall not be considered to have passed a qualified written test unless the individual achieves a test score of not less than seventy-five percent correct answers to questions;

(2) An individual may retake a test two times with each consecutive taking occurring at least thirty days after the preceding test;

(3) After failing three consecutive tests, an individual shall wait at least six months before taking the test again;

(4) A licensed mortgage loan originator who fails to maintain a valid license for a period of five years or longer shall retake the test, not taking into account any time during which such individual is a registered mortgage loan originator.

Vetoed July 7, 2015
Overridden September 16, 2015

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HOUSE CONCURRENT RESOLUTION NO. 1 [HCR 1]

BE IT RESOLVED, by the House of Representatives of the Ninety-eighth General Assembly, First Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 7:00 p.m., Wednesday, January 21, 2015, to receive a message from His Excellency, the Honorable Jeremiah W. (Jay) Nixon, Governor of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Governor of the State of Missouri and inform His Excellency that the House of Representatives and Senate of the Ninety-eighth General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

HOUSE CONCURRENT RESOLUTION NO. 2 [HCR 2]

BE IT RESOLVED, by the House of Representatives of the Ninety-eighth General Assembly, First Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 10:00 a.m., Thursday, January 22, 2015, to receive a message from the Honorable Mary R. Russell, Chief Justice of the Supreme Court of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Chief Justice of the Supreme Court of the State of Missouri and inform Her Honor that the House of Representatives and the Senate of the Ninety-eighth General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that Her Honor may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE CONCURRENT RESOLUTION NO. 4 [HCS HCRs 4 & 3]

AN ACT

Relating to disapproving the recommendations of the Missouri Citizens' Commission on Compensation for Elected Officials.

WHEREAS, Article XIII, Section 3 of the Missouri Constitution charges the Missouri Citizens' Commission on Compensation for Elected Officials with setting the amounts of compensation paid to statewide elected officials, legislators, and judges; and

WHEREAS, the Constitution provides the Commission with a four-month window prior to its constitutional deadline for making salary recommendations to hold public hearings around the state to gather testimony related to salaries for affected state officials and to carefully consider whether pay increases are warranted; and

WHEREAS, the Missouri Citizens' Commission on Compensation for Elected Officials has recommended that the compensation for statewide elected officials be increased by eight or ten percent over fiscal years 2016 and 2017, representing salary increases between $9,000 to over $22,000 per year; and

WHEREAS, the Missouri Citizens' Commission on Compensation for Elected Officials has also recommended that the compensation for members of the General Assembly be increased by eleven percent over fiscal years 2016 and 2017, representing a salary increase of $4,000 per year; and

WHEREAS, the Missouri Citizens' Commission on Compensation for Elected Officials recommended that daily expense compensation be raised by $26 a day and that mileage reimbursement by raised by $0.19 per mile; and

WHEREAS, the Missouri Citizens' Commission on Compensation for Elected Officials recommended no increases in compensation for judges over fiscal years 2016 and 2017; and

WHEREAS, the state has many other priorities for appropriating money in the budget that are far more important than the salary increases recommended by the Commission; and

WHEREAS, the Commission's recommendations shall take effect unless disapproved by the General Assembly through a concurrent resolution process passed by two-thirds majorities in each legislative chamber before February 1, 2015:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-eighth General Assembly, First Regular Session, the Senate concurring therein, hereby disapprove the recommendations of the Missouri Citizens' Commission on Compensation for Elected Officials contained in its report of November 2014; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

HOUSE CONCURRENT RESOLUTION NO. 15 [HCR 15]

WHEREAS, high oil prices are having a major detrimental impact on families, farms, and businesses in Missouri and are likely to undercut the prospects for an economic recovery; and

WHEREAS, the United States currently imports almost half of its oil and petroleum products, making it dependent on foreign sources and subject to interruptions and price fluctuations stemming from geopolitical forces; and

WHEREAS, such instability has damaging consequences both for our economy and our national security; and

WHEREAS, the United States Geological Survey estimates a resource of up to 27 billion barrels of oil in the Chukchi and Beaufort seas of Alaska, providing a vast domestic oil reserve, but opposition and regulatory hurdles are keeping energy producers from accessing these resources; and

WHEREAS, the TransCanada Keystone XL pipeline project seeks to link expanded oil production from the Canadian oil sands to refineries in the United States and to facilitate the flow of oil from the Dakotas to the Gulf Coast, thereby decreasing our dependence on oil from outside of North America; and

WHEREAS, Canada is a close friend and ally, with whom we share links of infrastructure and energy networks and other ties, so that dollars spent on Canadian oil will likely contribute to the success of the American economy; and

WHEREAS, the TransCanada pipeline project is projected to create construction and manufacturing jobs in the United States, adding billions of dollars to the United States economy:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-eighth General Assembly, First Regular Session, the Senate concurring therein, hereby call upon President Barack Obama and administration officials to:

(1) Support the increased importation of oil from Canadian oil sands and to approve the newly routed TransCanada Keystone XL pipeline to reduce our oil dependency on unstable governments, strengthen ties with an important ally, and create jobs for American workers;

(2) Support and facilitate permitting for oil production off the northern coast of Alaska to decrease our dependence on foreign oil and spur investment in the American economy; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for President Barack Obama, Vice President Joe Biden, Secretary of State John Kerry, United States House of Representatives Speaker John Boehner, and each member of the Missouri Congressional delegation.

HOUSE CONCURRENT RESOLUTION NO. 20 [HCR 20]

WHEREAS, In April 2014, the Department of Defense announced that the Pentagon will seek further mission realignments, personnel reductions, and procurement decreases as part of the federal budget cutting process; and

WHEREAS, United States Secretary of Defense Chuck Hagel states that, in an effort to cut over $1 trillion over the next decade, the number of soldiers in the United States Army will drop over the next five years from 562,000 to 420,000, and the number of marines in the United States Marine Corps will drop over the next five years from 202,000 to 175,000; and

WHEREAS, the Air Force may cut up to 25,000 total force airmen, or about 4 percent of its people, and up to 550 aircraft, or about 9 percent of its inventory, and

WHEREAS, the Pentagon planners intend to reduce procurement of weapons systems by $66.2 billion from FY2016 to FY2019; and

WHEREAS, Missouri is currently home to a number of major military bases and agencies, including Whiteman Air Force Base near Knob Noster and its 509th Bomb Wing, the only Air Force Unit that operates the B-2 Spirit Stealth Bomber; the United States Army Maneuver Support Center at Fort Leonard Wood and its Chemical, Biological, Nuclear and Radiological School (CBRN), Military Police, and Engineer Schools; the National Geospatial-Intelligence Agency (NGA) in Arnold; the Missouri National Guard's Ike Skelton Training Center (ISTS) in Jefferson City; the Theater Aviation Sustainment Maintenance Group (TASMG) in Springfield; and the 139th Airlift Wing in St. Joseph, among numerous other facilities and locations; and

WHEREAS, the Department of Defense's spending and related activities triggered nearly $11.6 billion in household earnings for workers in Missouri, including an estimated $6.2 billion in direct compensation to active military personnel, civilian personnel, trainees, inactive duty, retired personnel living in the state, workers directly hired by contracted firms, and workers directly hired in tourism or education related industries, and $11.6 billion in added household earnings from the multiplier effects; and

WHEREAS, in total, the Department of Defense's spending and related activities supported 275,000 jobs for state residents, including an estimated 123,000 direct jobs in the state of

Missouri and 152,000 jobs added through the multiplier effects. The direct jobs include active military personnel, civilian personnel, trainees, inactive duty, workers directly hired by contracted firms, and workers directly hired in tourism or education related industries. This does not include retired personnel; and

WHEREAS, the estimated total output (economic activity) triggered by the Department of Defense's spending and related activities ($15.0 billion) and the added multiplier effects ($24.8 billion) was $39.8 billion for Missouri; and

WHEREAS, Missouri's defense industry plays a vital role in the state's economy, employing 160,000 Missourians working to support, either directly or indirectly, over $12 billion in Department of Defense procurement contracts awarded to Missouri companies, ranking 5th among the states in total dollars; and

WHEREAS, Missouri's defense procurement contracts are heavily oriented toward research and operational systems and manufacturing companies, particularly aerospace manufacturing at the Boeing Company, Missouri's 3rd largest employer, and its supply chain; and

WHEREAS, Missouri is home to several outstanding universities, including the University of Missouri, Washington University, and St. Louis University, that conduct cutting edge defense research for the government, providing the innovation needed to keep our military the finest in the world and creating the academic environment necessary to produce critical talent for the government and industry workforce; and

WHEREAS, the nation's primary concern must always be national defense and the security of the United States, including Missouri; and

WHEREAS, Missouri is heavily committed to providing for our national defense and security as an accommodating partner and a proud home to major military installations and agencies, 63,700 military and federal civilian personnel, and 162,000 citizens who work at companies that manufacture defense systems, provide valuable services, and perform critical research; and

WHEREAS, Missouri has a vital economic interest in maintaining its military installations and agencies and in presenting to national leaders evidence of Missouri's capacity to provide additional, cost effective, and flexible support to defense missions during the federal government's efforts to re-establish its basing, costing, and capabilities:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-eighth General Assembly, First Regular Session, the Senate concurring therein, hereby strongly urge the United States Department of Defense and Missouri's Congressional delegation to protect, promote, and leverage Missouri's military bases and agencies, keep the number of military personnel in the state intact, and preserve defense industry procurement so that Missouri may continue to support the defense and protection of the state and the United States and keep its economy in sound condition; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for United States Secretary of Defense Chuck Hagel and each member of the Missouri Congressional delegation.

HOUSE CONCURRENT RESOLUTION NO. 21 [HCR 21]

WHEREAS, the definition of "waters of the United States" under the Clean Water Act establishes the fundamental scope of federal authority to regulate activities in U.S. waters and

wetlands. The U.S. Supreme Court has found on multiple occasions that the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Army Corps) have exceeded their authority in defining these waters beyond the intended scope of federal regulation; and

WHEREAS, in response to the Supreme Court decisions, the EPA and Army Corps have recently proposed an amended definition to clarify federal jurisdiction. Unfortunately, the EPA and Army Corps have once again missed the mark and continue to ignore the limits on their authority, usurping powers reserved to the states under the Tenth Amendment to the U.S. Constitution; and

WHEREAS, the proposed rule would create greater uncertainty for businesses and homeowners rather than providing clarity. The proposed rule would add new definitions for key technical terms that introduce ambiguities and vagaries into federal regulation. Confusion would inevitably lead to further litigation, tying up our courts, delaying economic development, and wasting taxpayer money; and

WHEREAS, high quality scientific input must be the basis for environmental regulations, and the end result of scientific review should never be presumed. The EPA and Army Corps have failed to allow scientific review to be completed before moving forward with the proposed rule. In the rush to promulgate rules, the primary scientific report remains incomplete; and

WHEREAS, the proposed rule would actually expand federal jurisdiction to more waters and wetlands rather than limiting or simply clarifying jurisdiction as outlined by the U.S. Supreme Court. The EPA's economic analysis estimates that the proposed rule would increase jurisdiction by 3 percent, potentially leading to 1,400 more permits required and nearly $220 million in additional costs to farmers, businesses, and homeowners. Furthermore, the economic analysis' assumptions and methodology significantly underestimate the potential jurisdictional expansion; and

WHEREAS, any increases in federal jurisdiction will infringe upon state authority to regulate state waters. The state waters and wetlands affected by the proposed rule have minimal, if any, connection to federally navigable waters. Expanded federal jurisdiction limits the flexibility of Missouri and other states to create a regulatory environment that meets the needs and addresses the priorities of state residents. In 2013, Missouri passed the Multipurpose Water Resource Act, which contained several new regulations aimed at protecting water resources and improving tap water quality. The state's Clean Water Commission, which works to enforce water pollution laws, also approved new rules that significantly increase protection for rivers, streams, and lakes, making them safer for swimming, fishing, and aquatic life; and

WHEREAS, this flawed proposal demonstrates again that core decisions, such as the scope of federal authority, must be left to our elected Representatives and Senators in the U.S. Congress, not to relatively unaccountable federal agencies:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-eighth General Assembly, First Regular Session, the Senate concurring therein, hereby urge the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers to withdraw their proposed rule expanding the definition of "waters of the United States" under the Clean Water Act; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Administrator of the U.S. Environmental Protection Agency, the Commanding General of the U.S. Army Corps of Engineers, and the members of the Missouri congressional delegation.

SENATE COMMITTEE SUBSTITUTE FOR HOUSE CONCURRENT RESOLUTION NO. 38 [HCR 38]

WHEREAS, human trafficking is a form of slavery in which psychological and physical coercion is used to force people to perform commercial sex acts, house-keeping, farm work, and other types of labor and services; and

WHEREAS, the human trafficking industry generates one hundred fifty billion dollars in annual profits throughout the world on the backs of an estimated twenty-one million victims, including five and a half million children; and

WHEREAS, despite the efforts of dozens of nonprofit organizations dedicated to fighting human trafficking, it is the fastest growing criminal industry in the world:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-eighth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby create the Human Trafficking Task Force; and

BE IT FURTHER RESOLVED that the mission of the task force shall be to raise awareness of the human trafficking problem in Missouri and provide organizations and agencies that enforce human trafficking laws and assist victims with a central place to share information; and

BE IT FURTHER RESOLVED that the task force shall consist of the following members:

(1) Two members of the Senate to be appointed by the President Pro Tempore of the Senate;

(2) Two members of the House of Representatives to be appointed by the Speaker of the House of Representatives;

(3) The Attorney General or his or her designee;

(4) The Director of the Department of Public Safety or his or her designee;

(5) A circuit court judge who has experience handling juvenile court matters, appointed by the President Pro Tempore of the Senate;

(6) A prosecuting or circuit attorney, appointed by the Speaker of the House of Representatives;

(7) A juvenile officer from a circuit court, appointed by the President Pro Tempore of the Senate;

(8) The Commissioner of Education or his or her designee;

(9) The Director of the Department of Social Services or his or her designee;

(10) The Director of the Department of Mental Health or his or her designee;

(11) One representative from the Office of Child Advocate, appointed by the President Pro Tempore of the Senate;

(12) One medical provider with professional expertise in child abuse and medical forensics, appointed by the Speaker of the House of Representatives;

(13) The chief of a municipal police force appointed by the President Pro Tempore of the Senate;

(14) A county sheriff to be appointed by the Speaker of the House of Representatives; and

(15) Six representatives from geographically diverse non-governmental organizations that assist victims of human trafficking, three of whom shall be appointed by the President Pro Tempore of the Senate and three of whom shall be appointed by the Speaker of the House of Representatives; and

BE IT FURTHER RESOLVED that the staffs of Senate Research, House Research, and the Joint Committee on Legislative Research shall provide such legal, research, clerical,

technical, and bill drafting services as the task force may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the task force, its members, and any staff assigned to the task force shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the Task Force or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the task force shall meet within two months from adoption of this resolution; and

BE IT FURTHER RESOLVED that the task force shall report a summary of its activities and any recommendations for legislation to the General Assembly by January 1, 2017; and

BE IT FURTHER RESOLVED that the Human Trafficking Task Force is authorized to function during the legislative interim of both the first and second regular sessions of the 98th General Assembly, as authorized by State v. Atterburry, 300 S.W.2d 806 (Mo. 1957); and

BE IT FURTHER RESOLVED that the task force shall terminate on January 1, 2017; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Attorney General, the Director of the Department of Public Safety, the Director of the Department of Mental Health, the Commissioner of Education, the Director of the Department of Social Services, and the Office of Child Advocate.

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SENATE CONCURRENT RESOLUTION NO. 1 [SCR 1]

WHEREAS, sex trafficking is a modern-day form of slavery in which psychological and physical coercion is used to force people to engage in commercial sex acts; and

WHEREAS, the Justice Department has identified St. Louis as a major hub of sex trafficking; and

WHEREAS, the average victim of sex trafficking is thirteen years old; and

WHEREAS, sex traffickers have been luring young girls and boys into the sex trade industry through the internet or by meeting adolescents on the street through promises of a better life, a place to stay, friendship, and money; and

WHEREAS, these girls and boys, once lured into the sex trade industry, often suffer beatings, rape, are held in isolation in deplorable conditions, and are forbidden from leaving their room unless they're with their trafficker; and

WHEREAS, the average person in the commercial sex industry only lives for seven years after being lured into the trade; and

WHEREAS, federal officials estimate there are hundreds of thousands of victims of sex trafficking; and

WHEREAS, children from all socioeconomic backgrounds are at risk of becoming victims of sex trafficking; and

WHEREAS, increasing awareness of the problem of sex trafficking in Missouri will help people identify victims of sex trafficking and educate parents, teachers, and children of the dangers and risks in order to prevent more people from becoming victims:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-eighth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby designate January as sex trafficking awareness month in Missouri; and

BE IT FURTHER RESOLVED that the General Assembly encourages and recommends that people of the State of Missouri observe sex trafficking awareness month through appropriate activities to increase awareness of sex trafficking; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to send properly inscribed copies of this resolution to the Governor for his approval or rejection pursuant to the Missouri Constitution.

SENATE CONCURRENT RESOLUTION NO. 2 [SCR 2]

WHEREAS, the word pica is derived from the Latin word for magpie, a bird known for its large and indiscriminate appetite; and

WHEREAS, Pica is also the name of an eating disorder which is identified by the persistent craving and compulsive eating of nonedible food substances such as chalk, hair, dirt, sand and even household cleaners; and

WHEREAS, Pica is most common in people with developmental disabilities, including autism, and in children between the ages of two and three; and

WHEREAS, Pica can also affect adults, pregnant women, people with epilepsy, traumatic brain injuries, or poor nutrition and low blood levels of iron or other minerals; and

WHEREAS, it remains difficult to identify Pica as many sufferers consume the substances in secret and physicians can have a difficult time identifying the cause of Pica-related health problems; and

WHEREAS, such symptoms and side effects include iron-deficiency anemia, lead or other poisoning, bowel obstruction, and even death; and

WHEREAS, there are no known methods of preventing Pica but when Pica is known or suspected, measures can be taken to reduce further ingestion of the nonfood substances; and

WHEREAS, parents should monitor the food and other substances that their children consume, particularly children who eat paint chips in homes with lead paint as such consumption can lead to lead poisoning; and

WHEREAS, the establishment of Pica Awareness Month would provide an appropriate venue to communicate an important message to the public about this largely unknown but potentially extremely harmful eating disorder to ensure affected persons are accurately diagnosed and treated:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-eighth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby recognize each year the month of November as "Pica Awareness Month"; and

BE IT FURTHER RESOLVED that the citizens of the state of Missouri are encouraged to participate in appropriate activities such as wearing the color orange to raise awareness of Pica; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to send properly inscribed copies of this resolution to the Governor for his approval or rejection pursuant to the Missouri Constitution.

SENATE CONCURRENT RESOLUTION NO. 3 [SCR 3]

WHEREAS, the Joint Committee on Solid Waste Management District Operations was established pursuant to Senate Concurrent Resolution 17 during the Second Regular Session of the Ninety-seventh General Assembly; and

WHEREAS, Senate Concurrent Resolution 17 established the Joint Committee on Solid Waste Management District Operations to examine solid waste management district operations, including but not limited to efficiency, efficacy, and reasonableness of costs and expenses of such districts to Missouri taxpayers; and

WHEREAS, the Joint Committee on Solid Waste Management District Operations heard testimony from individuals, business owners, and various interested parties during September and December 2014; and

WHEREAS, after review and consideration of the testimony presented, the Joint Committee on Solid Waste Management District Operations has considered multiple legislative proposals relating to solid waste;

WHEREAS, the Joint Committee on Solid Waste Management District Operations held a public hearing on December 3, 2014 to receive comments on a draft Senate bill relating to solid waste;

WHEREAS, the draft Senate bill was discussed and received support from multiple stakeholders;

WHEREAS, the Joint Committee on Solid Waste Management District Operations dissolved on December 31, 2014, but has further hearings to conduct and additional legislative alternatives to research:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-eighth General Assembly, First Regular Session, the House of Representatives concurring

therein, hereby establish the "Joint Committee on Solid Waste Management District Operations" to examine the solid waste management district operations, including but not limited to efficiency, efficacy, and reasonableness of costs and expenses of such districts to Missouri taxpayers; and

BE IT FURTHER RESOLVED that the Joint Committee on Solid Waste Management District Operations shall be composed of five members of the Senate, with no more than three members of one party, and five members of the House of Representatives, with no more than three members of one party. The Senate members of the Joint Committee shall be appointed by the President pro tempore of the Senate and the House members by the Speaker of the House of Representatives. The Joint Committee shall select either a chairperson or co-chairpersons, one of whom shall be a member of the Senate and one a member of the House of Representatives. A majority of the members shall constitute a quorum. Meetings of the Joint Committee may be called at such time and place as the chairperson or chairpersons designate; and

BE IT FURTHER RESOLVED that the Joint Committee may hold hearings as it deems advisable and may obtain any input or information necessary to fulfill its obligations. The Joint Committee may make reasonable requests for staff assistance from the research and appropriations staffs of the House and Senate and the Committee on Legislative Research, as well as the Department of Natural Resources and representatives of solid waste management districts; and

BE IT FURTHER RESOLVED that the Joint Committee may prepare a final report, together with its recommendations for any legislative action deemed necessary, for submission to the General Assembly by December 31, 2016, at which time the Joint Committee shall be dissolved; and

BE IT FURTHER RESOLVED that members of the Joint Committee and any staff personnel assigned to the Joint Committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the Joint Committee; and

BE IT FURTHER RESOLVED that the actual expenses of the Joint Committee, its members, and any staff assigned to the Joint Committee incurred by the Joint Committee shall be paid by the Joint Contingent Fund; and

BE IT FURTHER RESOLVED that the Joint Committee is authorized to function during the legislative interim between the First Regular Session of the Ninety-eighth General Assembly and the Second Regular Session of the Ninety-eighth General Assembly, and between the Second Regular Session of the Ninety-eighth General Assembly and the First Regular Session of the Ninety-ninth General Assembly through December 31, 2016, as authorized by State v. Atterburry, 300 S.W.2d 806 (Mo. 1957).

SENATE CONCURRENT RESOLUTION NO. 4 [SCR 4]

WHEREAS, mesothelioma is a rare form of cancer of the smooth lining of the chest, lungs, heart, and abdomen that is difficult to detect in its early stages and may be associated with many other conditions; however, when vital organs are involved or disease is identified outside of the operative field, surgery is no longer an option and patients are referred to chemotherapy or clinical trials; and

WHEREAS, approximately 2,500 to 3,000 cases of mesothelioma are reported annually in the United States, and because it occurs in such a small number of patients, mesothelioma is often referred to as an orphan disease, but the number of affected persons is steadily rising every year in North America, Europe, Australia, and Asia; and

WHEREAS, according to the American Cancer Society, mesothelioma is caused by exposure to asbestos fibers and characterized by a latency period that usually lasts for decades, although the exact method by which asbestos causes the disease is not known; and

WHEREAS, the American Cancer Society indicates that most people who develop mesothelioma have worked on jobs where they inhaled asbestos particles, or have been exposed to asbestos dust and fibers in other ways, such as by washing the clothes of a family member who worked with asbestos, or by home renovation using asbestos products"; and

WHEREAS, due to the long period between exposure and diagnosis, mesothelioma results in a life expectancy of four to eighteen months after onset, and nearly 3,000 persons succumb to the disease each year; and

WHEREAS, to promote public awareness of the dangers of this deadly cancer and of asbestos exposure, the need for treatment protocols, and funding for research, Mesothelioma Awareness Day was started by Meso Foundation volunteers in 2004, and September 26th was designated as the day to (I) remember the victims of mesothelioma, (ii) publicize the dangers of asbestos exposure, (iii) offer hope for those who suffer with the disease today, and (iv) focus on and highlight the need for research support and a cure for mesothelioma; and

WHEREAS, on September 26th each year, citizens across the nation are encouraged to participate in CURE MESOTHELIOMA public awareness programs and events, and to sponsor or organize fundraising campaigns in the name of MESOTHELIOMA AWARENESS;and

WHEREAS, Mesothelioma Awareness Day provides an appropriate venue to communicate an important message to the public about this deadly cancer to ensure affected persons are accurately diagnosed and treated and connected to a support system:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-eighth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby designate September 26th of every year as Mesothelioma Awareness Day in Missouri; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to send properly inscribed copies of this resolution to the Governor for his approval or rejection pursuant to the Missouri Constitution.

SENATE CONCURRENT RESOLUTION NO. 5 [SCR 5]

WHEREAS, the easily extracted, high purity lead ore in Missouri was a critical reason for the early development of Missouri and has provided good jobs, a way of life, and significant economic development to Missourians for centuries; and

WHEREAS, the lead industry in Missouri is the only primary, domestic source for that strategic material in America; and

WHEREAS, new technology now makes production of primary lead metal a safe, cost effective, and valuable means of continuing to provide a strategic material for numerous uses including munitions, protective barriers for x-rays, radioactive fallout, and radioactive contamination, and batteries for numerous uses including cars, trucks, electric vehicles, renewable energy storage, and peaking power reduction; and

WHEREAS, encouraging a safe, healthy, and lucrative lead industry in Missouri will give rise to good paying jobs, significant economic development, and the resources to mitigate the legacy of environmental issues caused by lead extraction:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-eighth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby create the Missouri Lead Industry Employment, Economic Development and Environmental Remediation Task Force; and

BE IT FURTHER RESOLVED that the mission of the task force shall be to fully consider:

(1) The effects of a prompt environmental settlement giving rise to efficient and cost effective remediation;

(2) Ways to promote the development of a clean lead industry;

(3) Clean lead industry legislative proposals including rules and regulations necessary for implementation;

(4) The economic potential of implementing clean lead industry policies; and

Be It Further Resolved that the task force be authorized to call upon any department, office, division, or agency of this state to assist in gathering information pursuant to its objective; and

Be It Further Resolved that the task force shall consist of all of the following members:

(1) The Governor, or his or her designee, to serve as a member of the task force; and

(2) One member of the general assembly of the majority party appointed by the president pro tem of the senate, to serve as the chair of the task force; and

(3) One member of the general assembly of the majority party appointed by the speaker of the house of representatives, to serve as the vice-chair and secretary of the task force, and who will provide an agenda and report minutes of the task force; and

(4) The Attorney General, or his or her designee, to serve as a member and provide technical assistance to the task force; and

(5) The Director of the Department of Natural Resources, or his or her designee, to serve as a member and provide technical assistance to the task force; and

(6) One member of the majority party of the senate and one member of the minority party of the senate appointed by the president pro tempore of the senate; and

(7) One member of the majority party of the house of representatives and one member of the minority party of the house of representatives appointed by the speaker of the house of representatives; and

(8) A representative of industry appointed by the president pro tem of the senate; and

(9) A representative of industry appointed by the speaker of the house of representatives; and

BE IT FURTHER RESOLVED that the staff of Senate Research shall provide such legal, research, clerical, technical, and bill drafting services as the task force may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the task force, its members, and any staff assigned to the committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the committee; and

BE IT FURTHER RESOLVED that the chair or vice-chair and secretary of the task force shall call an organizational meeting within fifteen days of the adoption of this resolution; and

BE IT FURTHER RESOLVED that the task force shall terminate by either a majority of members voting for termination, or by December 31, 2016, whichever occurs first; and

BE IT FURTHER RESOLVED that on the date of termination, the task force may deliver a report of findings and recommendations to the General Assembly; and

BE IT FURTHER RESOLVED that this resolution does not amend any state law to which the Department of Natural Resources is subject, and shall be interpreted to be consistent with any requirements of such state or federal law; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for Governor Jay Nixon, Attorney General Chris Koster, and the Director of the Department of Natural Resources.

SENATE CONCURRENT RESOLUTION NO. 7 [SCR 7]

WHEREAS, in April 2014, the Department of Defense announced that the Pentagon will seek further mission realignments, personnel reductions and procurement decreases as part of the federal budget cutting process; and

WHEREAS, United States Secretary of Defense Chuck Hagel states that, in an effort to cut over $1 trillion over the next decade, the number of soldiers in the United States Army will drop over the next five years from 562,000 to 420,000, and the number of Marines in the United States Marine Corps will drop over the next five years from 202,000 to 175,000; and

WHEREAS, the Air Force may cut up to 25,000 total force airmen, or about four percent of its people, and up to 550 aircraft or about nine percent of its inventory; and

WHEREAS, the Pentagon planners intend to reduce procurement of weapons systems by $66.2 billion from fiscal year 2016 to fiscal year 2019; and

WHEREAS, Missouri is currently home to a number of major military bases and agencies, including Whiteman Air Force Base near Knob Noster and its 509th Bomb Wing, the only Air Force Unit that operates the B-2 Spirit Stealth Bomber; the United States Army Maneuver Support Center at Fort Leonard Wood and its Chemical, Biological, Nuclear and Radiological School (CBRN), Military Police, and Engineer Schools; the National Geospatial-Intelligence Agency (NGA) in Arnold; the Missouri National Guard's Ike Skelton Training Center (ISTS) in Jefferson City; the Theater Aviation Sustainment Maintenance Group (TASMG) in Springfield; and the 139th Airlift Wing in St. Joseph, among numerous other facilities and locations; and

WHEREAS, the Department of Defense's spending and related activities triggered nearly $11.6 billion in household earnings for workers in Missouri, including an estimated $6.2 billion in direct compensation to active military personnel, civilian personnel, trainees, inactive duty, retired personnel living in the state, workers directly hired by contracted firms, and workers directly hired in tourism or education-related industries, and $11.6 billion in added household earnings from the multiplier effects; and

WHEREAS, in total, the Department of Defense's spending and related activities supported 275,000 jobs for state residents, including an estimated 123,000 direct jobs in the state of Missouri and 152,000 jobs added through the multiplier effects. The direct jobs include active military personnel, civilian personnel, trainees, inactive duty, and workers directly hired by contracted firms, and workers directly hired in tourism or education related industries. This does not include retired personnel; and

WHEREAS, the estimated total output (economic activity) triggered by the Department of Defense's spending and related activities ($15 billion) and the added multiplier effects ($24.8 billion) was $39.8 billion for Missouri; and

WHEREAS, Missouri's defense industry plays a vital role in the state's economy, employing 160,000 Missourians working to support, either directly or indirectly, over $12 billion in Department of Defense procurement contracts awarded to Missouri companies, ranking fifth among the states in total dollars; and

WHEREAS, Missouri's defense procurement contracts are heavily oriented toward research and operational systems and manufacturing companies, particularly aerospace manufacturing at the Boeing Company, Missouri's third largest employer, and its supply chain; and

WHEREAS, Missouri is home to several outstanding universities, including the University of Missouri, Washington University, and St. Louis University, that conduct cutting edge defense research for the government, providing the innovation needed to keep our military the finest in the world and creating the academic environment necessary to produce critical talent for government and industry workforce; and

WHEREAS, the nation's primary concern must always be national defense and the security of the United States, including Missouri; and

WHEREAS, Missouri is heavily committed to providing for our national defense and security as an accommodating partner and a proud home to major military installations and agencies, 63,700 military and federal civilian personnel, and 162,000 citizens who work at companies that manufacture defense systems, provide valuable services, and perform critical research; and

WHEREAS, Missouri has a vital economic interest in maintaining its military installations and agencies, and in presenting to national leaders evidence of Missouri's capacity to provide additional, cost effective, and flexible support to defense missions during the federal government's efforts to re-establish its basing, costing, and capabilities:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-eighth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby strongly urge the United States Department of Defense and Missouri's Congressional delegation to protect, promote, and leverage Missouri's military bases and agencies, keep the number of military personnel in the state intact, and preserve defense industry procurement so that Missouri may continue to support the defense and protection of the state and the United States and keep its economy in sound condition; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for United States Secretary of Defense Chuck Hagel and each member of Missouri's Congressional delegation.

SENATE CONCURRENT RESOLUTION NO. 10 [SCR 10]

WHEREAS, Congress enacted, and the President signed into law, the Healthy, Hunger-Free Kids Act of 2010; and

WHEREAS, under the new nutrition standards implemented in 2012, school meal programs have experienced increased costs and administrative burdens, while struggling with student acceptance of new menu items and increased plate waste; and

WHEREAS, as a result of the new nutrition standards, one million fewer students are choosing school meals each day; and

WHEREAS, approximately forty-seven percent of school meal programs report that overall revenue declined in the 2012-2013 school year; and

WHEREAS, school districts need relief from increasing operational costs associated with the federal mandates; and

WHEREAS, Missourians would benefit from a more common sense approach to school nutrition:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-eighth General Assembly, First Regular Session, hereby urge the Missouri congressional delegation to make changes in the Child Nutrition Act Reauthorization in 2015 to promote a healthy school environment for children, provide reasonable flexibility in the operation of school meal programs, maximize program efficiency, ensure overall sustainability of child nutrition programs, and encourage local school districts and school nutrition programs to work with local farm-to-table organizations where appropriate; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for each member of the Missouri congressional delegation.

SENATE CONCURRENT RESOLUTION NO. 12 [SCR 12]

WHEREAS, Multiple Sclerosis (MS) is a chronic, often disabling disease that attacks the central nervous system, which is comprised of the brain, spinal cord, and optic nerves. MS damages the nerve-insulating myelin sheath that surrounds and protects the brain. The damage to the myelin sheath slows down or blocks messages between the brain and the body; and

WHEREAS, the cause of MS remains unknown; however, having a first-degree relative, such as a parent or sibling, with MS significantly increases a person's risk of developing the disease. According to the National Institute of Neurological Disorders and Stroke, it is estimated that there are approximately 250,000 to 350,000 persons in the United States who are diagnosed with MS. This estimate suggests that approximately 200 new cases are diagnosed each week; and

WHEREAS, it is in the public interest for the state to establish a Multiple Sclerosis Task Force in order to identify and address the unmet needs of persons with MS, and develop ways to enhance their quality of life:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-eighth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby create the Missouri Multiple Sclerosis Task Force; and

BE IT FURTHER RESOLVED that the mission of the Task Force shall be to fully consider and make recommendations in a report to the General Assembly on:

(1) Developing strategies to identify and address the unmet needs of persons with MS in order to enhance the quality of life of persons with MS by maximizing productivity and independence, and addressing the emotional, social, and vocational challenges of persons with MS; and

(2) Developing strategies to provide persons with MS greater access to various treatments and other therapeutic options that may be available; and

Be It Further Resolved that the Task Force shall consist of the following members:

(1) Two members of the Senate, one to be appointed by the President Pro Tempore of the Senate and one to be appointed by the Minority Leader of the Senate;

(2) Two members of the House of Representatives, one to be appointed by the Speaker of the House of Representatives and one to be appointed by the Minority Leader of the House of Representatives;

(3) The Director of the Department of Health and Senior Services, or his or her designee, to serve as a member and provide technical assistance to the task force;

(4) Two neurologists licensed to practice in this state, with one appointed by the President Pro Tempore of the Senate and one appointed by the Speaker of the House of Representatives, from a list of recommendations by the Department of Health and Senior Services;

(5) Two Missouri regional members of a national organization with experience in helping people affected by MS through funding cutting-edge research, driving change through advocacy, facilitating professional education and providing programs and services that help people and the families living with MS, with one appointed by the President Pro Tempore of the Senate and one appointed by the Speaker of the House of Representatives, from a list of recommendations by the Department of Health and Senior Services;

(6) Two persons who represent agencies that provide services or supports to individuals with MS in this state, with one appointed by the President Pro Tempore of the Senate and one appointed by the Speaker of the House of Representatives, from a list of recommendations by the Department of Health and Senior Services;

(7) Two persons who have MS, with one appointed by the President Pro Tempore of the Senate and one appointed by the Speaker of the House of Representatives, from a list of recommendations by the Department of Health and Senior Services; and

BE IT FURTHER RESOLVED that the staffs of Senate Research, House Research, and the Joint Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the Task Force may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the Task Force will report its recommendations and findings to the Missouri General Assembly by January 1, 2017; and

BE IT FURTHER RESOLVED that the Task Force shall terminate by either a majority of members voting for termination, or by January 1, 2017, whichever occurs first; and

BE IT FURTHER RESOLVED that the Multiple Sclerosis Task Force is authorized to function during the legislative interim between the First Regular Session of the Ninety-eighth General Assembly and the Second Regular Session of the Ninety-eighth General Assembly through January 1, 2017, as authorized by State v. Atterburry, 300 S.W.2d 806 (Mo. 1957); and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Director of the Department of Health and Senior Services.

SENATE CONCURRENT RESOLUTION NO. 17 [SCR 17]

Whereas, sports participation has become part of American life ingrained into the consciousness of society; and

Whereas, sports officials act as on-field judges for their respective sports and as neutral participants who have no stake in the outcome of the game; and

Whereas, it is critical that there are a sufficient number of qualified sports officials to enforce the rules of the game and judge potential disputes between participants on the field; and

Whereas, many sports officials volunteer their time or receive only minimal compensation and participate out of a sheer love of the game and to teach children who play the game the valuable lessons that are learned through participating in sports, including sportsmanship, teamwork, and complying with the rules of the game to achieve a common goal; and

Whereas, sports officials deserve our collective respect and must have our collective assistance in creating a safe and secure environment for our children to play; and

Whereas, increasingly, sports officials are subjected to verbal and even physical assault by disgruntled fans as well as certain coaches and players; and

Whereas, although education continues to be important, recent trends point out the need for strong sanctions against those who engage in bad behavior at sporting events; and

Whereas, young people observe both the good and bad behavior of their sports heroes, other athletes, coaches, and fans and often emulate that behavior in either a positive or negative manner; and

Whereas, players, coaches and fans should be deterred from assaulting officials by local authorities handing out more severe penalties to ensure that the fans, especially young children, realize that it is not acceptable to attack an official; and

Whereas, as a society, we must act on the belief that respect for authority is critical to living, working, and playing together in a civil society governed by the rule of law:

Now Therefore Be It Resolved that the members of the Missouri Senate, Ninety-eighth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby call on all school districts, little league programs, high school, college, and recreational programs, along with law enforcement and prosecutors, to do all they can to put an end to the increased threats and assaults on sports officials and to prosecute such criminal acts to the full extent of the law; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Department of Elementary and Secondary Education, the Department of Higher Education, the Attorney General, and the Department of Public Safety.

SENATE CONCURRENT RESOLUTION NO. 29 [SCR 29]

Whereas, a new 2.3% federal excise tax on the sale of taxable medical devices by manufacturers, producers, and importers of such devices took effect on January 1, 2013; and

Whereas, the United States Congress Joint Committee on Taxation estimates that the tax will generate $29 billion in revenue in its first ten years; and

Whereas, the United States is a net exporter in medical devices, exporting $5.4 billion more than it imports, and accounts for 40% of the global medical technology market; and

Whereas, a study completed by the Manhattan Institute found that the medical device tax will almost double the medical device industry's total tax bill and could result in the loss of up to 43,000 jobs in the medical technology industry; and

Whereas, the medical device tax will harm the United States' global competitiveness, stunt medical innovation, and restrict the ability of patients to receive the life-saving medical devices and care they need; and

Whereas, the medical device tax is imposed on United States sales, rather than profits, of medical device manufacturers, so it will be particularly damaging to innovative start-up companies:

Now Therefore Be It Resolved that the members of the Missouri Senate, Ninety-eighth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the President of the United States and the Congress of the United states to repeal the excise tax on medical devices; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives and the members of the Missouri Congressional delegation.

SENATE CONCURRENT RESOLUTION NO. 31 [SCR 31]

WHEREAS, all state governments and the federal government endorse educational excellence and student achievement as essential to a democratic society; and

WHEREAS, the Congress of the United States enacted Title VIII of the Elementary and Secondary Education Act of 1965 (Impact Aid law) in order to provide funding for local school districts that have lower property tax revenues due to tax-exempt federal lands; and

WHEREAS, the Congress of the United States enacted the Secure Rural Schools and Community Self-Determination Act of 2000 (Secure Rural Schools Act) in order to supplement funding for schools; and

WHEREAS, funding under the Impact Aid law and the Secure Rural Schools Act is critical for local school districts, which rely on state and local property taxes as a significant source of their funding; and

WHEREAS, tax-exempt federal lands can greatly reduce the state and local property taxes that support local school districts; and

WHEREAS, funding to local school districts in Missouri under the Secure Rural Schools Act totaled over three million dollars for the 2013-14 school year; and

WHEREAS, the Secure Rural Schools program expired on September 30, 2014. The absence of reauthorization of the Secure Rural Schools Act has resulted in significantly decreased payments to states; and

WHEREAS, the 114th Congress has not yet ensured continuation of funding under the Impact Aid law by reauthorization of the Elementary and Secondary Education Act; and

WHEREAS, the children of Missouri should not suffer due to federal tax immunities that are distributed in a random and unequal fashion among the local school districts in Missouri; and

WHEREAS, state and local school districts should retain sufficient educational funding to achieve both federal and state educational goals and mandates; and

WHEREAS, a sudden loss of funds would significantly damage the ability of state and local school districts to achieve both federal and state educational goals and mandates:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-eighth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby encourage the 114th Congress of the United States to reinstate the Secure Rural Schools program at its previous funding levels and maintain funding under the Impact Aid law; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for each member of the Missouri Congressional delegation.

SENATE CONCURRENT RESOLUTION NO. 35 [SCR 35]

Whereas, it is important that school-age children engage in physical activity throughout the year; and

Whereas, the importance of physical activity in children is magnified in light of the increasing number of children who qualify as overweight or obese; and

Whereas, in order to combat the increased rate of obesity in children, it is crucial to focus attention on ensuring that children engage in physical activity, especially in the summer months where there is little to no organized physical activity provided through the schools; and

Whereas, increasing physical activity in children will lead to decreased numbers of overweight and obese children which, in turn, will lead to health care savings in the millions of dollars and encourage children to lead physically active lives; and

Whereas, the General Assembly passed House Bill 1603 in 2014 that designated the exercise commonly known as "jumping jacks" as the official exercise of the state of Missouri; and

Whereas, "jumping jacks" was invented by Missouri-born General John J. Pershing as a drill exercise for cadets when he was a tactical officer at West Point in the late 1800s and its importance as an exercise still exists today; and

Whereas, in order to celebrate "jumping jacks" as the state exercise, it is important for the citizens of this state to take a day and be encouraged to be physically active, including doing jumping jacks at various points in the day:

Now Therefore Be It Resolved that the members of the Missouri Senate, Ninety-eighth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby designate May 13, 2015 as Jump Day and recommend that the citizens of the state engage in activities designed to highlight the importance of children being active, especially in the summer when school is not in session.

SENATE CONCURRENT RESOLUTION NO. 38 [SCR 38]

WHEREAS, Section 29.351 of the Revised Statutes of Missouri provides that during the regular legislative session which convenes in an odd-numbered year, the General Assembly shall, by concurrent resolution, employ an independent certified public accountant or certified public accounting firm to conduct an audit examination of the accounts, functions, programs, and management of the State Auditor's office:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-eighth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby authorize the employment of an independent certified public accountant or certified public accounting firm pursuant to the provisions of Section 29.351; and

BE IT FURTHER RESOLVED that the audit examination be made in accordance with generally accepted auditing standards, including such reviews and inspections of books, records and other underlying data and documents as are necessary to enable the independent certified public accountant performing the audit to reach an informed opinion on the condition and performance of the accounts, functions, programs, and management of the State Auditor's Office; and

BE IT FURTHER RESOLVED that upon completion of the audit, the independent certified public accountant make a written report of his or her findings and conclusions, and supply each member of the General Assembly, the Governor, and the State Auditor with a copy of the report; and

BE IT FURTHER RESOLVED that the cost of the audit and report be paid out of the joint contingent fund of the General Assembly; and

BE IT FURTHER RESOLVED that the Commissioner of Administration bid these services, at the direction of the General Assembly, pursuant to state purchasing laws; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the Commissioner of Administration.

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Administrative Law

SB 107 Authorizes certain boards and commissions under the Division of Professional Registration to issue opinions for educational purposes and modifies laws relating to speech-language pathologists and audiologists

Administrative Rules

SB 107 Authorizes certain boards and commissions under the Division of Professional Registration to issue opinions for educational purposes and modifies laws relating to speech-language pathologists and audiologists

Agriculture and Animals

SB 12 Modifies provisions relating to agriculture
SB 500 Modifies provisions relating to honey
HB 259 Creates the Missouri Dairy Revitalization Act of 2015

Agriculture Department

SB 12 Modifies provisions relating to agriculture
HB 259 Creates the Missouri Dairy Revitalization Act of 2015

Alcohol

SB 373 Creates the Division of Alcohol and Tobacco Control Fund for the enforcement of liquor and tobacco laws and directs fees from liquor licenses and permits to the fund

Ambulances and Ambulance Districts

SB 210 Extends the sunset on certain healthcare provider reimbursement allowance taxes and modifies provisions relating to MO HealthNet and DSH payments

Annexation

HB 511 Exempts annexations occurring under certain circumstances from boundary commission review

Appropriations

SB 12 Modifies provisions relating to agriculture
HCR 4 Disapproves the salary recommendations of the Missouri Citizens' Commission on Compensation for Elected Officials
HB 1 Appropriates money to the Board of Fund Commissioners
HB 2 Appropriates money for the expenses, grants, refunds, and distributions of the State Board of Education and Department of Elementary and Secondary Education
HB 3 Appropriates money for the expenses, grants, refunds, and distributions of the Department of Higher Education
HB 4 Appropriates money for the expenses, grants, refunds, and distributions of the Department of Revenue and Department of Transportation
HB 5 Appropriates money for the expenses, grants, refunds, and distributions of the Office of Administration, Department of Transportation, and Department of Public Safety

APPROPRIATIONS, CONTINUED

HB 6 Appropriates money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, and Department of Conservation
HB 7 Appropriates money for the expenses and distributions of the departments of Economic Development; Insurance, Financial Institutions and Professional Registration; and Labor and Industrial Relations
HB 8 Appropriates money for the expenses, grants, refunds, and distributions of the Department of Public Safety
HB 9 Appropriates money for the expenses, grants, refunds, and distributions of the Department of Corrections
HB 10 Appropriates money for the expenses, grants, refunds, and distributions of the Department of Mental Health, Board of Public Buildings, and Department of Health and Senior Services
HB 11 Appropriates money for the expenses, grants, and distributions of the Department of Social Services
HB 12 Appropriates money for the expenses, grants, refunds, and distributions of statewide elected officials, the Judiciary, Office of the State Public Defender, and General Assembly
HB 13 Appropriates money for real property leases and related services
HB 14 Appropriates money for supplemental purposes
HB 16 Appropriates money for supplemental purposes
HB 17 Appropriates money for capital improvement and other purposes as provided in Article IV, Section 28
HB 18 Appropriates money for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities
HB 19 Appropriates money for capital improvements.
HB 259 Creates the Missouri Dairy Revitalization Act of 2015

ATTORNEY GENERAL, STATE

HB 92 Modifies provisions relating to the Department of Natural Resources

ATTORNEYS

HB 799 Modifies provisions regarding judicial circuits (VETOED)

AUDITOR, STATE

SB 5 Modifies distribution of traffic fines and court costs collected by municipal courts
SB 87 Requires persons who submit petitions for political subdivision audits to reside or own property in the subdivision and allows for signatures to be rescinded

BANKS AND FINANCIAL INSTITUTIONS

SB 174 Establishes the Missouri Achieving a Better Life Experience Program
SB 244 Creates the Senior Savings Protection Act
SB 345 Modifies provisions relating to financial transactions (VETO OVERRIDDEN)
SB 524 Modifies provisions relating to contractual fees charged by certain financial institutions

BANKS AND FINANCIAL INSTITUTIONS, CONTINUED

HB 587 Modifies provisions relating to licensing fees paid by entities and persons licensed under the Missouri Sale of Checks Law, credit service organizations, and consumer credit lenders
HB 1098 Modifies provisions relating to trust companies (VETO OVERRIDDEN)

BOARDS, COMMISSIONS, COMMITTEES, COUNCILS

SB 58 Modifies and repeals a number of existing, expired or obsolete committees
SB 107 Authorizes certain boards and commissions under the Division of Professional Registration to issue opinions for educational purposes and modifies laws relating to speech-language pathologists and audiologists
SB 142 Requires the Department of Natural Resources to take certain actions when submitting certain plans the Environmental Protection Agency (VETO OVERRIDDEN)
SB 174 Establishes the Missouri Achieving a Better Life Experience Program
SB 334 Modifies provisions relating to the boards of regents of state colleges and universities and broadens the degree-granting authority of Harris-Stowe State University
HB 42 Modifies provisions relating to elementary and secondary education (VETOED)
HB 92 Modifies provisions relating to the Department of Natural Resources
HB 326 Specifies that each defined benefit pension plan must establish a board member education program (VETOED)

BOATS AND WATERCRAFT

SB 231 Modifies provisions relating to watercraft
HB 269 Modifies the type of fire extinguishers required for class two motorboats
HB 402 Designates the first full week before Memorial Day as "Safe Boating Week"

BONDS - GENERAL OBLIGATION AND REVENUE

HB 150 Modifies the duration of unemployment compensation, the method to pay federal advances, and raises the fund trigger causing contribution rate reductions (VETO OVERRIDDEN)

BONDS - SURETY

SB 12 Modifies provisions relating to agriculture
SB 456 Modifies provisions relating to the ownership of motor vehicles
HB 92 Modifies provisions relating to the Department of Natural Resources

BUSINESS AND COMMERCE

SB 12 Modifies provisions relating to agriculture
SB 18 Requires the Department of Revenue to notify sellers if there is a change in sales tax law interpretation
SB 149 Creates state and local sales and use tax exemptions for data storage centers and allows municipalities to enter into loan agreements, or sell, lease, or mortgage municipal property for a technology business facility project
SB 345 Modifies provisions relating to financial transactions (VETO OVERRIDDEN)
SB 456 Modifies provisions relating to the ownership of motor vehicles
SB 500 Modifies provisions relating to honey

Business and Commerce, Continued

HB 259 Creates the Missouri Dairy Revitalization Act of 2015
HB 531 Requires that nicotine liquid containers sold at retail satisfy federal child-resistant effectiveness standards
HB 587 Modifies provisions relating to licensing fees paid by entities and persons licensed under the Missouri Sale of Checks Law, credit service organizations, and consumer credit lenders
HB 722 Prohibits certain types of ordinances from being adopted by political subdivisions (VETO OVERRIDDEN)
HB 878 Modifies provisions relating to the licensing and commissioning of corporate security advisors by the Department of Public Safety (VETO OVERRIDDEN)

Cemeteries

HB 618 Modifies provisions of law regarding the disposition of deceased human remains and the electronic vital records system (VETO OVERRIDDEN)

Charities

SB 463 Removes the sunsets on the Residential Treatment Agency Tax Credit and the Developmental Disability Care Provider Tax Credit
HB 869 Modifies provisions relating to the titling of motor vehicles, trailers, boats, and outboard motors

Children and Minors

SCR 1 Designates January as Sex Trafficking Awareness Month in Missouri
SB 174 Establishes the Missouri Achieving a Better Life Experience Program
SB 321 Allows victims of sexual assault to receive protective orders and modifies the definitions of sexual assault and stalking as they relate to orders of protection
SB 341 Modifies provisions of law relating to the protection of children and other vulnerable persons
SB 354 Allows Department of Health and Senior Services to supply qualifying individuals with amino acid-based elemental formulas
HB 501 Requires course materials relating to sexual education to contain information regarding sexual predators, online predators, and the consequences of inappropriate text messaging
HB 531 Requires that nicotine liquid containers sold at retail satisfy federal child-resistant effectiveness standards
HB 1149 Modifies provisions relating to youth in custody of the Division of Youth Services and creates a special class of trust funds for the money of youth in the division's custody

Circuit Clerk

SB 67 Authorizes certain court surcharges, Buchanan County to establish a county municipal court, certain circuits with a SORTS facility to appoint a court marshal, requires certain reporting regarding municipal courts and modifies procedure in landlord tenant cases (VETOED)

Cities, Towns and Villages

SB 5 Modifies distribution of traffic fines and court costs collected by municipal courts
SB 68 Provides that directors of industrial development corporations in St. Francois County may be taxpayers and registered voters in the county
SB 272 Changes the laws regarding motor vehicle height and weight limits in certain city commercial zones
SB 497 Modifies provisions relating to special purpose districts
HB 511 Exempts annexations occurring under certain circumstances from boundary commission review

Civil Procedure

SB 67 Authorizes certain court surcharges, Buchanan County to establish a county municipal court, certain circuits with a SORTS facility to appoint a court marshal, requires certain reporting regarding municipal courts and modifies procedure in landlord tenant cases (VETOED)
SB 93 Creates the Campus Free Expression Act to protect free expression on the campuses of public institutions of higher education
SB 164 Exempts in bankruptcy proceedings life insurance proceeds for the burial of a family member, modifies insurance foreign investment limits, changes the requirements for the valuation of reserves for life insurance, and modifies provisions regarding qualified spousal trusts
SB 239 Creates a statutory cause of action for damages against health care providers
SB 340 Changes an intersectional reference in a provision of law regarding the determination of heirship
HB 799 Modifies provisions regarding judicial circuits (VETOED)

Civil Rights

SB 93 Creates the Campus Free Expression Act to protect free expression on the campuses of public institutions of higher education

Constitutional Amendments

SB 104 Modifies provisions relating to elections

Consumer Protection

HB 531 Requires that nicotine liquid containers sold at retail satisfy federal child-resistant effectiveness standards

Corporations

SB 19 Creates a new method of allocating corporate income between states for tax purposes
SB 68 Provides that directors of industrial development corporations in St. Francois County may be taxpayers and registered voters in the county
HB 125 Modifies the membership requirements for certain industrial development corporations formed by certain municipalities
HB 869 Modifies provisions relating to the titling of motor vehicles, trailers, boats, and outboard motors

COUNTIES

SB 5 Modifies distribution of traffic fines and court costs collected by municipal courts
SB 68 Provides that directors of industrial development corporations in St. Francois County may be taxpayers and registered voters in the county
SB 272 Changes the laws regarding motor vehicle height and weight limits in certain city commercial zones
SB 405 Raises the outer threshold amount for a county to be eligible to collect a greater percentage of the total taxes collected as a fee
SB 435 Allows the Governor to convey the State's interest in specified property owned by the state in St. Louis County to the county
SB 539 Allows the county commission, or a county officer designated by the county commission, to provide passport services if the circuit court clerk does not provide the services
HB 511 Exempts annexations occurring under certain circumstances from boundary commission review
HB 799 Modifies provisions regarding judicial circuits (VETOED)

COUNTY GOVERNMENT

SB 5 Modifies distribution of traffic fines and court costs collected by municipal courts
SB 12 Modifies provisions relating to agriculture
SB 67 Authorizes certain court surcharges, Buchanan County to establish a county municipal court, certain circuits with a SORTS facility to appoint a court marshal, requires certain reporting regarding municipal courts and modifies procedure in landlord tenant cases (VETOED)
SB 539 Allows the county commission, or a county officer designated by the county commission, to provide passport services if the circuit court clerk does not provide the services
HB 125 Modifies the membership requirements for certain industrial development corporations formed by certain municipalities
HB 511 Exempts annexations occurring under certain circumstances from boundary commission review

COUNTY OFFICIALS

SB 405 Raises the outer threshold amount for a county to be eligible to collect a greater percentage of the total taxes collected as a fee
SB 539 Allows the county commission, or a county officer designated by the county commission, to provide passport services if the circuit court clerk does not provide the services
HB 613 Modifies provisions relating the collection of property taxes

COURTS

SB 5 Modifies distribution of traffic fines and court costs collected by municipal courts
SB 67 Authorizes certain court surcharges, Buchanan County to establish a county municipal court, certain circuits with a SORTS facility to appoint a court marshal, requires certain reporting regarding municipal courts and modifies procedure in landlord tenant cases (VETOED)
SB 104 Modifies provisions relating to elections
SB 239 Creates a statutory cause of action for damages against health care providers

COURTS, CONTINUED

SB 321 Allows victims of sexual assault to receive protective orders and modifies the definitions of sexual assault and stalking as they relate to orders of protection
SB 341 Modifies provisions of law relating to the protection of children and other vulnerable persons
SB 426 Allows community mental health liaisons to access specified confidential records maintained by specified institutions
SB 497 Modifies provisions relating to special purpose districts
HB 799 Modifies provisions regarding judicial circuits (VETOED)

COURTS, JUVENILE

SB 67 Authorizes certain court surcharges, Buchanan County to establish a county municipal court, certain circuits with a SORTS facility to appoint a court marshal, requires certain reporting regarding municipal courts and modifies procedure in landlord tenant cases (VETOED)
HB 799 Modifies provisions regarding judicial circuits (VETOED)
HB 1149 Modifies provisions relating to youth in custody of the Division of Youth Services and creates a special class of trust funds for the money of youth in the division's custody

CREDIT AND BANKRUPTCY

SB 164 Exempts in bankruptcy proceedings life insurance proceeds for the burial of a family member, modifies insurance foreign investment limits, changes the requirements for the valuation of reserves for life insurance, and modifies provisions regarding qualified spousal trusts

CREDIT UNIONS

SB 524 Modifies provisions relating to contractual fees charged by certain financial institutions

CRIMES AND PUNISHMENT

SCR 1 Designates January as Sex Trafficking Awareness Month in Missouri
SB 141 Raises the amount the Crime Victims' Compensation Fund can pay to eligible victims and provides that the Public Safety Department can negotiate costs on behalf of victims
SB 321 Allows victims of sexual assault to receive protective orders and modifies the definitions of sexual assault and stalking as they relate to orders of protection
HB 1149 Modifies provisions relating to youth in custody of the Division of Youth Services and creates a special class of trust funds for the money of youth in the division's custody

CRIMINAL PROCEDURE

SB 67 Authorizes certain court surcharges, Buchanan County to establish a county municipal court, certain circuits with a SORTS facility to appoint a court marshal, requires certain reporting regarding municipal courts and modifies procedure in landlord tenant cases (VETOED)
HB 799 Modifies provisions regarding judicial circuits (VETOED)

DAIRIES AND DAIRY PRODUCTS

SB 12 Modifies provisions relating to agriculture
HB 259 Creates the Missouri Dairy Revitalization Act of 2015

DISABILITIES

SB 174 Establishes the Missouri Achieving a Better Life Experience Program
SB 244 Creates the Senior Savings Protection Act
SB 463 Removes the sunsets on the Residential Treatment Agency Tax Credit and the Developmental Disability Care Provider Tax Credit

EASEMENTS AND CONVEYANCES

SB 317 Allows the Governor to convey properties located in Pulaski County, Christian County, St. Charles County, and St. Louis County to the State Highways and Transportation Commission
SB 435 Allows the Governor to convey the State's interest in specified property owned by the state in St. Louis County to the county
HB 947 Authorizes the Governor to convey certain state properties
HB 1052 Modifies provisions relating to land surveyors

ECONOMIC DEVELOPMENT

SB 194 Extends the date that a business must commence operations to qualify for a business facility tax credit
HB 125 Modifies the membership requirements for certain industrial development corporations formed by certain municipalities
HB 514 Authorizes sites containing former automobile manufacturing plants in St. Louis County to qualify for State Supplemental Tax Increment Financing

ECONOMIC DEVELOPMENT DEPARTMENT

SB 149 Creates state and local sales and use tax exemptions for data storage centers and allows municipalities to enter into loan agreements, or sell, lease, or mortgage municipal property for a technology business facility project

EDUCATION, ELEMENTARY AND SECONDARY

SB 116 Creates an exemption from the proof of residency and domicile for school registration for students whose parents are stationed out of state
SB 341 Modifies provisions of law relating to the protection of children and other vulnerable persons
HB 41 Repeals obsolete provisions of the elementary and secondary education foundation formula
HB 42 Modifies provisions relating to elementary and secondary education (VETOED)
HB 63 Modifies provisions relating to persons seeking public office (OVERRIDDEN)
HB 501 Requires course materials relating to sexual education to contain information regarding sexual predators, online predators, and the consequences of inappropriate text messaging
HB 869 Modifies provisions relating to the titling of motor vehicles, trailers, boats, and outboard motors

Education, Higher

SB 12 Modifies provisions relating to agriculture
SB 93 Creates the Campus Free Expression Act to protect free expression on the campuses of public institutions of higher education
SB 174 Establishes the Missouri Achieving a Better Life Experience Program
SB 224 Requires a student to be a United States citizen or permanent resident in order to be eligible to receive reimbursements from the A+ Schools Program (OVERRIDDEN)
SB 334 Modifies provisions relating to the boards of regents of state colleges and universities and broadens the degree-granting authority of Harris-Stowe State University
SB 366 Modifies the provisions of the Missouri higher education savings program
HB 259 Creates the Missouri Dairy Revitalization Act of 2015
HB 567 Designates December 4 as "Alpha Phi Alpha Day" in Missouri in honor of the first black intercollegiate Greek-letter fraternity established for African-Americans
HB 869 Modifies provisions relating to the titling of motor vehicles, trailers, boats, and outboard motors

Elderly

SB 244 Creates the Senior Savings Protection Act
HB 343 Establishes a committee to assess the continuation of the Money Follows the Person Demonstration Program

Elections

SB 5 Modifies distribution of traffic fines and court costs collected by municipal courts
SB 34 Extends voter registration requirements
SB 104 Modifies provisions relating to elections
HB 42 Modifies provisions relating to elementary and secondary education (VETOED)
HB 63 Modifies provisions relating to persons seeking public office (OVERRIDDEN)

Elementary and Secondary Education Department

SB 174 Establishes the Missouri Achieving a Better Life Experience Program
HB 42 Modifies provisions relating to elementary and secondary education (VETOED)

Employees - Employers

SB 336 Modifies provision relating to income tax withholdings on employee's tips
HB 116 Bars employers from requiring employees to engage in or cease engaging in certain labor practices (VETOED)
HB 150 Modifies the duration of unemployment compensation, the method to pay federal advances, and raises the fund trigger causing contribution rate reductions (VETO OVERRIDDEN)
HB 517 Modifies provisions relating to taxation
HB 722 Prohibits certain types of ordinances from being adopted by political subdivisions (VETO OVERRIDDEN)

Employment Security

HB 150 Modifies the duration of unemployment compensation, the method to pay federal advances, and raises the fund trigger causing contribution rate reductions (VETO OVERRIDDEN)

ENERGY

SB 142 Requires the Department of Natural Resources to take certain actions when submitting certain plans the Environmental Protection Agency (OVERRIDDEN)
SB 445 Modifies provisions relating to environmental protection
HB 92 Modifies provisions relating to the Department of Natural Resources

ENGINEERS

HB 361 Designates the third week of February as "Engineer Awareness Week" in Missouri

ENVIRONMENTAL PROTECTION

SB 142 Requires the Department of Natural Resources to take certain actions when submitting certain plans the Environmental Protection Agency (OVERRIDDEN)
SB 445 Modifies provisions relating to environmental protection
HB 92 Modifies provisions relating to the Department of Natural Resources
HB 722 Prohibits certain types of ordinances from being adopted by political subdivisions (VETO OVERRIDDEN)

ESTATES, WILLS AND TRUSTS

SB 164 Exempts in bankruptcy proceedings life insurance proceeds for the burial of a family member, modifies insurance foreign investment limits, changes the requirements for the valuation of reserves for life insurance, and modifies provisions regarding qualified spousal trusts
SB 340 Changes an intersectional reference in a provision of law regarding the determination of heirship

FAMILY SERVICES DIVISION

SB 24 Modifies provisions of law relating to the Temporary Assistance for Needy Families Program and the Supplemental Nutrition Assistance Program (OVERRIDDEN)

FEDERAL - STATE RELATIONS

SB 142 Requires the Department of Natural Resources to take certain actions when submitting certain plans the Environmental Protection Agency (OVERRIDDEN)
SB 445 Modifies provisions relating to environmental protection
HB 92 Modifies provisions relating to the Department of Natural Resources
HB 531 Requires that nicotine liquid containers sold at retail satisfy federal child-resistant effectiveness standards

FEES

SB 345 Modifies provisions relating to financial transactions (VETO OVERRIDDEN)
SB 373 Creates the Division of Alcohol and Tobacco Control Fund for the enforcement of liquor and tobacco laws and directs fees from liquor licenses and permits to the fund
SB 405 Raises the outer threshold amount for a county to be eligible to collect a greater percentage of the total taxes collected as a fee
SB 445 Modifies provisions relating to environmental protection
SB 500 Modifies provisions relating to honey

FEES, CONTINUED

SB 539 Allows the county commission, or a county officer designated by the county commission, to provide passport services if the circuit court clerk does not provide the services
HB 92 Modifies provisions relating to the Department of Natural Resources

FIRE PROTECTION

HB 269 Modifies the type of fire extinguishers required for class two motorboats

FUNERALS AND FUNERAL DIRECTORS

SB 164 Exempts in bankruptcy proceedings life insurance proceeds for the burial of a family member, modifies insurance foreign investment limits, changes the requirements for the valuation of reserves for life insurance, and modifies provisions regarding qualified spousal trusts
HB 618 Modifies provisions of law regarding the disposition of deceased human remains and the electronic vital records system (VETO OVERRIDDEN)

GENERAL ASSEMBLY

SB 58 Modifies and repeals a number of existing, expired or obsolete committees
HCR 4 Disapproves the salary recommendations of the Missouri Citizens' Commission on Compensation for Elected Officials
HB 42 Modifies provisions relating to elementary and secondary education (VETOED)

GOVERNOR & LT. GOVERNOR

SCR 4 Recognizes every September 26th as Mesothelioma Awareness Day
SB 317 Allows the Governor to convey properties located in Pulaski County, Christian County, St. Charles County, and St. Louis County to the State Highways and Transportation Commission
SB 435 Allows the Governor to convey the State's interest in specified property owned by the state in St. Louis County to the county
HB 42 Modifies provisions relating to elementary and secondary education (VETOED)
HB 947 Authorizes the Governor to convey certain state properties

HEALTH CARE

SCR 4 Recognizes every September 26th as Mesothelioma Awareness Day
SB 141 Raises the amount the Crime Victims' Compensation Fund can pay to eligible victims and provides that the Public Safety Department can negotiate costs on behalf of victims
SB 174 Establishes the Missouri Achieving a Better Life Experience Program
SB 210 Extends the sunset on certain healthcare provider reimbursement allowance taxes and modifies provisions relating to MO HealthNet and DSH payments
HB 343 Establishes a committee to assess the continuation of the Money Follows the Person Demonstration Program
HB 501 Requires course materials relating to sexual education to contain information regarding sexual predators, online predators, and the consequences of inappropriate text messaging

HEALTH CARE, CONTINUED

HB 769 Allows for direct primary health care services to be provided through a medical retainer agreement between the physician and patient
HB 778 Designates the 22nd week of each year as 22q awareness week
HB 861 Designates the first full week in March as "Multiple Sclerosis Awareness Week"
HB 1116 Designates May 7th as "ROHHAD Awareness Day" in Missouri

HEALTH CARE PROFESSIONALS

SB 107 Authorizes certain boards and commissions under the Division of Professional Registration to issue opinions for educational purposes and modifies laws relating to speech-language pathologists and audiologists
SB 210 Extends the sunset on certain healthcare provider reimbursement allowance taxes and modifies provisions relating to MO HealthNet and DSH payments
SB 239 Creates a statutory cause of action for damages against health care providers
HB 618 Modifies provisions of law regarding the disposition of deceased human remains and the electronic vital records system (VETO OVERRIDDEN)
HB 769 Allows for direct primary health care services to be provided through a medical retainer agreement between the physician and patient

HEALTH DEPARTMENT

SB 341 Modifies provisions of law relating to the protection of children and other vulnerable persons
SB 500 Modifies provisions relating to honey
HB 531 Requires that nicotine liquid containers sold at retail satisfy federal child-resistant effectiveness standards

HEALTH, PUBLIC

SCR 2 Designates the month of November as Pica Awareness Month in Missouri
SB 500 Modifies provisions relating to honey
HB 88 Designates July 3 of each year as "Organ Donor Recognition Day"
HB 400 Designates the month of November each year as "Epilepsy Awareness Month"
HB 531 Requires that nicotine liquid containers sold at retail satisfy federal child-resistant effectiveness standards

HIGHER EDUCATION DEPARTMENT

SB 224 Requires a student to be a United States citizen or permanent resident in order to be eligible to receive reimbursements from the A+ Schools Program (OVERRIDDEN)
SB 334 Modifies provisions relating to the boards of regents of state colleges and universities and broadens the degree-granting authority of Harris-Stowe State University

HOLIDAYS

SCR 2 Designates the month of November as Pica Awareness Month in Missouri
SCR 4 Recognizes every September 26th as Mesothelioma Awareness Day
HB 88 Designates July 3 of each year as "Organ Donor Recognition Day"
HB 361 Designates the third week of February as "Engineer Awareness Week" in Missouri
HB 400 Designates the month of November each year as "Epilepsy Awareness Month"

Holidays, Continued

HB 402 Designates the first full week before Memorial Day as "Safe Boating Week"
HB 404 Designates the week in which May 15 falls as "Missouri's Peace Officers Memorial Week"
HB 567 Designates December 4 as "Alpha Phi Alpha Day" in Missouri in honor of the first black intercollegiate Greek-letter fraternity established for African-Americans
HB 778 Designates the 22nd week of each year as 22q awareness week
HB 859 Designates April 15 of each year as "Jackie Robinson Day" in Missouri
HB 861 Designates the first full week in March as "Multiple Sclerosis Awareness Week"
HB 874 Designates October 16th as "Walt Disney A Day to Dream' Day" in Missouri
HB 1116 Designates May 7th as "ROHHAD Awareness Day" in Missouri
HB 1119 Designates the second Monday in April as "Missouri Lineworker Appreciation Day"

Immigration

SB 224 Requires a student to be a United States citizen or permanent resident in order to be eligible to receive reimbursements from the A+ Schools Program (OVERRIDDEN)

Insurance - Automobile

SB 456 Modifies provisions relating to the ownership of motor vehicles
HB 391 Requires insurers to mail notices cancelling, refusing to renew, or refusing to issue automobile insurance policies through certain United States postal service methods

Insurance - General

SB 12 Modifies provisions relating to agriculture
SB 164 Exempts in bankruptcy proceedings life insurance proceeds for the burial of a family member, modifies insurance foreign investment limits, changes the requirements for the valuation of reserves for life insurance, and modifies provisions regarding qualified spousal trusts
SB 392 Modifies which members of fraternal benefit societies are exempt from insurance agent licensing
HB 50 Modifies regulations on the business of insurance
HB 709 Modifies regulations related to entities regulated by the Department of Insurance, Financial Institutions and Professional Registration
HB 1022 Authorizes a return of premiums paid by insureds (VETO OVERRIDDEN)

Insurance - Life

SB 164 Exempts in bankruptcy proceedings life insurance proceeds for the burial of a family member, modifies insurance foreign investment limits, changes the requirements for the valuation of reserves for life insurance, and modifies provisions regarding qualified spousal trusts
SB 392 Modifies which members of fraternal benefit societies are exempt from insurance agent licensing

Insurance - Medical

SB 145 Requires health benefit plans cover diagnosis and treatment of eating disorders

INSURANCE - MEDICAL, CONTINUED

SB 354 Allows Department of Health and Senior Services to supply qualifying individuals with amino acid-based elemental formulas
HB 709 Modifies regulations related to entities regulated by the Department of Insurance, Financial Institutions and Professional Registration
HB 769 Allows for direct primary health care services to be provided through a medical retainer agreement between the physician and patient

INSURANCE DEPARTMENT

SB 107 Authorizes certain boards and commissions under the Division of Professional Registration to issue opinions for educational purposes and modifies laws relating to speech-language pathologists and audiologists
HB 50 Modifies regulations on the business of insurance
HB 709 Modifies regulations related to entities regulated by the Department of Insurance, Financial Institutions and Professional Registration
HB 769 Allows for direct primary health care services to be provided through a medical retainer agreement between the physician and patient

JACKSON COUNTY

HB 799 Modifies provisions regarding judicial circuits (VETOED)

JUDGES

HCR 4 Disapproves the salary recommendations of the Missouri Citizens' Commission on Compensation for Elected Officials
HB 799 Modifies provisions regarding judicial circuits (VETOED)

KANSAS CITY

SB 190 Removes the expiration of the Kansas City transportation sales tax and modifies provisions relating to audits of transportation development districts
HB 42 Modifies provisions relating to elementary and secondary education (VETOED)
HB 515 Modifies provisions relating to the Police Retirement System of the City of St. Louis and Police Retirement System of Kansas City
HB 629 Modifies provisions relating to the Police Retirement System of Kansas City, Kansas City Public School Retirement System, and Public School Retirement System of the City of St. Louis (VETOED)
HB 799 Modifies provisions regarding judicial circuits (VETOED)
HB 947 Authorizes the Governor to convey certain state properties

LABOR AND MANAGEMENT

HB 116 Bars employers from requiring employees to engage in or cease engaging in certain labor practices (VETOED)

LAKES, RIVERS AND WATERWAYS

HB 92 Modifies provisions relating to the Department of Natural Resources

Landlords and Tenants

SB 67 Authorizes certain court surcharges, Buchanan County to establish a county municipal court, certain circuits with a SORTS facility to appoint a court marshal, requires certain reporting regarding municipal courts and modifies procedure in landlord tenant cases (VETOED)

Law Enforcement Officers and Agencies

SB 373 Creates the Division of Alcohol and Tobacco Control Fund for the enforcement of liquor and tobacco laws and directs fees from liquor licenses and permits to the fund
HB 404 Designates the week in which May 15 falls as "Missouri's Peace Officers Memorial Week"
HB 515 Modifies provisions relating to the Police Retirement System of the City of St. Louis and Police Retirement System of Kansas City
HB 629 Modifies provisions relating to the Police Retirement System of Kansas City, Kansas City Public School Retirement System, and Public School Retirement System of the City of St. Louis (VETOED)
HB 878 Modifies provisions relating to the licensing and commissioning of corporate security advisors by the Department of Public Safety (VETO OVERRIDDEN)

Liability

SB 12 Modifies provisions relating to agriculture
SB 239 Creates a statutory cause of action for damages against health care providers
HB 618 Modifies provisions of law regarding the disposition of deceased human remains and the electronic vital records system (VETO OVERRIDDEN)

Licenses - Driver's

HB 179 Expands the documents that may be presented to obtain a veteran designation on a driver's license or identification card

Licenses - Liquor and Beer

SB 373 Creates the Division of Alcohol and Tobacco Control Fund for the enforcement of liquor and tobacco laws and directs fees from liquor licenses and permits to the fund

Licenses - Miscellaneous

SB 345 Modifies provisions relating to financial transactions (VETO OVERRIDDEN)
HB 587 Modifies provisions relating to licensing fees paid by entities and persons licensed under the Missouri Sale of Checks Law, credit service organizations, and consumer credit lenders

Licenses - Motor Vehicle

SB 58 Modifies and repeals a number of existing, expired or obsolete committees
SB 166 Changes the name of the "I Have a Dream" specialty license plate to the "Dare to Dream" specialty license plate
SB 254 Modifies provisions relating to motor vehicle license plates

LICENSES - MOTOR VEHICLE, CONTINUED

HB 403 Removes the additional fee for subsequent sets of special Purple Heart license plates and designates Missouri as a Purple Heart State
HB 686 Modifies provisions for registration of motor vehicles

LICENSES - PROFESSIONAL

SB 12 Modifies provisions relating to agriculture
SB 107 Authorizes certain boards and commissions under the Division of Professional Registration to issue opinions for educational purposes and modifies laws relating to speech-language pathologists and audiologists
SB 392 Modifies which members of fraternal benefit societies are exempt from insurance agent licensing
HB 385 Creates a definition for "correspondence" and "sold" in the chapter regulating real estate brokers
HB 709 Modifies regulations related to entities regulated by the Department of Insurance, Financial Institutions and Professional Registration
HB 878 Modifies provisions relating to the licensing and commissioning of corporate security advisors by the Department of Public Safety (VETO OVERRIDDEN)
HB 1052 Modifies provisions relating to land surveyors

LIENS

HB 524 Allows the Director of the Department of Revenue to adopt rules and regulations allowing specified motor vehicle or trailer lienholders to electronically release a lien

MANUFACTURED HOUSING

HB 111 Changes the laws regarding sales tax on used manufactured homes

MARRIAGE AND DIVORCE

SB 164 Exempts in bankruptcy proceedings life insurance proceeds for the burial of a family member, modifies insurance foreign investment limits, changes the requirements for the valuation of reserves for life insurance, and modifies provisions regarding qualified spousal trusts

MEDICAID

SB 210 Extends the sunset on certain healthcare provider reimbursement allowance taxes and modifies provisions relating to MO HealthNet and DSH payments

MEDICAL PROCEDURES AND PERSONNEL

SB 239 Creates a statutory cause of action for damages against health care providers

MENTAL HEALTH

SB 145 Requires health benefit plans cover diagnosis and treatment of eating disorders
SB 426 Allows community mental health liaisons to access specified confidential records maintained by specified institutions

Mental Health, Continued

HB 343 Establishes a committee to assess the continuation of the Money Follows the Person Demonstration Program

Mental Health Department

SB 58 Modifies and repeals a number of existing, expired or obsolete committees
SB 426 Allows community mental health liaisons to access specified confidential records maintained by specified institutions

Merchandising Practices

HB 531 Requires that nicotine liquid containers sold at retail satisfy federal child-resistant effectiveness standards

Military Affairs

SB 34 Extends voter registration requirements
SB 116 Creates an exemption from the proof of residency and domicile for school registration for students whose parents are stationed out of state
HB 403 Removes the additional fee for subsequent sets of special Purple Heart license plates and designates Missouri as a Purple Heart State
HB 1070 Establishes the Office of Military Advocate under the Department of Economic Development

Mining and Oil and Gas Production

HB 92 Modifies provisions relating to the Department of Natural Resources

Motor Fuel

SB 231 Modifies provisions relating to watercraft

Motor Vehicles

SB 272 Changes the laws regarding motor vehicle height and weight limits in certain city commercial zones
SB 456 Modifies provisions relating to the ownership of motor vehicles
HB 524 Allows the Director of the Department of Revenue to adopt rules and regulations allowing specified motor vehicle or trailer lienholders to electronically release a lien
HB 650 Allows a motorcycle to be equipped with auxiliary lighting
HB 686 Modifies provisions for registration of motor vehicles
HB 869 Modifies provisions relating to the titling of motor vehicles, trailers, boats, and outboard motors

Natural Resources Department

SB 142 Requires the Department of Natural Resources to take certain actions when submitting certain plans the Environmental Protection Agency (OVERRIDDEN)
SB 445 Modifies provisions relating to environmental protection
SB 497 Modifies provisions relating to special purpose districts
HB 92 Modifies provisions relating to the Department of Natural Resources

NOTARY PUBLIC

SB 456 Modifies provisions relating to the ownership of motor vehicles

NURSES

HB 618 Modifies provisions of law regarding the disposition of deceased human remains and the electronic vital records system (VETO OVERRIDDEN)

NURSING AND BOARDING HOMES

SB 210 Extends the sunset on certain healthcare provider reimbursement allowance taxes and modifies provisions relating to MO HealthNet and DSH payments
HB 343 Establishes a committee to assess the continuation of the Money Follows the Person Demonstration Program

OPTOMETRY

SB 107 Authorizes certain boards and commissions under the Division of Professional Registration to issue opinions for educational purposes and modifies laws relating to speech-language pathologists and audiologists

PHARMACY

SB 210 Extends the sunset on certain healthcare provider reimbursement allowance taxes and modifies provisions relating to MO HealthNet and DSH payments

PHYSICAL THERAPISTS

SB 107 Authorizes certain boards and commissions under the Division of Professional Registration to issue opinions for educational purposes and modifies laws relating to speech-language pathologists and audiologists

PHYSICIANS

SB 145 Requires health benefit plans cover diagnosis and treatment of eating disorders
HB 618 Modifies provisions of law regarding the disposition of deceased human remains and the electronic vital records system (VETO OVERRIDDEN)
HB 769 Allows for direct primary health care services to be provided through a medical retainer agreement between the physician and patient

POLITICAL SUBDIVISIONS

SB 87 Requires persons who submit petitions for political subdivision audits to reside or own property in the subdivision and allows for signatures to be rescinded
SB 149 Creates state and local sales and use tax exemptions for data storage centers and allows municipalities to enter into loan agreements, or sell, lease, or mortgage municipal property for a technology business facility project
SB 497 Modifies provisions relating to special purpose districts
HB 42 Modifies provisions relating to elementary and secondary education (VETOED)
HB 616 Specifies when new political subdivisions will be effective for property tax assessment purposes and specifies that rental merchandise is exempt from property taxes

POLITICAL SUBDIVISIONS, CONTINUED

HB 722 Prohibits certain types of ordinances from being adopted by political subdivisions (VETO OVERRIDDEN)

PRISONS AND JAILS

HB 1149 Modifies provisions relating to youth in custody of the Division of Youth Services and creates a special class of trust funds for the money of youth in the division's custody

PROPERTY, REAL AND PERSONAL

SB 164 Exempts in bankruptcy proceedings life insurance proceeds for the burial of a family member, modifies insurance foreign investment limits, changes the requirements for the valuation of reserves for life insurance, and modifies provisions regarding qualified spousal trusts
SB 317 Allows the Governor to convey properties located in Pulaski County, Christian County, St. Charles County, and St. Louis County to the State Highways and Transportation Commission
SB 340 Changes an intersectional reference in a provision of law regarding the determination of heirship
SB 435 Allows the Governor to convey the State's interest in specified property owned by the state in St. Louis County to the county
HB 385 Creates a definition for "correspondence" and "sold" in the chapter regulating real estate brokers
HB 511 Exempts annexations occurring under certain circumstances from boundary commission review
HB 947 Authorizes the Governor to convey certain state properties
HB 1052 Modifies provisions relating to land surveyors

PSYCHOLOGISTS

SB 107 Authorizes certain boards and commissions under the Division of Professional Registration to issue opinions for educational purposes and modifies laws relating to speech-language pathologists and audiologists
SB 145 Requires health benefit plans cover diagnosis and treatment of eating disorders

PUBLIC ASSISTANCE

SB 24 Modifies provisions of law relating to the Temporary Assistance for Needy Families Program and the Supplemental Nutrition Assistance Program (OVERRIDDEN)

PUBLIC OFFICERS

HCR 4 Disapproves the salary recommendations of the Missouri Citizens' Commission on Compensation for Elected Officials

PUBLIC SAFETY DEPARTMENT

SB 141 Raises the amount the Crime Victims' Compensation Fund can pay to eligible victims and provides that the Public Safety Department can negotiate costs on behalf of victims

Public Safety Department, Continued

SB 373 Creates the Division of Alcohol and Tobacco Control Fund for the enforcement of liquor and tobacco laws and directs fees from liquor licenses and permits to the fund
HB 878 Modifies provisions relating to the licensing and commissioning of corporate security advisors by the Department of Public Safety (VETO OVERRIDDEN)

Retirement - Local Government

HB 326 Specifies that each defined benefit pension plan must establish a board member education program (VETOED)
HB 515 Modifies provisions relating to the Police Retirement System of the City of St. Louis and Police Retirement System of Kansas City
HB 629 Modifies provisions relating to the Police Retirement System of Kansas City, Kansas City Public School Retirement System, and Public School Retirement System of the City of St. Louis (VETOED)

Retirement - Schools

HB 326 Specifies that each defined benefit pension plan must establish a board member education program (VETOED)
HB 629 Modifies provisions relating to the Police Retirement System of Kansas City, Kansas City Public School Retirement System, and Public School Retirement System of the City of St. Louis (VETOED)

Retirement - State

HB 326 Specifies that each defined benefit pension plan must establish a board member education program (VETOED)

Retirement Systems and Benefits - General

HB 326 Specifies that each defined benefit pension plan must establish a board member education program (VETOED)

Revenue Department

SB 5 Modifies distribution of traffic fines and court costs collected by municipal courts
SB 18 Requires the Department of Revenue to notify sellers if there is a change in sales tax law interpretation
SB 149 Creates state and local sales and use tax exemptions for data storage centers and allows municipalities to enter into loan agreements, or sell, lease, or mortgage municipal property for a technology business facility project
SB 254 Modifies provisions relating to motor vehicle license plates
SB 336 Modifies provision relating to income tax withholdings on employee's tips
SB 456 Modifies provisions relating to the ownership of motor vehicles
HB 137 Modifies provisions relating to competitive bidding
HB 384 Modifies provisions relating to taxation
HB 403 Removes the additional fee for subsequent sets of special Purple Heart license plates and designates Missouri as a Purple Heart State
HB 517 Modifies provisions relating to taxation

Revenue Department, Continued

HB 524 Allows the Director of the Department of Revenue to adopt rules and regulations allowing specified motor vehicle or trailer lienholders to electronically release a lien
HB 686 Modifies provisions for registration of motor vehicles

Revision Bill

HB 92 Modifies provisions relating to the Department of Natural Resources

Roads and Highways

SB 156 Designates certain highways and bridges in the state
SB 318 Designates certain highways in the state
SB 474 Expands the Heroes Way Interchange Designation Program
HB 522 Designates certain highways and bridges in the state

Saint Louis

SB 435 Allows the Governor to convey the State's interest in specified property owned by the state in St. Louis County to the county
HB 42 Modifies provisions relating to elementary and secondary education (VETOED)
HB 515 Modifies provisions relating to the Police Retirement System of the City of St. Louis and Police Retirement System of Kansas City
HB 629 Modifies provisions relating to the Police Retirement System of Kansas City, Kansas City Public School Retirement System, and Public School Retirement System of the City of St. Louis (VETOED)

Saint Louis County

HB 514 Authorizes sites containing former automobile manufacturing plants in St. Louis County to qualify for State Supplemental Tax Increment Financing

Salaries

HCR 4 Disapproves the salary recommendations of the Missouri Citizens' Commission on Compensation for Elected Officials
HB 722 Prohibits certain types of ordinances from being adopted by political subdivisions (VETO OVERRIDDEN)

Science and Technology

HB 361 Designates the third week of February as "Engineer Awareness Week" in Missouri

Sewers and Sewer Districts

SB 497 Modifies provisions relating to special purpose districts

Social Services Department

SB 341 Modifies provisions of law relating to the protection of children and other vulnerable persons

SOCIAL SERVICES DEPARTMENT, CONTINUED

HB 1149 Modifies provisions relating to youth in custody of the Division of Youth Services and creates a special class of trust funds for the money of youth in the division's custody

STATE EMPLOYEES

HB 326 Specifies that each defined benefit pension plan must establish a board member education program (VETOED)

SURVEYORS

HB 1052 Modifies provisions relating to land surveyors

TAX CREDITS

SB 194 Extends the date that a business must commence operations to qualify for a business facility tax credit
SB 463 Removes the sunsets on the Residential Treatment Agency Tax Credit and the Developmental Disability Care Provider Tax Credit

TAXATION AND REVENUE - GENERAL

SB 341 Modifies provisions of law relating to the protection of children and other vulnerable persons
SB 405 Raises the outer threshold amount for a county to be eligible to collect a greater percentage of the total taxes collected as a fee
HB 384 Modifies provisions relating to taxation
HB 514 Authorizes sites containing former automobile manufacturing plants in St. Louis County to qualify for State Supplemental Tax Increment Financing

TAXATION AND REVENUE - INCOME

SB 19 Creates a new method of allocating corporate income between states for tax purposes
SB 336 Modifies provision relating to income tax withholdings on employee's tips
HB 517 Modifies provisions relating to taxation

TAXATION AND REVENUE - PROPERTY

HB 613 Modifies provisions relating the collection of property taxes
HB 616 Specifies when new political subdivisions will be effective for property tax assessment purposes and specifies that rental merchandise is exempt from property taxes

TAXATION AND REVENUE - SALES AND USE

SB 5 Modifies distribution of traffic fines and court costs collected by municipal courts
SB 18 Requires the Department of Revenue to notify sellers if there is a change in sales tax law interpretation
SB 20 Creates a sales and use tax exemption for materials and utilities used by commercial laundries (VETO OVERRIDDEN)

Taxation and Revenue - Sales and Use, Continued

SB 149 Creates state and local sales and use tax exemptions for data storage centers and allows municipalities to enter into loan agreements, or sell, lease, or mortgage municipal property for a technology business facility project
SB 190 Removes the expiration of the Kansas City transportation sales tax and modifies provisions relating to audits of transportation development districts
SB 231 Modifies provisions relating to watercraft
HB 111 Changes the laws regarding sales tax on used manufactured homes
HB 517 Modifies provisions relating to taxation
HB 869 Modifies provisions relating to the titling of motor vehicles, trailers, boats, and outboard motors

Teachers

HB 42 Modifies provisions relating to elementary and secondary education (VETOED)

Tobacco Products

HB 531 Requires that nicotine liquid containers sold at retail satisfy federal child-resistant effectiveness standards

Transportation

SB 12 Modifies provisions relating to agriculture
SB 190 Removes the expiration of the Kansas City transportation sales tax and modifies provisions relating to audits of transportation development districts
SB 272 Changes the laws regarding motor vehicle height and weight limits in certain city commercial zones
HB 522 Designates certain highways and bridges in the state
HB 650 Allows a motorcycle to be equipped with auxiliary lighting

Transportation Department

SB 156 Designates certain highways and bridges in the state
SB 166 Changes the name of the "I Have a Dream" specialty license plate to the "Dare to Dream" specialty license plate
SB 317 Allows the Governor to convey properties located in Pulaski County, Christian County, St. Charles County, and St. Louis County to the State Highways and Transportation Commission
SB 318 Designates certain highways in the state
SB 474 Expands the Heroes Way Interchange Designation Program

Treasurer, State

SB 174 Establishes the Missouri Achieving a Better Life Experience Program
SB 366 Modifies the provisions of the Missouri higher education savings program
HB 259 Creates the Missouri Dairy Revitalization Act of 2015

Trees and Other Plants

HB 722 Prohibits certain types of ordinances from being adopted by political subdivisions (VETO OVERRIDDEN)

UNEMPLOYMENT COMPENSATION

HB 150 Modifies the duration of unemployment compensation, the method to pay federal advances, and raises the fund trigger causing contribution rate reductions (VETO OVERRIDDEN)

URBAN REDEVELOPMENT

HB 514 Authorizes sites containing former automobile manufacturing plants in St. Louis County to qualify for State Supplemental Tax Increment Financing

UTILITIES

SB 142 Requires the Department of Natural Resources to take certain actions when submitting certain plans the Environmental Protection Agency (OVERRIDDEN)
SB 445 Modifies provisions relating to environmental protection
HB 92 Modifies provisions relating to the Department of Natural Resources
HB 1119 Designates the second Monday in April as "Missouri Lineworker Appreciation Day"

VETERANS

SB 474 Expands the Heroes Way Interchange Designation Program
HB 179 Expands the documents that may be presented to obtain a veteran designation on a driver's license or identification card
HB 403 Removes the additional fee for subsequent sets of special Purple Heart license plates and designates Missouri as a Purple Heart State
HB 1070 Establishes the Office of Military Advocate under the Department of Economic Development

VETERINARIANS

SB 12 Modifies provisions relating to agriculture
SB 107 Authorizes certain boards and commissions under the Division of Professional Registration to issue opinions for educational purposes and modifies laws relating to speech-language pathologists and audiologists

VITAL STATISTICS

HB 618 Modifies provisions of law regarding the disposition of deceased human remains and the electronic vital records system (VETO OVERRIDDEN)

WATER RESOURCES AND WATER DISTRICTS

SB 497 Modifies provisions relating to special purpose districts
HB 92 Modifies provisions relating to the Department of Natural Resources