

SESSION LAWS OF MISSOURI

**Passed during the
NINETY-EIGHTH GENERAL ASSEMBLY**

First Regular Session, which convened at the City of Jefferson,
Wednesday, January 6, 2016, and adjourned Monday, May 30, 2016.
Veto Session held September 14, 2016.

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COMMITTEE ON
LEGISLATIVE RESEARCH**

In compliance with Sections 2.030 and 2.040,
Revised Statutes of Missouri, 2015

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HOW TO USE THE SESSION LAWS

The first pages contain the *Table of Sections Affected by 2016 Legislation* from the Second Regular Session of the 98th General Assembly.

The text of all 2016 House and Senate Bills and the Concurrent Resolutions from the Second Regular Session appears next. The appropriation bills are presented first, with all others following in numerical order.

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Authority for Publishing Session Laws and Resolutions

Section 2.030, Revised Statutes of Missouri, 2015. — 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, 2015. — 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 eleventh day of August A.D. two thousand sixteen.

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, Second Regular Session, convened Wednesday, January 6, 2016, and adjourned Monday, May 30, 2016. 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, 2016.

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, Second Regular Session, passed one Joint Resolution. 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 2016 Revised Statutes of Missouri. Every attempt has been made to develop headnotes which adequately describe the textual material contained in the section.

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TABLE OF SECTIONS AFFECTED
BY
2016 LEGISLATION, SECOND REGULAR SESSION

SECTION	ACTION	BILL	SECTION	ACTION	BILL
1.310	Vetoed	HB 1870	67.402	Vetoed	SB 867
8.010	Amended	HB 1577	67.451	Amended	SB 572
8.173	New	HB 1577	67.1471	Amended	SB 1002
9.043	New	HB 1559	67.5050	New	HB 2376
9.172	New	SB 921	67.5060	New	HB 2376
32.087	Amended	HB 2140	67.5070	Overridden	HB 1713
32.088	New	HB 2140	68.075	New	SB 861
43.545	Amended	SB 732	70.210	Amended	SB 732
43.545	Amended	SB 921	70.621	New	HB 1443
44.010	Amended	SB 732	71.980	New	SB 572
44.023	Amended	SB 732	72.150	Amended	HB 1684
44.032	Amended	SB 732	77.700	New	SB 572
49.098	Vetoed	HB 2237	77.703	New	SB 572
50.535	Overridden	SB 656	77.706	New	SB 572
57.111	Amended	HB 1936	77.709	New	SB 572
57.281	Overridden	SB 656	77.712	New	SB 572
66.620	Amended	HB 1561	77.715	New	SB 572
66.620	Vetoed	SB 867	79.490	Amended	SB 572
67.145	Amended	SB 732	80.570	Amended	SB 572
67.145	Amended	SB 765	82.133	New	SB 572
67.281	Amended	SB 732	82.136	New	SB 572
67.287	Amended	SB 572	82.139	New	SB 572
67.398	Amended	SB 572	82.142	New	SB 572

**TABLE OF SECTIONS AFFECTED
BY
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SECTION	ACTION	BILL	SECTION	ACTION	BILL
82.145	New	SB 572	105.1445	New	SB 997
82.148	New	SB 572	110.140	Amended	SB 660
84.720	Amended	SB 732	115.105	Amended	SB 786
94.360	Vetoed	HB 1870	115.107	Amended	SB 786
94.902	Amended	SB 732	115.257	Amended	HB 1480
96.192	New	SB 635	115.291	Amended	HB 1480
96.192	New	SB 988	115.293	Amended	HB 1480
99.805	Amended	HB 1434	115.299	Amended	HB 1480
99.820	Amended	HB 1434	115.306	Amended	HB 1477
99.825	Amended	HB 1434	115.306	Amended	SB 786
99.845	Amended	HB 1434	115.361	Amended	SB 786
99.845	Vetoed	SB 867	115.427	Overridden	HB 1631
99.865	Amended	HB 1434	115.603	Amended	HB 1477
103.003	Amended	SB 997	115.603	Amended	SB 786
103.079	Amended	SB 997	115.607	Amended	HB 1477
105.145	Amended	HB 1418	115.607	Amended	SB 786
105.264	Overridden	HB 1432	115.609	Amended	HB 1477
105.450	Amended	HB 1983	115.609	Amended	SB 786
105.453	New	HB 1983	115.611	Amended	HB 1477
105.455	New	HB 1979	115.611	Amended	SB 786
105.456	Amended	HB 1979	115.613	Amended	HB 1477
105.465	New	HB 2203	115.613	Amended	SB 786
105.504	Vetoed	HB 1891	115.617	Amended	HB 1477

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
115.617	Amended	SB 786	137.016	Vetoed	SB 867
115.619	Amended	HB 1477	137.100	Vetoed	SB 867
115.619	Amended	SB 786	137.115	Amended	HB 2381
115.620	New	HB 1477	137.115	Vetoed	SB 867
115.620	New	SB 786	137.565	Vetoed	SB 867
115.621	Amended	HB 1477	139.250	Amended	HB 1593
115.621	Amended	SB 786	143.112	Vetoed	SB 867
115.642	New	SB 786	143.121	Vetoed	HB 1870
115.960	New	SB 786	143.121	Overridden	SB 641
130.021	Amended	HB 2203	143.173	Vetoed	HB 1870
130.026	Vetoed	HB 1474	143.174	New	SB 814
130.026	Vetoed	HB 1474	143.221	Amended	HB 1582
130.026	Amended	SB 786	143.591	Amended	HB 1582
130.034	Amended	HB 2203	143.1100	New	SB 861
130.057	Vetoed	HB 1474	143.2100	New	SB 861
130.057	Vetoed	HB 1474	143.2105	New	SB 861
130.057	Amended	SB 786	143.2110	New	SB 861
130.097	New	HB 2203	143.2115	New	SB 861
135.495	Overridden	HB 2030	144.010	Overridden	SB 1025
135.679	Amended	SB 665	144.018	Overridden	SB 1025
135.686	New	SB 665	144.020	Overridden	SB 1025
136.055	Vetoed	SB 867	144.026	New	SB 823
137.016	Amended	SB 823	144.030	Amended	SB 794

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
144.030	Amended	SB 823	163.018	Overridden	SB 586
144.087	Amended	SB 823	163.031	Amended	SB 638
144.190	Amended	HB 1435	167.131	Amended	SB 638
160.400	Amended	SB 638	167.223	Amended	SB 997
160.403	Amended	SB 638	167.241	Amended	SB 638
160.405	Amended	SB 638	167.265	Amended	HB 2428
160.408	New	SB 638	167.638	Overridden	SB 608
160.410	Amended	SB 638	167.638	Amended	SB 635
160.415	Amended	SB 638	167.903	New	SB 638
160.417	Amended	SB 638	167.905	New	SB 638
160.545	Amended	SB 638	167.950	New	HB 2379
160.775	Amended	HB 1583	167.950	New	SB 635
161.216	Repealed	SB 638	167.950	New	SB 638
161.217	New	SB 638	168.303	Amended	HB 2428
161.412	New	HB 1696	168.500	Amended	HB 2428
161.1050	New	SB 638	168.520	Amended	HB 2428
161.1055	New	SB 638	170.011	Amended	HB 1646
162.073	Amended	SB 638	170.011	Amended	SB 638
162.261	Amended	SB 638	170.029	New	SB 620
162.531	Amended	SB 638	170.047	New	HB 1583
162.541	Amended	SB 638	170.047	New	HB 2379
162.720	Amended	SB 638	170.048	New	HB 1583
163.011	Overridden	SB 586	170.048	New	HB 2379

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
170.310	Amended	SB 635	174.335	Amended	SB 635
170.310	Amended	SB 638	178.550	Amended	SB 620
170.310	Amended	SB 711	178.780	Amended	SB 997
170.345	New	HB 1646	178.785	New	SB 997
170.345	New	SB 638	178.786	New	SB 997
170.350	New	HB 1646	178.787	New	SB 997
170.350	New	SB 638	178.788	New	SB 997
171.021	Amended	SB 638	178.789	New	SB 997
173.005	Amended	SB 997	182.802	Amended	HB 1561
173.035	New	SB 997	182.802	Vetoed	SB 867
173.234	Amended	SB 968	184.815	Vetoed	SB 867
173.234	Amended	SB 997	190.055	Amended	SB 732
173.616	Amended	HB 1681	190.060	Amended	SB 988
173.750	Amended	SB 638	190.102	Amended	SB 732
173.900	Amended	SB 968	190.103	Amended	SB 732
173.1153	New	SB 968	190.142	Amended	SB 635
173.2050	New	SB 921	190.142	Amended	SB 732
173.2500	New	SB 997	190.144	New	SB 732
173.2505	New	SB 997	190.165	Amended	SB 732
173.2510	New	SB 997	190.173	New	SB 732
173.2515	New	SB 997	190.240	New	SB 732
173.2520	New	SB 997	190.241	Amended	SB 635
174.335	Overridden	SB 608	190.241	Amended	SB 732

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
190.241	Amended	SB 988	191.1146	New	SB 579
190.260	New	SB 732	192.020	Amended	SB 579
190.265	New	SB 635	192.667	Amended	SB 579
190.265	New	SB 732	192.737	Amended	SB 635
190.265	New	SB 988	192.737	Repealed	SB 732
190.335	Amended	SB 732	192.915	Amended	HB 2428
190.335	Vetoed	SB 867	192.947	New	HB 1682
190.839	Amended	HB 1534	192.2260	Amended	HB 2332
191.332	Amended	HB 1682	192.2400	Amended	SB 732
191.875	Overridden	SB 608	192.2405	Amended	HB 2332
191.1075	New	HB 1682	192.2405	Amended	SB 732
191.1075	Overridden	SB 608	192.2410	Amended	HB 2332
191.1075	New	SB 635	192.2475	Amended	HB 2332
191.1075	New	SB 865	192.2475	Amended	SB 732
191.1080	New	HB 1682	192.2490	Amended	SB 635
191.1080	Overridden	SB 608	192.2495	Amended	SB 635
191.1080	New	SB 635	193.125	Amended	HB 1599
191.1080	New	SB 865	193.128	New	HB 1599
191.1085	New	HB 1682	195.206	New	HB 1568
191.1085	Overridden	SB 608	197.065	Overridden	SB 608
191.1085	New	SB 635	197.065	New	SB 635
191.1085	New	SB 865	197.065	New	SB 973
191.1145	New	SB 579	197.315	Overridden	SB 608

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
197.315	Amended	SB 635	208.985	Overridden	SB 608
197.315	Amended	SB 973	208.1030	New	SB 607
197.315	Amended	SB 988	208.1030	New	SB 732
198.054	Overridden	SB 608	208.1032	New	SB 607
198.439	Amended	HB 1534	208.1032	New	SB 732
205.165	New	SB 988	209.600	Amended	HB 2125
208.010	Amended	HB 1565	209.605	Amended	HB 2125
208.065	New	SB 607	209.610	Amended	HB 2125
208.142	Overridden	SB 608	209.630	Amended	HB 2125
208.148	Overridden	SB 608	210.110	Amended	HB 1877
208.152	Amended	SB 607	210.118	New	HB 1877
208.152	Overridden	SB 608	210.146	New	HB 1877
208.437	Amended	HB 1534	210.154	New	HB 1877
208.480	Amended	HB 1534	210.180	Amended	HB 1877
208.670	Amended	SB 579	210.660	New	HB 1877
208.671	New	SB 579	210.665	New	HB 1877
208.673	New	SB 579	210.670	New	HB 1877
208.675	New	SB 579	210.675	New	HB 1877
208.677	New	SB 579	210.680	New	HB 1877
208.686	New	SB 579	211.031	Amended	HB 1877
208.952	Amended	SB 607	211.036	Amended	HB 1877
208.952	Overridden	SB 608	211.355	New	HB 2355
208.985	Repealed	SB 607	211.393	Amended	SB 585

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
221.407	Amended	SB 765	227.443	New	SB 852
221.407	Vetoed	SB 867	227.444	New	HB 2591
226.1150	New	HB 1851	227.445	New	SB 625
227.107	Amended	HB 2376	227.445	New	SB 852
227.411	New	HB 2591	227.446	New	SB 625
227.432	New	HB 2591	227.446	New	SB 852
227.432	New	SB 625	227.446	Vetoed	SB 867
227.432	New	SB 852	227.522	New	SB 852
227.432	Vetoed	SB 867	227.528	New	HB 2591
227.433	New	HB 2591	227.528	New	SB 625
227.434	New	HB 2591	227.529	New	HB 2591
227.435	New	HB 2335	227.531	New	SB 852
227.435	New	SB 852	227.600	Amended	SB 861
227.436	New	HB 2591	233.180	Vetoed	SB 867
227.436	New	SB 915	233.295	Vetoed	SB 867
227.437	New	HB 2591	238.222	Amended	HB 1418
227.437	New	SB 915	238.272	Amended	HB 1418
227.438	New	HB 2591	256.437	Overridden	HB 1713
227.439	New	HB 2335	256.437	Amended	HB 1717
227.440	New	HB 2591	256.438	Overridden	HB 1713
227.441	New	SB 1009	256.438	Amended	HB 1717
227.442	New	HB 2591	256.439	Overridden	HB 1713
227.443	New	SB 625	256.439	Repealed	HB 1717

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
256.440	Overridden	HB 1713	287.090	Amended	SB 700
256.440	Amended	HB 1717	287.245	New	SB 613
256.443	Overridden	HB 1713	287.245	New	SB 700
256.443	Amended	HB 1717	287.245	New	SB 732
256.447	Overridden	HB 1713	287.955	Amended	HB 2194
256.447	New	HB 1717	287.957	Amended	SB 613
261.130	Overridden	HB 1414	287.957	Amended	SB 700
261.235	Amended	SB 665	287.975	Amended	SB 613
262.590	Vetoed	HB 2237	287.975	Amended	SB 700
262.823	Overridden	SB 994	288.032	Amended	SB 702
262.960	Amended	SB 665	288.380	Amended	HB 1530
262.962	Amended	SB 665	288.380	Amended	SB 702
266.301	Amended	SB 655	288.381	Amended	HB 1530
266.311	Amended	SB 655	288.381	Amended	SB 702
266.331	Amended	SB 655	301.010	Amended	HB 2380
266.336	Amended	SB 655	301.067	Vetoed	HB 1733
266.341	Repealed	SB 655	301.067	Amended	HB 2380
266.343	Amended	SB 655	301.125	New	HB 2380
266.347	Amended	SB 655	301.130	Amended	HB 2380
267.169	Overridden	HB 1414	301.134	Amended	HB 2380
272.030	Overridden	SB 844	301.144	Amended	HB 2380
272.230	Overridden	SB 844	301.145	Amended	HB 2380
285.530	Vetoed	HB 1870	301.441	Amended	HB 2380

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
301.443	Amended	HB 2380	301.3032	Amended	HB 2380
301.444	Amended	HB 2380	301.3040	Amended	HB 2380
301.445	Amended	HB 2380	301.3043	Amended	HB 2380
301.447	Amended	HB 2380	301.3045	Amended	HB 2380
301.448	Amended	HB 2380	301.3047	Amended	HB 2380
301.451	Amended	HB 2380	301.3049	Amended	HB 2380
301.456	Amended	HB 2380	301.3050	Amended	HB 2380
301.457	Amended	HB 2380	301.3052	Amended	HB 2380
301.463	Amended	HB 2380	301.3053	Amended	HB 2380
301.464	Amended	HB 2380	301.3054	Amended	HB 2380
301.465	Amended	HB 2380	301.3055	Amended	HB 2380
301.466	Amended	HB 2380	301.3060	Amended	HB 2380
301.467	Amended	HB 2380	301.3061	Amended	HB 2380
301.468	Amended	HB 2380	301.3062	Amended	HB 2380
301.469	Amended	HB 2380	301.3065	Amended	HB 2380
301.471	Amended	HB 2380	301.3074	Amended	HB 2380
301.472	Amended	HB 2380	301.3075	Amended	HB 2380
301.473	Amended	HB 2380	301.3076	Amended	HB 2380
301.474	Amended	HB 2380	301.3077	Amended	HB 2380
301.475	Amended	HB 2380	301.3078	Amended	HB 2380
301.477	Amended	HB 2380	301.3079	Amended	HB 2380
301.481	Amended	HB 2380	301.3080	Amended	HB 2380
301.559	Amended	HB 2332	301.3082	Amended	HB 2380

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
301.3084	Amended	HB 2380	301.3116	Amended	HB 2380
301.3085	Amended	HB 2380	301.3117	Amended	HB 2380
301.3086	Amended	HB 2380	301.3118	Amended	HB 2380
301.3087	Amended	HB 2380	301.3119	Amended	HB 2380
301.3088	Amended	HB 2380	301.3122	Amended	HB 2380
301.3089	Amended	HB 2380	301.3123	Amended	HB 2380
301.3090	Amended	HB 2380	301.3124	Amended	HB 2380
301.3092	Amended	HB 2380	301.3125	Amended	HB 2380
301.3093	Amended	HB 2380	301.3126	Amended	HB 2380
301.3094	Amended	HB 2380	301.3128	Amended	HB 2380
301.3095	Amended	HB 2380	301.3129	Amended	HB 2380
301.3096	Amended	HB 2380	301.3130	Amended	HB 2380
301.3097	Amended	HB 2380	301.3131	Amended	HB 2380
301.3098	Amended	HB 2380	301.3132	Amended	HB 2380
301.3099	Amended	HB 2380	301.3133	Amended	HB 2380
301.3101	Amended	HB 2380	301.3137	Amended	HB 2380
301.3102	Amended	HB 2380	301.3139	Amended	HB 2380
301.3103	Amended	HB 2380	301.3141	Amended	HB 2380
301.3105	Amended	HB 2380	301.3142	Amended	HB 2380
301.3106	Amended	HB 2380	301.3143	Amended	HB 2380
301.3107	Amended	HB 2380	301.3144	Amended	HB 2380
301.3109	Amended	HB 2380	301.3145	Amended	HB 2380
301.3115	Amended	HB 2380	301.3146	Amended	HB 2380

TABLE OF SECTIONS AFFECTED
BY
2016 LEGISLATION, SECOND REGULAR SESSION

SECTION	ACTION	BILL	SECTION	ACTION	BILL
301.3147	Amended	HB 2380	304.154	Overridden	HB 1976
301.3150	Amended	HB 2380	304.170	Vetoed	HB 1733
301.3158	Amended	HB 2380	304.190	Vetoed	SB 867
301.3161	Amended	HB 2380	307.175	Vetoed	HB 1733
301.3162	Amended	HB 2380	307.175	Amended	SB 732
301.3163	Amended	HB 2380	311.060	Overridden	SB 994
301.3165	Amended	HB 2380	311.090	Amended	SB 919
301.3166	Amended	HB 2380	311.091	Overridden	SB 994
301.3167	Amended	HB 2380	311.179	Vetoed	SB 867
301.3168	Amended	HB 2380	311.195	Amended	SB 919
301.3169	Amended	HB 2380	311.198	New	SB 919
301.3170	Amended	HB 2380	311.200	Amended	SB 919
301.3173	New	HB 2380	311.201	New	SB 919
302.276	Vetoed	HB 1733	311.205	Amended	SB 919
302.440	Amended	SB 657	311.205	Overridden	SB 994
302.441	New	SB 657	311.220	Amended	SB 919
304.005	Vetoed	HB 1733	311.328	Amended	SB 919
304.005	Overridden	HB 1976	311.665	Amended	SB 919
304.022	Vetoed	HB 1733	311.915	New	SB 919
304.022	Amended	SB 732	311.950	Overridden	SB 994
304.044	Vetoed	HB 1733	313.800	Amended	SB 833
304.125	New	SB 765	313.817	Amended	SB 833
304.153	Overridden	HB 1976	313.900	New	HB 1941

TABLE OF SECTIONS AFFECTED
BY
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SECTION	ACTION	BILL	SECTION	ACTION	BILL
313.910	New	HB 1941	334.285	New	HB 1816
313.920	New	HB 1941	334.1200	New	HB 1816
313.930	New	HB 1941	334.1200	Overridden	SB 608
313.940	New	HB 1941	334.1200	New	SB 635
313.950	New	HB 1941	334.1200	New	SB 973
313.960	New	HB 1941	334.1203	New	HB 1816
313.970	New	HB 1941	334.1203	Overridden	SB 608
313.990	New	HB 1941	334.1203	New	SB 635
313.1000	New	HB 1941	334.1203	New	SB 973
313.1010	New	HB 1941	334.1206	New	HB 1816
313.1020	New	HB 1941	334.1206	Overridden	SB 608
319.114	Amended	SB 657	334.1206	New	SB 635
321.017	Amended	SB 732	334.1206	New	SB 973
321.130	Amended	SB 732	334.1209	New	HB 1816
321.210	Amended	SB 732	334.1209	Overridden	SB 608
324.001	Amended	HB 1816	334.1209	New	SB 635
324.001	Amended	SB 635	334.1209	New	SB 973
324.048	New	HB 1682	334.1212	New	HB 1816
327.272	Amended	SB 833	334.1212	Overridden	SB 608
334.040	Amended	HB 1682	334.1212	New	SB 635
334.040	Amended	HB 1816	334.1212	New	SB 973
334.108	Amended	SB 579	334.1215	New	HB 1816
334.280	New	HB 1682	334.1215	Overridden	SB 608

**TABLE OF SECTIONS AFFECTED
BY
2016 LEGISLATION, SECOND REGULAR SESSION**

SECTION	ACTION	BILL	SECTION	ACTION	BILL
334.1215	New	SB 635	334.1233	Overridden	SB 608
334.1215	New	SB 973	334.1233	New	SB 635
334.1218	New	HB 1816	334.1233	New	SB 973
334.1218	Overridden	SB 608	335.175	Amended	SB 579
334.1218	New	SB 635	335.203	Amended	HB 1816
334.1218	New	SB 973	335.300	Repealed	HB 1816
334.1221	New	HB 1816	335.300	Overridden	SB 608
334.1221	Overridden	SB 608	335.300	Repealed	SB 635
334.1221	New	SB 635	335.305	Repealed	HB 1816
334.1221	New	SB 973	335.305	Overridden	SB 608
334.1224	New	HB 1816	335.305	Repealed	SB 635
334.1224	Overridden	SB 608	335.310	Repealed	HB 1816
334.1224	New	SB 635	335.310	Overridden	SB 608
334.1224	New	SB 973	335.310	Repealed	SB 635
334.1227	New	HB 1816	335.315	Repealed	HB 1816
334.1227	Overridden	SB 608	335.315	Overridden	SB 608
334.1227	New	SB 635	335.315	Repealed	SB 635
334.1227	New	SB 973	335.320	Repealed	HB 1816
334.1230	New	HB 1816	335.320	Overridden	SB 608
334.1230	Overridden	SB 608	335.320	Repealed	SB 635
334.1230	New	SB 635	335.325	Repealed	HB 1816
334.1230	New	SB 973	335.325	Overridden	SB 608
334.1233	New	HB 1816	335.325	Repealed	SB 635

TABLE OF SECTIONS AFFECTED
BY
2016 LEGISLATION, SECOND REGULAR SESSION

SECTION	ACTION	BILL	SECTION	ACTION	BILL
335.330	Repealed	HB 1816	335.365	New	SB 635
335.330	Overridden	SB 608	335.370	New	HB 1816
335.330	Repealed	SB 635	335.370	Overridden	SB 608
335.335	Repealed	HB 1816	335.370	New	SB 635
335.335	Overridden	SB 608	335.375	New	HB 1816
335.335	Repealed	SB 635	335.375	Overridden	SB 608
335.340	Repealed	HB 1816	335.375	New	SB 635
335.340	Overridden	SB 608	335.380	New	HB 1816
335.340	Repealed	SB 635	335.380	Overridden	SB 608
335.345	Repealed	HB 1816	335.380	New	SB 635
335.345	Overridden	SB 608	335.385	New	HB 1816
335.345	Repealed	SB 635	335.385	Overridden	SB 608
335.350	Repealed	HB 1816	335.385	New	SB 635
335.350	Overridden	SB 608	335.390	New	HB 1816
335.350	Repealed	SB 635	335.390	Overridden	SB 608
335.355	Repealed	HB 1816	335.390	New	SB 635
335.355	Overridden	SB 608	335.395	New	HB 1816
335.355	Repealed	SB 635	335.395	Overridden	SB 608
335.360	New	HB 1816	335.395	New	SB 635
335.360	Overridden	SB 608	335.400	New	HB 1816
335.360	New	SB 635	335.400	Overridden	SB 608
335.365	New	HB 1816	335.400	New	SB 635
335.365	Overridden	SB 608	335.405	New	HB 1816

TABLE OF SECTIONS AFFECTED
BY
2016 LEGISLATION, SECOND REGULAR SESSION

SECTION	ACTION	BILL	SECTION	ACTION	BILL
335.405	Overridden	SB 608	338.347	Amended	SB 865
335.405	New	SB 635	338.550	Amended	HB 1534
335.410	New	HB 1816	339.100	Amended	HB 2332
335.410	Overridden	SB 608	347.048	Vetoed	SB 867
335.410	New	SB 635	348.407	Amended	SB 665
335.415	New	HB 1816	348.430	Amended	SB 665
335.415	Overridden	SB 608	348.432	Amended	SB 665
335.415	New	SB 635	348.436	Amended	SB 665
336.020	Amended	HB 1816	351.120	Amended	SB 664
338.056	Amended	SB 875	370.230	Amended	HB 1721
338.059	Amended	SB 875	370.230	Amended	SB 932
338.075	New	SB 865	374.185	Amended	SB 865
338.085	New	SB 875	374.205	Amended	HB 2194
338.100	Amended	SB 875	375.004	Amended	HB 2194
338.200	Overridden	SB 608	375.971	New	SB 932
338.200	Amended	SB 635	375.1605	Overridden	HB 1763
338.202	New	HB 1682	376.379	Overridden	SB 608
338.202	New	HB 1816	376.379	New	SB 865
338.202	Overridden	SB 608	376.388	Overridden	SB 608
338.202	New	SB 865	376.388	New	SB 635
338.202	New	SB 973	376.388	New	SB 865
338.205	New	HB 1568	376.465	New	SB 865
338.270	Amended	SB 865	376.685	New	HB 1682

TABLE OF SECTIONS AFFECTED
BY
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SECTION	ACTION	BILL	SECTION	ACTION	BILL
376.998	New	SB 833	379.1640	New	HB 2194
376.1235	Overridden	SB 608	379.1700	New	SB 947
376.1235	Amended	SB 635	379.1702	New	SB 947
376.1237	Amended	HB 1682	379.1704	New	SB 947
376.1237	Amended	HB 1816	379.1706	New	SB 947
376.1237	Overridden	SB 608	379.1708	New	SB 947
376.1237	Amended	SB 635	381.022	Amended	SB 833
376.1237	Amended	SB 865	381.058	Amended	SB 833
376.1237	Amended	SB 973	385.200	Overridden	HB 1976
376.2020	Overridden	SB 608	385.206	Overridden	HB 1976
376.2030	New	HB 2029	385.300	Overridden	HB 1976
376.2034	New	HB 2029	385.306	Overridden	HB 1976
376.2036	New	HB 2029	400.9.501	Amended	HB 2332
376.2050	New	HB 2150	404.710	Amended	HB 1765
376.2051	New	HB 2150	404.717	Amended	HB 1765
376.2052	New	HB 2150	408.800	New	HB 2125
376.2053	New	HB 2150	408.800	New	SB 833
379.118	Amended	HB 2194	408.810	New	HB 2125
379.125	Amended	HB 2194	408.810	New	SB 833
379.934	Amended	SB 865	408.820	New	HB 2125
379.936	Amended	SB 865	408.820	New	SB 833
379.938	Amended	SB 865	408.830	New	HB 2125
379.940	Amended	SB 865	408.830	New	SB 833

TABLE OF SECTIONS AFFECTED
BY
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SECTION	ACTION	BILL	SECTION	ACTION	BILL
414.036	Amended	SB 657	456.970	New	HB 1765
414.082	Amended	SB 657	456.975	New	HB 1765
414.082	Amended	SB 665	456.980	New	HB 1765
414.255	Amended	SB 657	456.985	New	HB 1765
447.708	Amended	SB 861	456.990	New	HB 1765
452.310	Amended	HB 1550	456.995	New	HB 1765
452.340	Amended	HB 1550	456.1000	New	HB 1765
452.375	Amended	HB 1550	456.1005	New	HB 1765
452.400	Amended	HB 1550	456.1010	New	HB 1765
452.556	Amended	HB 1550	456.1015	New	HB 1765
453.080	Amended	HB 1599	456.1020	New	HB 1765
454.849	Amended	HB 1550	456.1025	New	HB 1765
454.849	Amended	SB 905	456.1030	New	HB 1765
454.1728	Amended	HB 1550	456.1035	New	HB 1765
454.1728	Amended	SB 905	456.1040	New	HB 1765
455.050	Amended	SB 838	456.1045	New	HB 1765
455.523	Amended	SB 838	456.1050	New	HB 1765
455.543	Amended	SB 732	456.1055	New	HB 1765
455.543	Amended	SB 921	456.1060	New	HB 1765
455.545	Amended	SB 732	456.1065	New	HB 1765
455.545	Amended	SB 921	456.1070	New	HB 1765
456.023	Repealed	HB 1765	456.1075	New	HB 1765
456.590	Repealed	HB 1765	456.1080	New	HB 1765

TABLE OF SECTIONS AFFECTED
BY
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SECTION	ACTION	BILL	SECTION	ACTION	BILL
456.1085	New	HB 1765	478.170	Amended	SB 585
456.1090	New	HB 1765	478.188	New	SB 585
456.1095	New	HB 1765	478.191	Amended	SB 585
456.1100	New	HB 1765	478.330	New	SB 578
456.1105	New	HB 1765	478.430	Repealed	SB 578
456.1110	New	HB 1765	478.433	Repealed	SB 578
456.1115	New	HB 1765	478.577	New	SB 585
456.1120	New	HB 1765	478.705	Amended	SB 578
456.1125	New	HB 1765	479.020	Amended	SB 572
456.1130	New	HB 1765	479.350	Amended	SB 572
456.1135	New	HB 1765	479.353	Amended	SB 572
456.3.304	Amended	HB 1765	479.359	Amended	SB 572
456.5.508	Amended	HB 1765	479.360	Amended	SB 572
456.7.706	Amended	HB 1765	479.368	Amended	SB 572
456.4B.411	Amended	HB 1765	486.245	Amended	SB 932
469.060	Repealed	HB 1765	486.275	Amended	SB 932
469.467	Amended	HB 1765	486.285	Amended	SB 932
473.050	Amended	HB 1765	486.305	Amended	SB 932
475.125	Amended	HB 1765	486.310	Amended	SB 932
476.055	Amended	SB 735	486.375	Amended	SB 932
476.083	Amended	SB 578	488.650	Amended	SB 588
477.650	Amended	SB 735	488.5026	Amended	HB 1936
478.011	New	SB 585	490.065	Vetoed	SB 591

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BY
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SECTION	ACTION	BILL	SECTION	ACTION	BILL
490.715	Vetoed	SB 847	515.530	New	SB 578
510.035	New	HB 1562	515.535	New	HB 1765
513.430	Amended	HB 1765	515.535	New	SB 578
513.430	Amended	SB 578	515.540	New	HB 1765
515.240	Repealed	HB 1765	515.540	New	SB 578
515.240	Repealed	SB 578	515.545	New	HB 1765
515.250	Repealed	HB 1765	515.545	New	SB 578
515.250	Repealed	SB 578	515.550	New	HB 1765
515.260	Repealed	HB 1765	515.550	New	SB 578
515.260	Repealed	SB 578	515.555	New	HB 1765
515.500	New	HB 1765	515.555	New	SB 578
515.500	New	SB 578	515.560	New	HB 1765
515.505	New	HB 1765	515.560	New	SB 578
515.505	New	SB 578	515.565	New	HB 1765
515.510	New	HB 1765	515.565	New	SB 578
515.510	New	SB 578	515.570	New	HB 1765
515.515	New	HB 1765	515.570	New	SB 578
515.515	New	SB 578	515.575	New	HB 1765
515.520	New	HB 1765	515.575	New	SB 578
515.520	New	SB 578	515.580	New	HB 1765
515.525	New	HB 1765	515.580	New	SB 578
515.525	New	SB 578	515.585	New	HB 1765
515.530	New	HB 1765	515.585	New	SB 578

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BY
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SECTION	ACTION	BILL	SECTION	ACTION	BILL
515.590	New	HB 1765	515.645	New	SB 578
515.590	New	SB 578	515.650	New	HB 1765
515.595	New	HB 1765	515.650	New	SB 578
515.595	New	SB 578	515.655	New	HB 1765
515.600	New	HB 1765	515.655	New	SB 578
515.600	New	SB 578	515.660	New	HB 1765
515.605	New	HB 1765	515.660	New	SB 578
515.605	New	SB 578	515.665	New	HB 1765
515.610	New	HB 1765	515.665	New	SB 578
515.610	New	SB 578	516.105	Amended	HB 1765
515.615	New	HB 1765	534.350	Amended	HB 1862
515.615	New	SB 578	534.360	Repealed	HB 1862
515.620	New	HB 1765	535.030	Amended	HB 1862
515.620	New	SB 578	535.110	Amended	HB 1862
515.625	New	HB 1765	535.160	Amended	HB 1862
515.625	New	SB 578	535.300	Amended	HB 1862
515.630	New	HB 1765	536.031	Overridden	SB 608
515.630	New	SB 578	536.031	Amended	SB 635
515.635	New	HB 1765	536.031	Amended	SB 973
515.635	New	SB 578	537.555	New	HB 1649
515.640	New	HB 1765	545.950	New	HB 1562
515.640	New	SB 578	557.021	Amended	HB 2332
515.645	New	HB 1765	558.047	New	SB 590

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BY
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SECTION	ACTION	BILL	SECTION	ACTION	BILL
562.014	Amended	HB 2332	570.135	Amended	SB 624
563.031	Overridden	SB 656	571.020	Amended	HB 2332
563.046	Amended	HB 2332	571.030	Overridden	SB 656
565.020	Amended	SB 590	571.060	Amended	HB 2332
565.030	Amended	HB 2332	571.063	Amended	HB 2332
565.030	Amended	SB 590	571.070	Amended	HB 2332
565.032	Amended	HB 2332	571.072	Amended	HB 2332
565.032	Amended	SB 590	571.101	Overridden	SB 656
565.033	New	SB 590	571.104	Overridden	SB 656
565.034	New	SB 590	571.111	Overridden	SB 656
565.040	Amended	HB 2332	571.126	Overridden	SB 656
565.040	Amended	SB 590	571.205	Overridden	SB 656
565.188	Amended	HB 2332	571.210	Overridden	SB 656
565.225	Amended	HB 1562	571.215	Overridden	SB 656
566.209	Amended	HB 1562	571.220	Overridden	SB 656
566.210	Amended	HB 1562	571.225	Overridden	SB 656
566.211	Amended	HB 1562	571.230	Overridden	SB 656
566.212	Amended	HB 1562	575.145	Amended	SB 732
566.213	Amended	HB 1562	575.320	Amended	SB 765
568.040	Amended	HB 2332	577.001	Amended	HB 2332
569.090	Amended	HB 2332	577.010	Amended	HB 2332
570.010	Amended	SB 624	577.012	Amended	HB 2332
570.030	Amended	SB 624	577.013	Amended	HB 2332

TABLE OF SECTIONS AFFECTED
BY
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SECTION	ACTION	BILL	SECTION	ACTION	BILL
577.014	Amended	HB 2332	633.401	Amended	HB 1534
577.037	Amended	HB 2332	633.420	New	HB 2379
577.060	Vetoed	HB 1733	633.420	New	SB 635
577.060	Amended	HB 2332	633.420	New	SB 638
578.007	Amended	HB 2332	640.136	Overridden	HB 1713
579.015	Amended	HB 2332	640.136	New	HB 1717
589.660	Amended	HB 1562	644.021	Overridden	HB 1713
589.663	Amended	HB 1562	644.200	Overridden	HB 1713
595.030	Amended	SB 921	644.200	New	HB 1717
595.209	Amended	SB 921	650.058	Amended	HB 1765
595.226	Amended	HB 1562	1	Amended	HB 2203
600.042	Amended	SB 735	1	New	HB 2453
600.090	Amended	SB 735	1	New	SB 986
600.101	Amended	SB 735	1	New	SB 997
610.100	Amended	HB 1936	2	New	HB 2453
610.100	Amended	SB 732	2	New	SB 986
610.100	Amended	SB 765	3	New	HB 2453
610.140	Amended	SB 588	3	New	SB 986
610.205	New	SB 732	4	New	HB 2453
620.1620	New	HB 1698	4	New	SB 986
630.175	Amended	HB 1682	5	New	HB 2453
630.175	Amended	HB 1816	5	New	SB 986
632.520	Amended	HB 2332	6	New	HB 2453

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BY
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SECTION	ACTION	BILL	SECTION	ACTION	BILL
6	New	SB 986	B	New	HB 1816
7	New	SB 986	B	Overridden	SB 608
			C	New	SB 635

HB 2001 [HCS HB 2001]

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, 2016 and ending June 30, 2017; 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, 2016 and ending June 30, 2017 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). \$25,869,275

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 (Various). \$30,025,900

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). \$25,531,181

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). 2,539,051
Total. \$28,070,232

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 (Various) \$30,113,707

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) \$1,787,750

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 (Various) \$1,789,125

Bill Totals
General Revenue Fund. \$53,208,208
Other Funds. 2,539,051
Total. \$55,747,259

Approved May 6, 2016

HB 2002 [CCS SCS HCS HB 2002]

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, 2016 and ending June 30, 2017; 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, 2016 and ending June 30, 2017 as follows:

SECTION 2.005.— To the Department of Elementary and Secondary Education
For the Division of Financial and Administrative Services

Personal Service.	\$1,862,913
Expense and Equipment.	115,600
From General Revenue Fund (0101)	<u>1,978,513</u>

Personal Service.	1,947,968
Expense and Equipment.	691,084
From Elementary and Secondary Education - Federal Fund (0105).	<u>2,639,052</u>
Total (Not to exceed 72.80 F.T.E.).	\$4,617,565

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.	<u>\$70,000</u>

SECTION 2.015.— To the Department of Elementary and Secondary Education

For distributions to the free public schools of \$3,688,898,851 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.	\$3,344,691,268
For Transportation	105,297,713
For Early Childhood Special Education	170,840,842
For Vocational Education, provided that no funds are used for advertising.	50,069,028
For Early Childhood Development	17,462,250
For Early Childhood Development in unaccredited or provisionally accredited districts.	537,750
From General Revenue Fund (0101)	2,152,024,477
From Outstanding Schools Trust Fund (0287).	836,660,488
From State School Moneys Fund (0616)	200,357,961
From Lottery Proceeds Fund (0291).	138,471,193
From Classroom Trust Fund (0784)	343,971,832
From Early Childhood Development, Education and Care Fund (0859)	17,412,900

For the Small Schools Program

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

From General Revenue Fund (0101)	200,000
From Lottery Proceeds Fund (0291).	389,778

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.	27,720,448
Expense and Equipment.	14,884,395
From General Revenue Fund (0101)	<u>42,604,843</u>

Personal Service.	722,689
Expense and Equipment.	5,001,668
From Elementary and Secondary Education - Federal Fund (0105).	<u>5,724,357</u>

Expense and Equipment	
From Bingo Proceeds for Education Fund (0289).....	1,876,355
Total (Not to exceed 714.90 F.T.E.)	<u>\$3,754,694,184</u>
SECTION 2.017. — To the Department of Elementary and Secondary Education For a program to support the basic needs of students and reduce dropout rates by increasing community partnerships	
From General Revenue Fund (0101).....	\$150,000
SECTION 2.018. — To the Department of Elementary and Secondary Education For the purpose of funding education programs for students who reside in the Kansas City Public School District.	
From Lottery Proceeds Fund (0291)	\$100,000
SECTION 2.019. — To the Department of Elementary and Secondary Education For a math and science tutoring program in St. Louis City	
From General Revenue Fund (0101).....	\$150,000
SECTION 2.020. — 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 2.025. — To the Department of Elementary and Secondary Education 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).....	\$700,000
SECTION 2.027. — To the Department of Elementary and Secondary Education For a pilot program designed to increase interest in Science, Technology, Engineering, and Mathematics (STEM) careers among middle school and early high school students by using web-based content which includes achievements to demonstrate the application of math and language skill in the context of STEM careers and technologies	
From General Revenue Fund (0101).....	\$50,000
SECTION 2.030. — 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)	<u>318,031,026</u>
Total	<u>\$321,443,177</u>
SECTION 2.031. — 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 2.035. — 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). \$880,400,000

SECTION 2.040. — To the Department of Elementary and Secondary Education
For costs associated with school district bonds
From School District Bond Fund (0248). \$492,000

SECTION 2.041. — To the Department of Elementary and Secondary Education
For Early Grade Literacy Programs offered at Southeast Missouri State
University
From General Revenue Fund (0101). \$103,000

SECTION 2.045. — 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 2.050. — 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 2.080, the Vocational Rehabilitation
funds in Section 2.135, and the Disability Determination funds in
Section 2.140
Personal Service. \$3,619,355
Expense and Equipment. 264,224
From General Revenue Fund (0101). 3,883,579

Personal Service. 6,687,139
Expense and Equipment. 3,679,393
From Elementary and Secondary Education - Federal Fund (0105). 10,366,532

Personal Service. 639,822
Expense and Equipment. 2,308,067
From Excellence in Education Fund (0651). 2,947,889

Personal Service	
From Early Childhood Development, Education and Care Fund (0859)	62,108
For Orton-Gillingham training through regional sessions, electronic documents, and webinars for teachers in identifying signs and symptoms of Dyslexia, to screen students for Dyslexia, and to provide appropriate accommodations for students with Dyslexia. The Department of Elementary and Secondary Education shall coordinate training with the Legislative Taskforce on Dyslexia	
From General Revenue Fund (0101)	100,000
For the Office of Adult Learning and Rehabilitative Services	
Personal Service.	28,703,762
Expense and Equipment.	4,944,474
From Vocational Rehabilitation Fund (0104).	33,648,236
Total (Not to exceed 887.06 F.T.E.).	\$51,008,344

SECTION 2.055.— 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
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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 \$350,000

From General Revenue Fund (0101)	3,000,000
From Early Childhood Development, Education and Care Fund (0859)	8,694,141
For the purpose of funding the Missouri Preschool Program and Early Childhood Program administration and assessment in provisionally accredited or unaccredited school districts	
From Early Childhood Development, Education and Care Fund (0859).	2,000,000
Total.	\$14,791,841

SECTION 2.060.— To the Department of Elementary and Secondary Education
 For the Right From the Start grant program

From Elementary and Secondary Education - Federal Fund (0105).	\$900,000
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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
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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 2.080, 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 \$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).	\$13,472,213
From Elementary and Secondary Education - Federal Fund (0105).	7,800,000
From Lottery Proceeds Fund (0291).	4,311,255
Total.	<u>\$25,583,468</u>

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). \$21,000,000

SECTION 2.080.— 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 2.085.— 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 2.090.— 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 2.095.— 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 2.100.— 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). \$44,000,000

SECTION 2.105.— 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 2.110.— 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 2.115.— 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). \$5,400,000

SECTION 2.120.— 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 2.126.— To the Department of Elementary and Secondary Education
For development of resources by the department to support school districts
in becoming trauma informed and disbursements to school districts
that enable districts to understand and respond to the symptoms of
chronic trauma and traumatic stress across the lifespan
From General Revenue Fund (0101). \$200,000

SECTION 2.130.— To the Department of Elementary and Secondary Education
For the Teacher of the Year program
From Elementary and Secondary Education - Federal Fund (0105). \$40,000

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 2.137.— 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). \$3,561,486
From Vocational Rehabilitation Fund (0104). 1,292,546
From Independent Living Center Fund (0284). 390,556
Total. \$5,244,588

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) \$244,873,391

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) \$26,041,961

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 not more than one hundred percent
(100%) flexibility is allowed between personal service and expense and
equipment
From General Revenue Fund (0101) \$2,203,000
From Charter Public School Commission Federal Fund (0175) 500,000
From Charter Public School Commission Revolving Fund (0860) 750,000
From Charter Public School Commission Trust Fund (0862) 2,000,000
Total (Not to exceed 2.00 F.T.E.) \$5,453,000

SECTION 2.220.— To the Department of Elementary and Secondary Education
For the Missouri Commission for the Deaf and Hard of Hearing
Personal Service \$312,476
Expense and Equipment 133,071
From General Revenue Fund (0101) 445,547

Personal Service 34,437
Expense and Equipment 119,000
From Missouri Commission for the Deaf and Hard of Hearing Fund (0743) 153,437

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.) \$748,984

SECTION 2.225.— To the Department of Elementary and Secondary Education
For the Missouri Assistive Technology Council
Personal Service \$238,344
Expense and Equipment 570,138
From Assistive Technology Federal Fund (0188) 808,482

Personal Service 229,269
Expense and Equipment 1,639,703
From Deaf Relay Service and Equipment Distribution Program Fund (0559) 1,868,972

Personal Service 52,455
Expense and Equipment 575,000
From Assistive Technology Loan Revolving Fund (0889) 627,455

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.) \$4,385,909

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).	\$129,928,228
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).	\$19,234,030
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).	\$14,719,219
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
SECTION 2.270. — To the Department of Elementary and Secondary Education Funds are to be transferred out of the State Treasury, chargeable to the After-School Retreat Reading and Assessment Grant Program Fund, to the State School Moneys Fund	
From After-School Retreat Reading and Assessment Grant Program Fund (0732).	\$2,000
Bill Totals	
General Revenue Fund.	\$3,318,174,889
Federal Funds.	1,073,686,848
Other Funds.	1,522,743,869
Total.	<u>\$5,914,605,606</u>

Approved May 6, 2016

HB 2003 [CCS SCS HCS HB 2003]

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, 2016 and ending June 30, 2017; 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, 2016 and ending June 30, 2017 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.	\$492,529
Expense and Equipment.	170,878
From General Revenue Fund (0101)	663,407
Personal Service.	243,988
Expense and Equipment.	45,354
From Guaranty Agency Operating Fund (0880)	289,342
Personal Service.	38,633
Expense and Equipment.	16,850
From Department of Higher Education Out-of-State Program Fund (0420)	55,483
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).	75,000
Total (Not to exceed 20.61 F.T.E.).	\$1,083,232

SECTION 3.006.— To the Department of Higher Education
For the expenses of the University of Missouri System Review
Commission per SCR 66 (2016)
From General Revenue Fund (0101). \$750,000

SECTION 3.010.— To the Department of Higher Education
For regulation of proprietary schools as provided in Section 173.600, RSMo
Personal Service. \$216,023
Expense and Equipment. 92,148
From Proprietary School Certification Fund (0729) (Not to exceed 5.00 F.T.E.) . . . \$308,171

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. \$38,806
Expense and Equipment 10,000
For federal Education Programs. 1,200,000
From Department of Higher Education Federal Fund (0116)
(Not to exceed 1.00 F.T.E.). \$1,248,806

SECTION 3.026.— To the Department of Higher Education
For the State-Wide Student Web Portal
From General Revenue Fund (0101). \$500,000

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
From Department of Higher Education Federal Fund (0116). \$1,000,000

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. \$23,358
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.	20,000
From State Institutions Gift Trust Fund (0925).	<u>108,358</u>

For the expenses of the Missouri public higher education system review panel	
From General Revenue Fund (0101).	150,000
Total (Not to exceed 1.00 F.T.E.).	<u>\$258,358</u>

SECTION 3.045.— 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).	\$16,176,666
From State Institutions Gift Trust Fund (0925).	<u>2,000,000</u>
Total.	<u>\$18,176,666</u>

SECTION 3.050.— 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).	\$20,676,666
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SECTION 3.055.— 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).	\$49,665,640
From Lottery Proceeds Fund (0291).	11,916,667
From State Institutions Gift Trust Fund (0925).	2,000,000
From Missouri Student Grant Program Gift Fund (0272).	50,000
From Advantage Missouri Trust Fund (0856).	<u>50,000</u>
Total.	<u>\$63,682,307</u>

SECTION 3.060.— To the Department of Higher Education
For the Access Missouri Financial Assistance Program pursuant to
Chapter 173, RSMo

From Access Missouri Financial Assistance Fund (0791).	\$76,500,000
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SECTION 3.065.— 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).	\$15,953,878
From Lottery Proceeds Fund (0291).	<u>21,659,448</u>
Total.	<u>\$37,613,326</u>

SECTION 3.070.— To the Department of Higher Education
For the A+ Schools Program

From A+ Schools Fund (0955).	\$39,500,000
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SECTION 3.075.— 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).	\$413,375
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SECTION 3.080.— 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 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 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).....	381,250
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.....	<u>\$1,150,250</u>

SECTION 3.085.— 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
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SECTION 3.090.— 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
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SECTION 3.095.— To the Department of Higher Education

For the Advantage Missouri Program pursuant to Chapter 173, RSMo

From Advantage Missouri Trust Fund (0856).....	\$15,000
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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.....	\$2,317,753
Expense and Equipment.....	5,325,693
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.)..	<u>\$17,033,446</u>

SECTION 3.105.— To the Department of Higher Education

Funds are to be transferred out of the State Treasury, chargeable to the Federal Student Loan Reserve Fund, to the Guaranty Agency Operating Fund	
From Federal Student Loan Reserve Fund (0881).....	\$15,000,000
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).....	\$160,000,000
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 3.116. — To the Department of Higher Education For a program to provide promising students from under-resourced backgrounds with academic enrichment, social support and life skills needed to succeed in colleges and careers	
From General Revenue Fund (0101)	\$450,000
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 3.126. — To the Missouri University of Science and Technology For a program to provide nationally ranked graduate level engineering education and certificate programs in the Clay County, Missouri Education Center to address critical technical workforce needs	
From General Revenue Fund (0101).....	\$1,000,000
SECTION 3.127. — To the Missouri University of Science and Technology For phased expansion of Project Lead the Way in ten (10) southern Missouri counties. This funding will serve as state match for Federal funding, and will provide pilot support for Project Lead the Way in Houston, Missouri to affiliation with Missouri University of Science and Technology	
From General Revenue Fund (0101).....	\$400,000
SECTION 3.128. — To Southeast Missouri State University For a Cyber Security training program	
From General Revenue Fund (0101).....	\$500,000

SECTION 3.129. — To the Department of Higher Education and the University of Missouri	
For Tier 1 Safety Net Hospitals in western Missouri and central Missouri that provide medical resident education training in conjunction with medical schools at state higher education institutions. For specialized medical information technology allocated at \$5,000 per full time medical student	
For the Department of Higher Education to distribute to a qualifying partnership hospital in western Missouri	
From General Revenue Fund (0101).	\$3,000,000
For the University of Missouri System	
From General Revenue Fund (0101).	<u>2,000,000</u>
Total.	<u>\$5,000,000</u>
SECTION 3.131. — To Harris-Stowe State University	
For graduate and STEM education programs	
From General Revenue Fund (0101).	\$500,000
SECTION 3.135. — 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 3.140. — To Missouri Southern State University and the University of Missouri	
For the purpose of funding a satellite dental program at Missouri Southern State University in collaboration with the University of Missouri-Kansas City School of Dentistry	
To Missouri Southern State University	
From General Revenue Fund (0101).	\$2,000,000
To University of Missouri, Kansas City	
From General Revenue Fund (0101).	<u>1,000,000</u>
Total.	<u>\$3,000,000</u>
SECTION 3.145. — To Truman State University	
For the purpose of providing autism services and related training at Truman State University	
From General Revenue Fund (0101).	\$1,000,000
SECTION 3.147. — To Missouri State University and Missouri University of Science and Technology	
For the purpose of funding engineering expansion in a collaboration between Missouri State University and Missouri University of Science and Technology	
To Missouri State University	
From General Revenue Fund (0101).	\$1,000,000
To Missouri University of Science and Technology	
From General Revenue Fund (0101).	<u>1,000,000</u>

Total	\$2,000,000
SECTION 3.150. — To the Department of Higher Education	
For competitive grants to eligible institutions of higher education based on a process and criteria jointly determined by the State Board of Nursing and the Department of Higher Education. Grant award amounts shall not exceed one hundred fifty thousand dollars (\$150,000) and no campus shall receive more than one grant per year	
From State Board of Nursing Fund (0635).....	\$2,000,000
SECTION 3.155. — 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).....	\$37,192,765
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).....	\$126,944,233
From Lottery Proceeds Fund (0291).....	10,489,991
For distribution to community colleges for the purpose of equity adjustments	
From General Revenue Fund (0101).....	10,044,016
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	\$154,430,958
SECTION 3.205. — To the State Technical College of Missouri	
All Expenditures	
From General Revenue Fund (0101).....	\$5,321,754
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	\$5,887,971

SECTION 3.210.— To the University of Central Missouri

All Expenditures
 From General Revenue Fund (0101). \$51,348,497
 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. \$57,599,456

SECTION 3.215.— To Southeast Missouri State University

All Expenditures
 From General Revenue Fund (0101). \$42,371,917
 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. \$47,507,674

SECTION 3.220.— To Missouri State University

All Expenditures
 From General Revenue Fund (0101). \$78,156,825
 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. \$88,126,944

SECTION 3.225.— To Lincoln University

All Expenditures
 From General Revenue Fund (0101). \$16,586,720
 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) 2,000,000

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. \$20,600,792

SECTION 3.230.— To Truman State University

All Expenditures
 From General Revenue Fund (0101). \$38,533,959
 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. \$43,310,124

SECTION 3.235. — To Northwest Missouri State University

All Expenditures	
From General Revenue Fund (0101).....	\$28,881,066
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.....	\$32,423,806

SECTION 3.240. — To Missouri Southern State University

All Expenditures	
From General Revenue Fund (0101).....	\$21,984,452
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.....	\$24,615,963

SECTION 3.245. — To Missouri Western State University

All Expenditures	
From General Revenue Fund (0101).....	\$20,129,134
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.....	\$22,723,461

SECTION 3.250. — To Harris-Stowe State University

All Expenditures	
From General Revenue Fund (0101).....	\$9,170,409
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.....	\$10,519,388

SECTION 3.255. — To the University of Missouri

For operation of its Columbia Campus

All Expenditures	
From General Revenue Fund (0101).....	\$169,305,944
From Lottery Proceeds Fund (0291).....	20,470,755

For operation of its Kansas City Campus

All Expenditures	
From General Revenue Fund (0101).....	70,537,749
From Lottery Proceeds Fund (0291).....	8,528,708

For operation of its Rolla Campus

All Expenditures	
From General Revenue Fund (0101)	48,365,151
From Lottery Proceeds Fund (0291).....	5,847,823
For operation of its Saint Louis Campus	
All Expenditures	
From General Revenue Fund (0101)	54,062,417
From Lottery Proceeds Fund (0291).....	6,536,678
For operations of Extension	
All Expenditures	
From General Revenue Fund (0101)	24,661,974
From Lottery Proceeds Fund (0291).....	2,981,875
For operations of UM System Administration	
All Expenditures	
From General Revenue Fund (0101)	9,764,669
From Lottery Proceeds Fund (0291).....	1,640,102
For multi-campus collaboration on projects, faculty recruitment, and faculty retention	
All Expenditures	
From General Revenue Fund (0101)	6,920,920
From Lottery Proceeds Fund (0291).....	836,807
For the one-time purchase of equipment for the Veterinary College on the Columbia Campus	
From General Revenue Fund (0101)	500,000
For the Greenley Research Center for research related to the "Water Works for Agriculture in Missouri" initiative	
From General Revenue Fund (0101).	\$275,000
For the payment of refunds set off against debt as required by Section 143.786, RSMo	
From Debt Offset Escrow Fund (0753).	1,400,000
Total.	<u>\$432,636,572</u>

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).	\$400,000
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SECTION 3.260.— 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)..... \$450,000

SECTION 3.265.— 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)..... 3,000,000
 Total. \$3,437,640

SECTION 3.270.— 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 3.275.— 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 3.280.— To the University of Missouri
 For the State Historical Society
 All Expenditures
 From General Revenue Fund (0101)..... \$3,210,855

SECTION 3.285.— 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 3.290.— 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. \$996,919,324
 Federal Funds. 2,248,806
 Other Funds. 317,586,140
 Total. \$1,316,754,270

Approved April 27, 2016

HB 2004 [CCS SCS HCS HB 2004]

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, 2016 and ending June 30, 2017; 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 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, 2016 and ending June 30, 2017, 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.	\$7,497,625
Annual salary adjustment in accordance with Section 105.005, RSMo	1,843
Expense and Equipment.	3,289,269
From General Revenue Fund (0101)	<u>10,788,737</u>

Personal Service.	7,197,200
Annual salary adjustment in accordance with Section 105.005, RSMo	257
Expense and Equipment.	6,574,751
From State Highways and Transportation Department Fund (0644).	<u>13,772,208</u>

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

design and procurement analysis	
Personal Service.	178,500
Expense and Equipment.	<u>25,000</u>
From General Revenue Fund (0101).	203,500
From Department of Revenue Technology Fund (0416).	3,000,000
Total (Not to exceed 445.79 F.T.E.).	<u>\$27,764,445</u>

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.....	\$19,616,808
Expense and Equipment.....	<u>3,863,953</u>
From General Revenue Fund (0101).....	23,480,761

Personal Service.....	28,391
Expense and Equipment.....	<u>1,071</u>
From Petroleum Storage Tank Insurance Fund (0585).....	29,462

Personal Service.....	34,701
Expense and Equipment.....	<u>2,818</u>
From Petroleum Inspection Fund (0662).....	37,519

Personal Service.....	52,870
Expense and Equipment.....	<u>4,163</u>
From Health Initiatives Fund (0275).....	57,033

Personal Service.....	577,397
Expense and Equipment.....	<u>8,277</u>
From Conservation Commission Fund (0609).....	585,674

For Organizational Dues	
From General Revenue (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).....	<u>250,000</u>
Total (Not to exceed 562.30 F.T.E.).....	\$37,652,850

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.....	\$376,228
Expense and Equipment.....	<u>280,232</u>
From General Revenue Fund (0101).....	656,460

Personal Service.....	2,749
Expense and Equipment.....	<u>160,776</u>
From Department of Revenue - Federal Fund (0132).....	163,525

Personal Service.....	198,750
Expense and Equipment.....	<u>245,840</u>

From Motor Vehicle Commission Fund (0588).....	444,590
Personal Service.....	6,932
Expense and Equipment.....	9,953
From Department of Revenue Specialty Plate Fund (0775).....	<u>16,885</u>
Total (Not to Exceed 32.05 F.T.E.).....	\$1,281,460

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.....	\$1,531,869
Expense and Equipment.....	155,533
From General Revenue Fund (0101).....	<u>1,687,402</u>

Personal Service.....	212,654
Expense and Equipment.....	211,154
From Department of Revenue - Federal Fund (0132).....	<u>423,808</u>

Personal Service.....	461,870
Expense and Equipment.....	28,118
From Motor Vehicle Commission Fund (0588).....	<u>489,988</u>

Personal Service.....	42,279
Expense and Equipment.....	3,323
From Tobacco Control Special Fund (0984).....	<u>45,602</u>
Total (Not to exceed 56.75 F.T.E.).....	<u>\$2,646,800</u>

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.....	\$1,144,332
Annual salary adjustment in accordance with Section 105.005, RSMo.....	334
Expense and Equipment.....	211,326
From General Revenue Fund (0101).....	<u>1,355,992</u>

Personal Service.....	54,234
Expense and Equipment.....	3,470,006
From Department of Revenue - Federal Fund (0132).....	<u>3,524,240</u>

Personal Service.....	26,064
Expense and Equipment.....	2,089,841
From Child Support Enforcement Fund (0169).....	<u>2,115,905</u>

For postage

Expense and Equipment	
From General Revenue Fund (0101).....	4,113,379

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.)	<u>\$11,160,261</u>

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	\$2,031,899
Annual salary adjustment in accordance with Section 105.005, RSMo	6,398
Expense and Equipment	166,977
From General Revenue Fund (0101)	<u>2,205,274</u>

For the Productive Capability of Agricultural and Horticultural Land Use Study

Expense and Equipment	
From General Revenue Fund (0101)	<u>3,798</u>
Total (Not to exceed 40.00 F.T.E.)	<u>\$2,209,072</u>

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)	\$11,531,622
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SECTION 4.040.— 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

From General Revenue Fund (0101)	\$600,000
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SECTION 4.045.— 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
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SECTION 4.050.— 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
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SECTION 4.055.— 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
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SECTION 4.060.— To the Department of Revenue

For distribution of emblem use fee contributions collected for specialty plates

From General Revenue Fund (0101). \$1,000

SECTION 4.065.— 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). \$1,384,100,000E

SECTION 4.070.— 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 4.075.— 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 4.080.— 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 4.085.— 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 4.090.— 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 4.095.— 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 4.100.— 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 4.105.— To the Department of Revenue
For the payment of tax delinquencies set off by tax credits
From General Revenue Fund (0101). \$260,000

SECTION 4.110.— 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 143.786, RSMo, to the Debt Offset Escrow Fund
From General Revenue Fund (0101)..... \$13,797,384

SECTION 4.115.— 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)..... \$2,518,749

SECTION 4.120.— 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 4.125.— 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 4.130.— 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 4.135.— 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 4.140.— 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)..... \$471,000

SECTION 4.145.— 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 4.150.— For distribution from the various income tax check-off
charitable trust funds
From Other Funds (Various). \$50,000

SECTION 4.155.— 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)..... \$1,250,000

SECTION 4.160.— 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 4.165.— 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 4.170.— 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; and further provided that no
expansion of the Missouri Lottery pull tab program is authorized
beyond the pilot project approved for fraternal organizations in
HB4 (2013) unless expressly authorized by the General Assembly;
and further provided that all moneys received by the State Lottery
Commission from the sale of Missouri lottery tickets, and from all
other sources, shall be deposited in the State Lottery Fund,
pursuant to Section 39b of the Missouri Constitution
Personal Service. \$7,075,249
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. 24,871,477

For advertising expenses. 16,000,000
From Lottery Enterprise Fund (0657) (Not to exceed 153.50 F.T.E.) \$56,794,241

SECTION 4.175.— To the Department of Revenue
For the State Lottery Commission
For the payment of prizes
From Lottery Enterprise Fund (0657). \$12,750,000
From State Lottery Fund (0682) 140,250,000E
Total. \$153,000,000

SECTION 4.176.— To the Department of Revenue
Funds are to be transferred out of the State Treasury, chargeable to
the State Lottery Fund, to the Lottery Enterprise Fund
From State Lottery Fund (0682).. \$56,794,241

SECTION 4.180.— To the Department of Revenue
Funds are to be transferred out of the State Treasury, chargeable to
the State Lottery Fund and to the Lottery Enterprise Fund, to the

Lottery Proceeds Fund	
From Lottery Enterprise Fund (0657)	\$20,000,000
From State Lottery Fund (0682)	291,000,000
Total	<u>\$311,000,000</u>

SECTION 4.400. — To the Department of Transportation
For the Highways and Transportation Commission and Highway Program

Administration	
Personal Service	\$18,729,356
Expense and Equipment	7,347,562E
From State Road Fund (0320)	26,076,918

For Organizational Dues

From Multimodal Operations Federal Fund (0126)	5,000
From State Road Fund (0320)	70,000E
From Railroad Expense Fund (0659)	5,000
Total (Not to exceed 350.57 F.T.E.)	<u>\$26,156,918</u>

SECTION 4.405. — To the Department of Transportation

For department-wide fringe expenses

For Administration fringe benefits	
Personal Service	\$14,064,495E
Expense and Equipment	15,797,243E
From State Road Fund (0320)	29,861,738

For Construction Program fringe benefits

Personal Service	50,896,254E
Expense and Equipment	685,000E
From State Road Fund (0320)	51,581,254

For Maintenance Program fringe benefits

Personal Service	
From Department of Transportation - Highway Safety Fund (0149)	234,526
Personal Service	
Personal Service	114,443,469E
Expense and Equipment	6,633,778E
From State Road Fund (0320)	121,077,247

For Fleet, Facilities, and Information Systems fringe benefits

Personal Service	10,461,696E
Expense and Equipment	244,493E
From State Road Fund (0320)	10,706,189

For Multimodal Operations fringe benefits

Personal Service	
From Multimodal Operations Federal Fund (0126)	233,832
From State Road Fund (0320)	331,842E
From Railroad Expense Fund (0659)	348,987
From State Transportation Fund (0675)	118,211
From Aviation Trust Fund (0952)	375,302
Total	<u>\$214,869,128</u>

SECTION 4.410. — To the Department of Transportation
For the Construction Program

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.	\$67,292,198E
Expense and Equipment	19,558,170E
Construction.	933,811,500E
From State Road Fund (0320).	<u>1,020,661,868</u>

For all expenditures associated with paying outstanding state road bond debt

From State Road Fund (0320).	137,338,981E
From State Road Bond Fund (0319).	171,121,880E
Total (Not to exceed 1,326.44 F.T.E.).	<u>\$1,329,122,729</u>

SECTION 4.411. — To the Department of Transportation

Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Missouri Moves Fund

From General Revenue Fund (0101).	\$20,000,000
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SECTION 4.412. — To the Department of Transportation

For a cost-share program with local communities, including multimodal projects, provided that these funds shall not supplant, and shall only supplement, the current planned allocation of road and bridge expenditures under the most recently adopted state transportation and improvement plan, including all amendments thereto, as of the date of passage of this bill by the General Assembly

From Missouri Moves Fund (0418).	\$20,000,000
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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.	\$319,202
Expense and Equipment.	<u>54,393</u>
From Department of Transportation - Highway Safety Fund (0149)	373,595
Personal Service.	143,048,845E

Expense and Equipment	223,906,284E
From State Road Fund (0320)	366,955,129

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)	20,000,000

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.)	<u>\$389,753,449</u>

SECTION 4.420. — 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	\$14,320,326
Expense and Equipment	61,000,000
From State Road Fund (0320) (Not to exceed 299.25 F.T.E.)	<u>\$75,320,326</u>

SECTION 4.425. — 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)	<u>\$30,035,240</u>

SECTION 4.430. — 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)	\$480,000,000E

SECTION 4.435. — To the Department of Transportation

For Multimodal Operations Administration	
Personal Service	\$316,722
Expense and Equipment	269,600
From Multimodal Operations Federal Fund (0126)	<u>586,322</u>

Personal Service	472,131
Expense and Equipment	39,852
From State Road Fund (0320)	<u>511,983</u>

Personal Service	466,942
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Expense and Equipment.....	145,000
From Railroad Expense Fund (0659).....	611,942
Personal Service	162,509
Expense and Equipment.....	26,220
From State Transportation Fund (0675).....	188,729
Personal Service.....	504,219
Expense and Equipment.....	24,827
From Aviation Trust Fund (0952).....	529,046
Total (Not to exceed 35.68 F.T.E.).....	\$2,428,022

SECTION 4.440. — 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 4.445. — 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
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SECTION 4.450. — 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).....	1,710,875
Total.....	\$2,210,875

SECTION 4.451. — 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, provided that not more than twenty-five percent (25%) flexibility is allowed between Sections 4.451, 4.456, 4.457, 4.458, 4.460

From Multimodal Operations Federal Fund (0126).....	\$10,600,000
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SECTION 4.455. — 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 4.456. — 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, provided that not more than twenty-five percent (25%) flexibility is allowed between Sections 4.451, 4.456, 4.457, 4.458, 4.460

From Multimodal Operations Federal Fund (0126)..... \$31,000,000

SECTION 4.457. — 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, provided that not more than twenty-five percent (25%) flexibility is allowed between Sections 4.451, 4.456, 4.457, 4.458, 4.460

From Multimodal Operations Federal Fund (0126)..... \$1,400,000

SECTION 4.458. — To the Department of Transportation

For the Transit Program

For grants to metropolitan areas under Section 5303, Title 49, United States Code, provided that not more than twenty-five percent (25%) flexibility is allowed between Sections 4.451, 4.456, 4.457, 4.458, 4.460

From Multimodal Operations Federal Fund (0126)..... \$11,000,000

SECTION 4.460. — 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, provided that not more than twenty-five percent (25%) flexibility is allowed between Sections 4.451, 4.456, 4.457, 4.458, 4.460

From Multimodal Operations Federal Fund (0126)..... \$5,900,000

SECTION 4.465. — 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)..... \$5,000,000

SECTION 4.470. — 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). . . \$5,000,000

SECTION 4.475. — 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 4.480. — To the Department of Transportation
 For the Rail Program
 For passenger rail service in Missouri
 From General Revenue Fund (0101). \$9,600,000

SECTION 4.485. — To the Department of Transportation
 For station repairs and improvements at Missouri Amtrak stations
 From State Transportation Fund (0675). \$25,000

SECTION 4.490. — 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

For the costs of construction of railroad grade crossing improvements in a
 county of the first classification with more than two hundred sixty
 thousand but fewer than three hundred thousand inhabitants
 From General Revenue Fund (0101). 350,000
 Total. \$4,350,000

SECTION 4.495. — 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 construction of hangers at the airport located
 in a 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
 but fewer than one hundred fifty thousand inhabitants
 From General Revenue Fund (0101). 1,000,000
 Total. \$11,000,000

SECTION 4.500. — 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). \$30,000,000

SECTION 4.505. — 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	
From General Revenue Fund (0101).....	\$5,000,000
From State Transportation Fund (0675).....	600,000
Total.....	<u>\$5,600,000</u>

SECTION 4.510. — To the Department of Transportation For the Federal Rail, Port and Freight Assistance Program	
From Multimodal Operations Federal Fund (0126).....	\$1,000,000

SECTION 4.515. — 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).....	\$1,000,000

Department of Revenue Totals

General Revenue Fund.....	\$91,563,159
Federal Funds.....	4,111,573
Other Funds.....	418,439,852
Total.....	<u>\$514,114,584</u>

Department of Transportation Totals

General Revenue Fund.....	\$37,644,129
Federal Funds.....	119,922,462
Other Funds.....	2,034,199,983
Total.....	<u>\$2,191,766,574</u>

Approved May 6, 2016

HB 2005 [CCS SCS HCS HB 2005]

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, 2016 and ending June 30, 2017; 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 also provided that no funds shall be expended for the purpose of making payments on new or refinanced bonds on building renovations for an entertainment and sports arena located in a city not within a county.

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, 2016 and ending June 30, 2017, as follows:

SECTION 5.005. — To the Office of Administration

For the Commissioner's Office

Personal Service.	\$646,755
Annual salary adjustment in accordance with Section 105.005, RSMo	2,514
Expense and Equipment.	<u>72,368</u>
From General Revenue Fund (0101)	<u>721,637</u>

For the Office of Equal Opportunity

Provided that not more than fifty percent (50%) flexibility is allowed between personal service and expense and equipment

Personal Service.	226,244
Expense and Equipment.	<u>78,222</u>
From General Revenue Fund (0101)	<u>304,466</u>

For the purpose of receiving and expending funds for a disparity study for the State of Missouri

From Office of Administration-Donated Fund (0722).	<u>80,000</u>
Total (Not to exceed 14.50 F.T.E.).	<u>\$1,106,103</u>

SECTION 5.010. — To the Office of Administration

For the Division of Accounting

Personal Service.	\$2,151,779
Expense and Equipment.	<u>116,895</u>
From General Revenue Fund (0101) (Not to exceed 49.00 F.T.E.).	<u>\$2,268,674</u>

SECTION 5.015. — To the Office of Administration

For the Division of Budget and Planning

Provided that no more than twenty percent (20%) flexibility is allowed between personal service and expense and equipment

Personal Service.	\$1,644,182
Expense and Equipment.	<u>71,921</u>
From General Revenue Fund (0101) (Not to exceed 26.00 F.T.E.).	<u>\$1,716,103</u>

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.....	\$21,602,463
Expense and Equipment.....	28,761,179
From General Revenue Fund (0101).....	<u>50,363,642</u>

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.....	3,587,070
Expense and Equipment.....	419,981
From DOLIR Administrative Fund (0122).....	<u>4,007,051</u>

Personal Service.....	15,177,965
Expense and Equipment.....	55,958,077
From OA Information Technology Federal Fund (0165).....	<u>71,136,042</u>

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).....	139,469
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).....	1,182,602
From Childhood Lead Testing Fund (0899).....	13,032
From Children's Trust Fund (0694).....	4,200
From Commodity Council Merchandising Fund (0406).....	876
From Conservation Commission Fund (0609).....	33,198
From Crime Victims' Compensation Fund (0681).....	29,213
From Deaf Relay Service and Equipment Distribution Program Fund (0559).....	12,990

From DED Administrative Fund (0547)	1,310,823
From Department of Health - Donated Fund (0658)	20,564
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)	131,265
From Division of Alcohol and Tobacco Control Fund (0544)	53,500
From Division of Credit Unions Fund (0548)	12,106
From Division of Finance Fund (0550)	209,744
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)	16,690
From Energy Set-Aside Program Fund (0667)	84,243
From Environmental Radiation Monitoring Fund (0656)	1,300
From Excellence In Education Fund (0651)	184,680
From Federal Surplus Property Fund (0407)	112,639
From Grain Inspection Fee Fund (0647)	33,845
From Guaranty Agency Operating Fund (0880)	851,333
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)	928,966
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 Administrative 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 and Hard of Hearing Board of Certification of Interpreters Fund (0264)	9,150
From Missouri Commission for the Deaf and Hard of Hearing Fund (0743)	2,026
From Missouri Land Survey Fund (0668)	178,785
From Missouri Public Health Services Fund (0298)	978,164
From Missouri Rx Plan Fund (0779)	15,000
From Missouri Veterans' Homes Fund (0460)	1,297,556
From Missouri Wine and Grape Fund (0787)	10,117
From Missouri Works Job Development Fund (0600)	7,000
From Motor Vehicle Commission Fund (0588)	110,815
From Natural Resources Cost Allocation Fund (0500)	6,572,779
From Nursing Facility Quality of Care Fund (0271)	425,862
From Office of Administration Revolving Administrative Trust Fund (0505)	35,302
From Organ Donor Program Fund (0824)	272,000
From Professional and Practical Nursing Student Loan and Nurse Loan Repayment Fund (0565)	7,140
From Professional Registration Fees Fund (0689)	1,235,760
From Propriety School Certification Fund (0729)	60,423

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)	422,311
From State Fair Fee Fund (0410)	39,924
From State Highways and Transportation Department Fund (0644)	2,795,635
From State Institutions Gift Trust Fund (0925)	90
From State Milk Inspection Fee Fund (0645)	4,961
From Unemployment Automation Fund (0953)	13,124,744
From Veterans' Commission Capital Improvement Trust Fund (0304)	104,928
From Workers' Compensation Fund (0652)	3,324,460
From Working Capital Revolving Fund (0510)	230,811

For the purpose of Information Technology Services Division billings

Provided that not more than twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment and further 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

Personal Service	7,589,677
Expense and Equipment	38,732,527

From Missouri Revolving Information Technology Trust Fund (0980)	46,322,204
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For the purpose of funding information technology security enhancements,

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

From General Revenue Fund (0101)	8,000,000
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Total (Not to exceed 985.00 F.T.E.)	\$217,582,157
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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
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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
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For the purpose of receiving and expending funds for eProcurement activities

From eProcurement and State Technology Fund (0495).....	2,000,000
Total.....	<u>\$4,000,000</u>

SECTION 5.035.— To the Office of Administration

For the Division of Personnel

Personal Service.....	\$2,805,868
Expense and Equipment.....	<u>91,646</u>
From General Revenue Fund (0101).....	2,897,514

Personal Service.....	179,431
Expense and Equipment.....	<u>471,489</u>
From Office of Administration Revolving Administrative Trust Fund (0505)	650,920

Personal Service.....	93,023
Expense and Equipment.....	<u>3,600</u>
From Missouri Revolving Information Technology Trust Fund (0980).	96,623
Total (Not to exceed 72.97 F.T.E.).....	<u>\$3,645,057</u>

SECTION 5.040.— To the Office of Administration

For the Division of Purchasing and Materials Management

Personal Service.....	\$1,804,365
Expense and Equipment.....	<u>77,203</u>
From General Revenue Fund (0101) (Not to exceed 35.00 F.T.E.).	\$1,881,568

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 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 5.055.— 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.....	\$19,518,245
Expense and Equipment.....	<u>34,537,404</u>
From State Facility Maintenance and Operation Fund (0501) (Not to exceed 515.50 F.T.E.).....	\$54,055,649

SECTION 5.060.— 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 5.065. — 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 5.070. — To the Office of Administration
 For the Division of General Services
 Personal Service. \$889,610
 Expense and Equipment. 75,353
 From General Revenue Fund (0101). 964,963

 Personal Service. 2,906,394
 Expense and Equipment. 979,728
 From Office of Administration Revolving Administrative Trust Fund (0505). . . 3,886,122
 Total (Not to exceed 106.00 F.T.E.). \$4,851,085

SECTION 5.075. — To the Office of Administration
 For the Division of General Services
 For the operation of the State Agency for Surplus Property
 Personal Service. \$794,281
 Expense and Equipment. 595,698
 From Federal Surplus Property Fund (0407) (Not to exceed 20.00 F.T.E.). . . . \$1,389,979

SECTION 5.080. — To the Office of Administration
 For the Division of General Services
 For the Fixed Price Vehicle Program
 Expense and Equipment
 From Federal Surplus Property Fund (0407). \$1,495,994

SECTION 5.085. — To the Office of Administration
 For the Division of General Services
 For Surplus Property recycling activities
 Personal Service. \$48,834
 Expense and Equipment. 50,322
 From Federal Surplus Property Fund (0407) (Not to exceed 1.00 F.T.E.). \$99,156

SECTION 5.090. — 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 5.095. — To the Office of Administration
 For the Division of General Services
 For the disbursement of surplus property sales receipts
 From Proceeds of Surplus Property Sales Fund (0710) \$299,894

SECTION 5.100. — 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 5.105. — 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 5.110. — 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 5.115. — To the Office of Administration
 For the Division of General Services
 For reimbursable 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 5.120. — 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 Office of Administration Revolving Administrative Trust Fund (0505) 17,435E
 From Conservation Commission Fund (0609) 130,000E
 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 5.125. — 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 5.130. — 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.....	\$975,792
Annual salary adjustment in accordance with Section 105.005, RSMo.....	8,864
Expense and Equipment.....	<u>82,552</u>
From General Revenue Fund (0101).....	1,067,208
Personal Service.....	75,460
Annual salary adjustment in accordance with Section 105.005, RSMo.....	1,509
Expense and Equipment.....	<u>56,715</u>
From Administrative Hearing Commission Educational Due Process Hearing Fund (0818).....	133,684
Total (Not to exceed 16.50 F.T.E.).....	<u>\$1,200,892</u>

SECTION 5.135. — 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.....	\$175,313
Expense and Equipment.....	<u>8,103</u>
From General Revenue Fund (0101).....	183,416
Personal Service.....	128,189
Expense and Equipment.....	<u>14,825</u>
From Office of Administration - Federal Fund (0135).....	143,014
Total (Not to exceed 5.00 F.T.E.).....	<u>\$326,430</u>

SECTION 5.140. — 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.....	\$222,996
Expense and Equipment	<u>112,092</u>
For Program Disbursements.....	2,800,000
From Children's Trust Fund (0694) (Not to exceed 5.00 F.T.E.).....	<u>\$3,135,088</u>

SECTION 5.145. — To the Office of Administration

For the purpose of funding the Governor's Council on Disability

Provided that not more than five percent (5%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	\$178,993
Expense and Equipment.....	<u>34,618</u>
From General Revenue Fund (0101) (Not to exceed 4.00 F.T.E.).....	<u>\$213,611</u>

SECTION 5.150. — 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.....	\$683,480
Expense and Equipment.....	<u>47,500</u>

From Office of Administration Revolving Administrative Trust Fund (0505)
(Not to exceed 14.00 F.T.E.) \$730,980

SECTION 5.155. — 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. \$1,123,054
Expense and Equipment. 289,852
From General Revenue Fund (0101) (Not to exceed 22.00 F.T.E.) \$1,412,906

SECTION 5.160. — 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
From Temporary Assistance for Needy Families Federal Fund (0199). 4,300,000

For the alternatives to abortion public awareness program
From General Revenue Fund (0101). 75,000
Total. \$6,458,561

SECTION 5.165. — 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). \$64,250,026
From Facilities Maintenance Reserve Fund (0124). 15,875,000
Total. \$80,125,026

SECTION 5.170. — 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 5.175. — 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). \$13,666,057
From State Facility Maintenance and Operation Fund (0501). 2,417,557
Total. \$16,083,614

SECTION 5.180. — 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). \$2,526,600

SECTION 5.185. — To the Office of Administration

For the Division of Accounting

For debt service and all related expenses associated with the State
 Historical Society Project bonds issued through the Missouri
 Development Finance Board
 From General Revenue Fund (0101)..... \$2,700,000

SECTION 5.190.— 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 5.195.— 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 (Various)..... \$14,200,000

SECTION 5.200.— 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)..... \$3,078,310

SECTION 5.205.— 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)..... \$4,875,710

SECTION 5.210.— To the Office of Administration
 For the Division of Accounting
 For Debt Management
 Expense and Equipment
 From General Revenue Fund (0101)..... \$83,300

SECTION 5.215.— 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 5.220.— 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 5.230.— 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)	<u>20,000</u>
Total	\$340,000

SECTION 5.235.— 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)	<u>75,000,000</u>
Total	\$575,000,000

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 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)	<u>75,000,000</u>
Total	\$575,000,000

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 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)	<u>500,000</u>
Total	\$3,500,000

SECTION 5.250.— 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)	<u>1E</u>

Total. \$2

SECTION 5.255.— 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). \$133,283
 From Federal and Other Funds (Various). 750,000
 Total. \$883,283

SECTION 5.260.— 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). \$7,725,471

SECTION 5.265.— To the Office of Administration

For funding statewide membership dues

From General Revenue Fund (0101). \$231,000

SECTION 5.270.— 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 provided that not more than twenty-five percent (25%) flexibility is allowed between sections 5.270 and 5.275

From Office of Administration - Federal Fund (0135). \$1,800,000

SECTION 5.275.— 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 provided that not more than twenty-five percent (25%) flexibility is allowed between sections 5.270 and 5.275

From Office of Administration - Federal Fund (0135). \$8,000,000

SECTION 5.280.— 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 5.285.— 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). \$200,000

SECTION 5.290.— To the Office of Administration
 For funding transition costs for the Governor, Lieutenant Governor,
 Secretary of State, Treasurer, and Attorney General
 From General Revenue Fund (0101). \$150,000

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). \$76,057,250E
 From Federal Funds (Various) 32,081,026E
 From Other Funds (Various). 45,178,578E
 Total. \$153,316,854

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).. \$8,452,349E

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).. \$161,769,203E

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 \$9,819,187 shall be expended on administration of the system, excluding investment expenses
 From General Revenue Fund (0101). \$208,143,086E
 From Federal Funds (Various) 75,490,647E
 From Other Funds (Various). 63,207,826E
 Total. \$346,841,559

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 \$9,819,187 shall be expended on administration of the system, excluding investment

expenses
 From State Retirement Contributions Fund (0701). \$346,841,559E

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).	\$150,000E
From DOSS Federal and Other Sources Fund (0610).	7,000E
From DESE - Federal Fund (0105).	33,000E
From DOSS Educational Improvement Fund (0620).	1,500E
From Health Initiatives Fund (0275).	500E
Total.	<u>\$192,000</u>

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).	\$1,635,024E
From Federal Funds (Various)	660,776E
From Other Funds (Various).	<u>1,310,725E</u>
Total.	<u>\$3,606,525</u>

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). \$144,942E

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
 \$8,001,544 shall be expended on administration of the plan,
 excluding third-party administrator fees

From General Revenue Fund (0101).	\$240,877,318E
From Federal Funds (Various)	96,074,998E
From Other Funds (Various).	<u>57,657,020E</u>
Total.	<u>\$394,609,336</u>

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 \$8,001,544 shall be
 expended on administration of the plan, excluding third-party
 administrator fees

From Missouri Consolidated Health Care Plan Benefit Fund (0765). \$394,609,336E

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). \$32,166,171E
 From Conservation Commission Fund (0609). 1,200,000E
 Total. \$33,366,171

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). 3,198,778E
 Total. \$7,373,749

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. \$186,605,191
 Federal Funds. 85,449,056
 Other Funds. 50,303,820
 Total. \$322,358,067

Employee Benefits Totals

General Revenue Fund.	\$561,729,850
Federal Funds.	204,347,447
Other Funds.	181,118,440
Total.	<u>\$947,195,737</u>

Approved May 6, 2016

HB 2006 [CCS SCS HCS HB 2006]

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, 2016 and ending June 30, 2017; 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 the Department of Natural Resources notify members of the General Assembly about pending land purchases sixty (60) days prior to the close of sale, and further provided that the Department of Natural Resources not implement or enforce any portion of a federal proposed rule finalized after January 1, 2015, to revise or provide guidance on the regulatory definition of "waters of the United States" or "navigable waters" under the federal Clean Water Act, as amended, 33 U.S.C. Section 1251 et seq., without the approval of the General Assembly, and further provided the Department of Natural Resources not implement or enforce any portion of the federal Environmental Protection Agency's "Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units," 80 Fed. Reg. 64,662 (October 23, 2015).

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, 2016 and ending June 30, 2017 as follows:

SECTION 6.005. — To the Department of Agriculture
 For the Office of the Director, provided seventy-five percent (75%)
 flexibility is allowed between funds and no flexibility is allowed
 between personal service and expense and equipment

Personal Service.	\$767,537
Annual salary adjustment in accordance with Section 105.005, RSMo	2,024
Expense and Equipment.	<u>130,225</u>
From Agriculture Protection Fund (0970).	899,786
Personal Service.	23,044
Annual salary adjustment in accordance with Section 105.005, RSMo	178
Expense and Equipment.	<u>2,494</u>
From Animal Care Reserve Fund (0295).	25,716
Personal Service.	23,283
Expense and Equipment.	<u>2,500</u>
From Animal Health Laboratory Fee Fund (0292).	25,783
Personal Service.	18,455
Expense and Equipment.	<u>1,982</u>
From Grain Inspection Fee Fund (0647).	20,437
Personal Service.	8,396
Expense and Equipment.	<u>901</u>
From Missouri Land Survey Fund (0668).	9,297
Personal Service.	13,953
Expense and Equipment.	<u>1,499</u>
From Missouri Wine and Grape Fund (0787)	15,452
Personal Service.	27,382
Expense and Equipment.	<u>2,940</u>
From Petroleum Inspection Fund (0662).	30,322
Personal Service.	33,267
Annual salary adjustment in accordance with Section 105.005, RSMo	231
Expense and Equipment.	<u>3,597</u>
From State Fair Fee Fund (0410).	37,095
Personal Service.	199,287
Annual salary adjustment in accordance with Section 105.005, RSMo	6
Expense and Equipment.	<u>3,559,408</u>
From Department of Agriculture Federal Fund (0133).	3,758,701
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

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
For the purpose of promoting Missouri agriculture and agricultural products	
From General Revenue Fund (0101).....	500,000
Total (Not to exceed 21.00 F.T.E.).....	<u>\$5,870,972</u>
SECTION 6.010. — To the Department of Agriculture	
Funds are to be 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	
Funds are to be 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).....	\$9,903,925
SECTION 6.025. — To the Department of Agriculture	
For Missouri Biodiesel Producer Incentive Payments	
From Missouri Qualified Biodiesel Producer Incentive Fund (0777).....	\$9,903,925
SECTION 6.030. — To the Department of Agriculture	
For the Agriculture Business Development Division, provided seventy-five percent (75%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment	
Personal Service.....	\$18,290
Expense and Equipment.....	<u>216,735</u>
From Agriculture Business Development Fund (0683).....	235,025
Personal Service.....	1,256,616
Expense and Equipment.....	<u>511,956</u>
From Agriculture Protection Fund (0970).....	1,768,572
Personal Service.....	62,205
Expense and Equipment.....	<u>193,210</u>
From Department of Agriculture Federal Fund (0133).....	255,415
For Governor's Conference on Agriculture	
From Agriculture Business Development Fund (0683).....	210,638
For urban and non-traditional agriculture	
From Agriculture Protection Fund (0970).....	65,000

From Agriculture Business Development Fund (0683).....	10,000
For competitive grants to innovative agriculture projects that promote agriculture in urban/suburban communities From Agriculture Protection Fund (0970).....	50,000
For Delta Regional Authority Organizational Dues From General Revenue Fund (0101).....	74,143
From Agriculture Protection Fund (0970).....	76,501
For the Abattoir Program.....	10,000
For the purpose of funding a Farmers Market located within any home rule city with mor 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.....	250,000
For the Beef Initiative.....	2,000,000
For the purpose of grant funding to a community garden project within the northeast portion of a county with a charter form of government and with more than nine hundred fifty thousand inhabitants.....	50,000
From General Revenue Fund (0101).....	2,310,000
Total (Not to exceed 29.51 F.T.E.).....	\$5,055,294

SECTION 6.031.— To the Department of Agriculture
For the Agriculture Business Development Division
For International Trade Offices
From General Revenue Fund (0101)..... \$1,000,000

SECTION 6.035.— To the Department of Agriculture
For the Agriculture Business Development Division
For the Agri Missouri Marketing Program
Personal Service..... \$37,157
Expense and Equipment..... 218,756
From Agriculture Protection Fund (0970) (Not to exceed 0.97 F.T.E.)..... \$255,913

SECTION 6.040.— To the Department of Agriculture
For the Agriculture Business Development Division
For the Wine and Grape Program
Personal Service..... \$269,231
Expense and Equipment..... 1,598,695
From Missouri Wine and Grape Fund (0787) (Not to exceed 5.00 F.T.E.)..... \$1,867,926

SECTION 6.045.— To the Department of Agriculture
For the Agriculture Business Development Division
For the Agriculture and Small Business Development Authority, provided
seventy-five percent (75%) flexibility is allowed between funds
and no flexibility is allowed between personal service and expense
and equipment
Personal Service..... \$113,861

Expense and Equipment.	9,264
From Single-Purpose Animal Facilities Loan Program Fund (0408)	123,125

Personal Service.	11,435
Expense and Equipment.	2,000
From Livestock Feed and Crop Input Loan Program Fund (0978).	13,435

Expense and Equipment	
From Agricultural Product Utilization Grant Fund (0413).	100
Total (Not to exceed 3.20 F.T.E.).	\$136,660

SECTION 6.050.— To the Department of Agriculture
 Funds are to be transferred out of the State Treasury, chargeable to
 the General Revenue Fund, to the Single-Purpose Animal Facilities
 Loan Guarantee Fund
 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
 From Single-Purpose Animal Facilities Loan Guarantee Fund (0409). \$201,046

SECTION 6.060.— To the Department of Agriculture
 Funds are to be transferred out of the State Treasury, chargeable to
 the General Revenue Fund, to the Agricultural Product Utilization
 and Business Development Loan Guarantee Fund
 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
 From Agricultural Product Utilization and Business Development Loan
 Guarantee Fund (0411). \$624,501

SECTION 6.070.— To the Department of Agriculture
 Funds are to be 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 the appropriation may not exceed \$2,000,000
 From Livestock Feed and Crop Input Loan Guarantee 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. \$76,927

Expense and Equipment.	41,744
From Agriculture Development Fund (0904)	<u>118,671</u>

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.)	<u>\$218,671</u>

SECTION 6.085.— To the Department of Agriculture

Funds are to be transferred out of the State Treasury, chargeable to
the General Revenue Fund, to the Missouri Dairy Industry
Revitalization Fund

From General Revenue Fund (0101)	\$2,500,000
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SECTION 6.090.— To the Department of Agriculture

For the purpose of implementing the provisions of the Missouri Dairy
Industry Revitalization Act

From Missouri Dairy Industry Revitalization Fund (0414)	\$2,500,000
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SECTION 6.095.— To the Department of Agriculture

For the Division of Animal Health

Personal Service.	\$2,629,803
Expense and Equipment.	<u>907,293</u>
From General Revenue Fund (0101)	3,537,096

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

Personal Service.	107,477
Expense and Equipment.	<u>717,050</u>
From Animal Health Laboratory Fee Fund (0292)	824,527

Personal Service.	464,868
Expense and Equipment.	<u>189,956</u>
From Animal Care Reserve Fund (0295)	654,824

Personal Service.	807,745
Expense and Equipment.	<u>566,383</u>
From Department of Agriculture Federal Fund (0133)	1,374,128

Personal Service From Livestock Brands Fund (0299)	111
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Expense and Equipment From Agriculture Protection Fund (0970)	2,462
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Expense and Equipment From Puppy Protection Trust Fund (0985)	1,000
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Expense and Equipment From Large Carnivore Fund (0988)	5,000
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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	
From Livestock Brands Fund (0299).....	30,698
For expenses incurred in regulating Missouri livestock markets Expense and Equipment	
From Livestock Sales and Markets Fees Fund (0581).....	30,690
For processing livestock market bankruptcy claims	
From Agriculture Bond Trustee Fund (0756).....	129,000
For the expenditure of contributions, gifts, and grants in support of relief efforts to reduce the suffering of abandoned animals	
From State Institutions Gift Trust Fund (0925).....	5,000
Total (Not to exceed 86.42 F.T.E.).....	<u>\$6,644,536</u>
SECTION 6.100. — 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 6.105. — To the Department of Agriculture	
For the Division of Grain Inspection and Warehousing, provided five percent (5%) flexibility is allowed between personal service and expense and equipment	
Personal Service.....	\$707,473
Expense and Equipment.....	<u>85,928</u>
From General Revenue Fund (0101).....	793,401
For the Division of Grain Inspection and Warehousing, provided seventy-five percent (75%) flexibility is allowed between funds and five percent (5%) flexibility is allowed between personal service and expense and equipment	
Personal Service.....	80,081
Expense and Equipment.....	<u>15,651</u>
From Commodity Council Merchandising Fund (0406).....	95,732
Personal Service.....	1,709,798
Expense and Equipment.....	<u>474,944</u>
From Grain Inspection Fee Fund (0647).....	2,184,742
Personal Service.....	36,337
Expense and Equipment.....	<u>36,211</u>
From Department of Agriculture Federal Fund (0133).....	72,548
Expense and Equipment	
From Agriculture Protection Fund (0970).....	44,170

For Payment of Federal User Fee	
From Grain Inspection Fee Fund (0647)	100,000
Total (Not to exceed 73.75 F.T.E.)	<u>\$3,290,593</u>

SECTION 6.110. — 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	<u>\$133,000</u>

SECTION 6.115. — To the Department of Agriculture
 For the Division of Plant Industries, provided 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 \$735,343
 Expense and Equipment 935,883
 From Department of Agriculture Federal Fund (0133) 1,671,226

Personal Service	1,844,650
Expense and Equipment	467,946
From Agriculture Protection Fund (0970)	<u>2,312,596</u>

For the Invasive Pest Control Program, provided 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 30,951
 Expense and Equipment 71,388
 From Department of Agriculture Federal Fund (0133) 102,339

Personal Service	133,887
Expense and Equipment	58,000
From Agriculture Protection Fund (0970)	<u>191,887</u>

For the Boll Weevil Eradication Program, provided 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 40,673
 Expense and Equipment 24,657
 From Boll Weevil Suppression and Eradication Fund (0823) 65,330
 Total (Not to exceed 69.46 F.T.E.) \$4,343,378

SECTION 6.120. — To the Department of Agriculture
 For the Division of Weights, Measures and Consumer Protection,
 provided five percent (5%) flexibility is allowed between personal
 service and expense and equipment

Personal Service.	\$448,567
Expense and Equipment.	<u>100,396</u>
From General Revenue Fund (0101)	548,963

For the Division of Weights, Measures and Consumer Protection,
provided seventy-five percent (75%) flexibility is allowed between
funds and five percent (5%) flexibility is allowed between personal
service and expense and equipment

Personal Service.	38,290
Expense and Equipment.	<u>50,000</u>
From Department of Agriculture Federal Fund (0133)	88,290

Personal Service.	535,198
Expense and Equipment.	<u>230,271</u>
From Agriculture Protection Fund (0970).	765,469

Personal Service.	1,600,039
Expense and Equipment.	<u>757,817</u>
From Petroleum Inspection Fund (0662).	<u>2,357,856</u>
Total (Not to exceed 70.11 F.T.E.).	\$3,760,578

SECTION 6.125.— To the Department of Agriculture

For the Missouri Land Survey Program, provided seventy-five percent
(75%) flexibility is allowed between funds and no flexibility is
allowed between personal service and expense and equipment

Personal Service.	\$905,264
Expense and Equipment.	<u>206,830</u>
From Missouri Land Survey Fund (0668).	1,112,094

Expense and Equipment	
From Department of Agriculture Land Survey Revolving Services Fund (0426).	80,000

For surveying corners and for records restorations, provided 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).	<u>90,000</u>
Total (Not to exceed 14.68 F.T.E.).	\$1,342,094

SECTION 6.130.— To the Department of Agriculture

For the Missouri State Fair, provided seventy-five percent (75%)
flexibility is allowed between funds and five percent (5%)
flexibility is allowed between personal service and expense and
equipment

Personal Service.	\$1,360,079
Expense and Equipment.	<u>2,599,740</u>
From State Fair Fee Fund (0410).	3,959,819

Personal Service	
From Agriculture Protection Fund (0970).	<u>531,420</u>
Total (Not to exceed 59.38 F.T.E.).	\$4,491,239

SECTION 6.135.— To the Department of Agriculture

For cash to start the Missouri State Fair

Expense and Equipment	
From State Fair Fee Fund (0410)	\$74,250
From State Fair Trust Fund (0951)	9,900
Total	<u>\$84,150</u>

SECTION 6.140.— To the Department of Agriculture

For the Missouri State Fair

For equipment replacement

Expense and Equipment	
From State Fair Fee Fund (0410)	\$165,962

For a pavilion on the Missouri State Fair grounds

From General Revenue Fund (0101)	500,000
Total	<u>\$665,962</u>

SECTION 6.145.— To the Department of AgricultureFor the State Milk Board, provided five percent (5%) flexibility is allowed
between personal service and expense and equipment

Personal Service	\$105,949
Expense and Equipment	852
From General Revenue Fund (0101)	<u>106,801</u>

For the State Milk Board, provided seventy-five percent (75%) flexibility
is allowed between the State Milk Board, Milk Board Local Health,
and Dairy Plant Inspections, and five percent (5%) flexibility is allowed
between personal service and expense and equipment

Personal Service	450,087
Expense and Equipment	212,407
From State Milk Inspection Fee Fund (0645)	<u>662,494</u>

For Milk Board Local Health

Expense and Equipment	
From State Milk Inspection Fee Fund (0645)	736,022

For Dairy Plant Inspections

Expense and Equipment	
From State Contracted Manufacturing Dairy Plant Inspection and Grading Fee Fund (0661)	4,552
Total (Not to exceed 11.93 F.T.E.)	<u>\$1,509,869</u>

SECTION 6.200.— To the Department of Natural Resources

For department operations, administration, and support

Personal Service	\$199,870
Annual salary adjustment in accordance with Section 105.005, RSMo	122
Expense and Equipment	109,485
From General Revenue Fund (0101)	<u>309,477</u>

For department operations, administration, and support, provided five
percent (5%) flexibility is allowed between funds and no flexibility
is allowed between personal service and expense and equipment

Personal Service.....	1,426,341
Annual salary adjustment in accordance with Section 105.005, RSMo.....	876
Expense and Equipment.....	413,142
From Department of Natural Resources Federal Fund (0140).....	<u>1,840,359</u>

Personal Service.....	2,370,355
Annual salary adjustment in accordance with Section 105.005, RSMo.....	1,436
Expense and Equipment.....	534,389
From DNR Cost Allocation Fund (0500).....	<u>2,906,180</u>

Personal Service.....	42,732
Expense and Equipment.....	5,129
From Department of Natural Resources Revolving Services Fund (0425).....	<u>47,861</u>
Expense and Equipment	
From Water and 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.).....	<u>\$5,630,877</u>

SECTION 6.201.— To the Department of Natural Resources
For the purpose of expending funds not otherwise appropriated and
approved by the Missouri General Assembly (including legal
settlement funds administered in whole or in part by the
Department of Natural Resources)

From Other Funds.....	\$1
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SECTION 6.202.— To the Department of Natural Resources
To provide grants for the purpose of assisting municipalities in
connecting their existing waste water treatment facilities to another
municipality's waste water treatment facilities thereby reducing the
total number of operating waste water treatment facilities in the
state

From General Revenue Fund (0101).....	\$750,000
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SECTION 6.225.— To the Department of Natural Resources
For the Division of Environmental Quality, provided twenty-five percent
(25%) flexibility is allowed between programs and/or regional
offices and twenty-five percent (25%) flexibility is allowed
between personal service and expense and equipment

Personal Service.....	\$3,760,814
Expense and Equipment.....	697,352
From General Revenue Fund (0101).....	<u>4,458,166</u>

For the Division of Environmental Quality, provided twenty-five percent
(25%) flexibility is allowed between funds and no flexibility is
allowed between personal service and expense and equipment

Personal Service.....	13,617,305
Expense and Equipment.....	4,549,162
From Department of Natural Resources Federal Fund (0140).....	<u>18,166,467</u>

Personal Service.	669,353
Expense and Equipment.	<u>151,837</u>
From DNR Cost Allocation Fund (0500)	821,190
Personal Service.	73,316
Expense and Equipment.	<u>6,845</u>
From Dry-cleaning Environmental Response Trust Fund (0898)	80,161
Personal Service.	57,479
Expense and Equipment.	<u>180,502</u>
From Environmental Radiation Monitoring Fund (0656).	237,981
Personal Service.	1,900,912
Expense and Equipment.	<u>222,624</u>
From Hazardous Waste Fund (0676)	2,123,536
Personal Service.	1,040,292
Expense and Equipment.	<u>488,475</u>
From Missouri Air Emission Reduction Fund (0267)	1,528,767
Personal Service.	355,633
Expense and Equipment.	<u>121,829</u>
From Natural Resources Protection Fund (0555).	477,462
Personal Service.	169,049
Expense and Equipment.	<u>36,691</u>
From Natural Resources Protection Fund - Air Pollution Asbestos Fee Subaccount (0584)	205,740
Personal Service.	4,190,345
Expense and Equipment.	<u>1,085,195</u>
From Natural Resources Protection Fund - Air Pollution Permit Fee Subaccount (0594)	5,275,540
Personal Service.	3,870,943
Expense and Equipment.	<u>969,452</u>
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568)	4,840,395
Personal Service.	1,923,101
Expense and Equipment.	<u>1,006,780</u>
From Safe Drinking Water Fund (0679)	2,929,881
Personal Service.	1,401,934
Expense and Equipment.	<u>649,418</u>
From Soil and Water Sales Tax Fund (0614).	2,051,352
Personal Service.	2,000,500
Expense and Equipment.	<u>600,276</u>
From Solid Waste Management Fund (0570).	2,600,776
Personal Service.	521,316

Expense and Equipment	122,249
From Solid Waste Management Fund - Scrap Tire Subaccount (0569)	<u>643,565</u>
Personal Service	102,770
Expense and Equipment	46,166
From Underground Storage Tank Regulation Program Fund (0586)	<u>148,936</u>
Personal Service	958,547
Expense and Equipment	81,676
From Water and Wastewater Loan Fund (0649)	<u>1,040,223</u>
For funding environmental education and studies, demonstration projects, and technical assistance grants, provided twenty-five percent (25%) flexibility 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)	<u>750,000</u>
For water infrastructure grants and loans, provided \$333,529,824 be used solely to encumber funds for future fiscal year expenditures, and provided twenty-five percent (25%) flexibility is allowed between funds	
From Water and Wastewater Loan Fund (0649)	190,528,640
From Water and Wastewater Loan Revolving Fund (0602)	444,615,896
From Water Pollution Control (37E) Fund (0330)	20,000
From Water Pollution Control (37G) Fund (0329)	10,000
From Stormwater 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)	<u>14,239,999</u>
For grants and contracts to study or reduce water pollution, improve ground water and/or surface water quality, provided \$26,000,000 be used solely to encumber funds for future fiscal year expenditures and twenty-five percent (25%) 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)	<u>6,300,000</u>
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 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	14,680,570
For soil and water conservation cost-share grants.	40,000,000
For a conservation monitoring program.	650,000
For grants to colleges and universities for research projects on soil erosion and conservation.	400,000
From Soil and Water Sales Tax Fund (0614).	<u>55,730,570</u>
For grants and contracts for air pollution control activities, provided \$4,400,000 be used solely to encumber funds for future fiscal year expenditures and twenty-five percent (25%) 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
Funds are to be 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 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	946E
Expense and Equipment.	<u>15,192E</u>
From General Revenue Fund (0101).	16,138
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 ten percent (10%) flexibility is allowed between personal service and expense and equipment	
Personal Service	102

Expense and Equipment.	423,973
From Post Closure Fund (0198).	424,075

For environmental emergency response	
From Department of Natural Resources Federal Fund (0140)	50,000
From Hazardous Waste Fund (0676)	500,000

For cleanup of controlled substances	
From Department of Natural Resources Federal Fund (0140).	150,000
Total (Not to exceed 801.10 F.T.E.).	<u>\$842,730,322</u>

SECTION 6.230.— To the Department of Natural Resources

For petroleum related activities and environmental emergency response	
Personal Service.	\$725,226
Expense and Equipment.	68,354
From Petroleum Storage Tank Insurance Fund (0585) (Not to exceed 16.20 F.T.E.)	<u>\$793,580</u>

SECTION 6.260.— To the Department of Natural Resources

For the Missouri Geological Survey	
Personal Service.	\$2,295,952
Expense and Equipment.	1,793,052
From General Revenue Fund (0101)	<u>4,089,004</u>

For the Multipurpose Water Resources Program	
From Multipurpose Water Resource Program Renewable Water Program	
Fund (0815).	1

For the Missouri Geological Survey, provided twenty-five percent (25%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment	
Personal Service	1,796,541
Expense and Equipment.	772,372
From Department of Natural Resources Federal Fund (0140)	<u>2,568,913</u>

Personal Service	
From Department of Natural Resources Revolving Services Fund (0425).	16,377

Personal Service	511,171
Expense and Equipment.	97,405
From Groundwater Protection Fund (0660).	<u>608,576</u>

Personal Service	14,518
Expense and Equipment.	371,222
From Natural Resources Protection Fund - Water Pollution Permit Fee	
Subaccount (0568).	385,740

Expense and Equipment	
From Safe Drinking Water Fund (0679)	366,150

Personal Service	131,969
Expense and Equipment.	9,480
From Solid Waste Management Fund (0570).	<u>141,449</u>

Personal Service	155,414
Expense and Equipment.	<u>31,010</u>
From Hazardous Waste Fund (0676)	186,424
Expense and Equipment	
From Rural Water and Sewer Loan Revolving Fund (0755)	366,150
Personal Service	19,090
Expense and Equipment.	<u>1,384</u>
From Dry-cleaning Environmental Response Trust Fund (0898)	20,474
Personal Service	16,748
Expense and Equipment.	<u>4,105</u>
From DNR Cost Allocation Fund (0500)	20,853
Personal Service	118,305
Expense and Equipment.	<u>18,270</u>
From Geologic Resources Fund (0801).	136,575
Personal Service	62,867
Expense and Equipment.	<u>13,761</u>
From Metallic Minerals Waste Management Fund (0575).	76,628
Personal Service	456,824
Expense and Equipment.	<u>211,776</u>
From Mined Land Reclamation Fund (0906).	668,600
Expense and Equipment	
From Abandoned Mine Reclamation Fund (0697)	13
Personal Service	7,444
Expense and Equipment.	<u>7,625</u>
From Oil and Gas Remedial Fund (0699).	15,069
Personal Service	86,010
Expense and Equipment.	<u>30,230</u>
From Oil and Gas Resources Fund (0543)	116,240
Personal Service	10,200
Expense and Equipment.	<u>2,000</u>
From Natural Resources Protection Fund (0555).	12,200
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 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 119.17 F.T.E.). \$14,387,936

SECTION 6.265. — To the Department of Natural Resources
 Funds are to be transferred out of the State Treasury, chargeable to
 the General Revenue Fund, to the Missouri Water Development Fund
 From General Revenue Fund (0101). \$477,098

SECTION 6.270. — To the Department of Natural Resources
 For the payment of interest, operations, and maintenance in accordance
 with the Clarence Cannon Water Contract
 From Missouri Water Development Fund (0174). \$477,098

SECTION 6.275. — To the Department of Natural Resources
 Funds are to be transferred out of the State Treasury, chargeable to
 the Groundwater Protection Fund, to the General Revenue Fund
 From Groundwater Protection Fund (0660). \$4,598

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
 Personal Service. \$127,550
 Expense and Equipment. 2,095,354
 From Petroleum Storage Tank Insurance Fund (0585). 2,222,904

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.). \$22,292,904

SECTION 6.285. — To the Department of Natural Resources
 For Missouri State Parks
 For State Parks operations, provided five percent (5%) flexibility is
 allowed between funds and no flexibility is allowed between
 personal service and expense and equipment
 Personal Service. \$177,681
 Expense and Equipment. 31,306
 From Department of Natural Resources Federal Fund (0140) 208,987

Personal Service 1,188,337
 Expense and Equipment. 2,629,240
 From State Park Earnings Fund (0415) 3,817,577

Personal Service 907,946
 Expense and Equipment. 68,159
 From DNR Cost Allocation Fund (0500) 976,105

Personal Service	20,415,008
Expense and Equipment	<u>10,719,222</u>
From Parks Sales Tax Fund (0613)	31,134,230
Personal Service	56,184
Expense and Equipment	<u>75,000</u>
From Doctor Edmund A. Babler Memorial State Park Fund (0911)	131,184
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 \$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	<u>100,000</u>
From Parks Sales Tax Fund (0613)	145,000
Parks Concession Personal Service	52,952
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	<u>250,000</u>
From State Park Earnings Fund (0415)	3,502,302
For the restoration of the Missouri monument located at the Vicksburg National Military Park in Vicksburg, Mississippi From General Revenue Fund (0101)	<u>375,000</u>
Total (Not to exceed 661.21 F.T.E.)	\$52,125,385
SECTION 6.290. — To the Department of Natural Resources For Historic Preservation Operations, provided twenty-five percent (25%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment	
Personal Service	\$407,321
Expense and Equipment	<u>50,026</u>
From Department of Natural Resources Federal Fund (0140)	457,347
Personal Service	202,932
Expense and Equipment	<u>31,314</u>
From Historic Preservation Revolving Fund (0430)	234,246
Personal Service	102,955
Expense and Equipment	<u>10,853</u>
From Economic Development Advancement Fund (0783)	113,808
For historic preservation grants and contracts, provided twenty-five percent (25%) 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) 2,017,243
 Total (Not to exceed 17.25 F.T.E.) \$3,422,644

SECTION 6.295. — To the Department of Natural Resources

Funds are to be transferred out of the State Treasury, chargeable to
 the General Revenue Fund, to the Historic Preservation Revolving Fund

From General Revenue Fund (0101) \$930,000

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 twenty-five percent
 (25%) flexibility is allowed between funds

From Department of Natural Resources Federal Fund (0140) \$434,523
 From Missouri Air Emission Reduction Fund (0267) 32,711
 From Natural Resources Protection Fund - Water Pollution Permit Fee
 Subaccount (0568) 217,254
 From Solid Waste Management Fund - Scrap Tire Subaccount (0569) 506
 From Solid Waste Management Fund (0570) 9,510
 From Metallic Minerals Waste Management Fund (0575) 293
 From Petroleum Storage Tank Insurance Fund (0585) 43,255
 From Underground Storage Tank Regulation Program Fund (0586) 2,821
 From Natural Resources Protection Fund - Air Pollution Permit Fee
 Subaccount (0594) 102,641
 From Environmental Radiation Monitoring Fund (0656) 15,237
 From Groundwater Protection Fund (0660) 38,811
 From Hazardous Waste Fund (0676) 41,642
 From Safe Drinking Water Fund (0679) 26,046
 From Dry-cleaning Environmental Response Trust Fund (0898) 1,119
 From Mined Land Reclamation Fund (0906) 20,247
 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 twenty-five percent (25%) flexibility is
 allowed between funds

Expense and Equipment

From Natural Resources Protection Fund (0555) \$6,057,917

Expense and Equipment

From Natural Resources Protection 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 refunds, provided seventy-five percent (75%) flexibility is allowed

between funds	
From Department of Natural Resources Federal Fund (0140)	\$9,445
From Missouri Air Emission Reduction Fund (0267)	15,988
From State Park Earnings Fund (0415)	84,946
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 Oil and Gas Resources Fund (0543)	100
From Natural Resources Protection 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 Natural Resources Protection Fund - Air Pollution Asbestos Fee Subaccount (0584)..	9,930
From Underground Storage Tank Regulation Program Fund (0586)	4,965
From Natural Resources Protection 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)	25,723
From Soil and Water Sales Tax Fund (0614).	329
From Water and Wastewater 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 Abandoned Mine Reclamation Fund (0697)..	165
From Oil and Gas Remedial Fund (0699).	650
From Storm Water Loan Revolving Fund (0754).	200
From Rural Water and Sewer Loan 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 Fund (0898)	4,000
From Mined Land Reclamation Fund (0906).	10,095
From Doctor Edmund A. Babler Memorial State Park Fund (0911).	417
Total	<u>\$373,246</u>

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

From State Park Earnings Fund (0415)..	\$240,000
From Department of Natural Resources Revolving Services Fund (0425).	<u>10,000</u>
Total	<u>\$250,000</u>

SECTION 6.330.— To the Department of Natural Resources
Funds are to be transferred out of the State Treasury to the 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, provided
five percent (5%) flexibility is allowed between DNR Cost Allocation

transfer, Cost Allocation HB 2013 transfer, and Cost Allocation Information Technology Services Division transfer	
For Cost Allocation Transfer, provided five percent (5%) flexibility is allowed between funds	
From Missouri Air Emission Reduction Fund (0267)	\$193,518
From State Park Earnings Fund (0415)	261,935
From Historic Preservation Revolving Fund (0430)	22,155
From Natural Resources Protection Fund (0555)	50,448
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568)	657,598
From Solid Waste Management Fund - Scrap Tire Subaccount (0569)	89,038
From Solid Waste Management Fund (0570)	366,792
From Metallic Minerals Waste Management Fund (0575)	8,220
From Natural Resources Protection Fund - Air Pollution Asbestos Fee Subaccount (0584)	36,069
From Petroleum Storage Tank Insurance Fund (0585)	110,805
From Underground Storage Tank Regulation Program Fund (0586)	14,932
From Natural Resources Protection Fund - Air Pollution Permit Fee Subaccount (0594)	727,605
From Parks Sales Tax Fund (0613)	2,682,025
From Soil and Water Sales Tax Fund (0614)	297,408
From Water and Wastewater Loan Fund (0649)	151,921
From Environmental Radiation Monitoring Fund (0656)	7,590
From Groundwater Protection Fund (0660)	65,700
From Hazardous Waste Fund (0676)	320,679
From Safe Drinking Water Fund (0679)	379,343
From Geologic Resources Fund (0801)	14,871
From Dry-cleaning Environmental Response Trust Fund (0898)	16,294
From Mined Land Reclamation Fund (0906)	68,505
Total DNR Cost Allocation Transfer	6,543,451

For Cost Allocation HB 2013 Transfer, provided that twenty-five percent (25%) flexibility is allowed between funds	
From Missouri Air Emission Reduction Fund (0267)	78,554
From State Park Earnings Fund (0415)	23,829
From Historic Preservation Revolving Fund (0430)	2,015
From Natural Resources Protection Fund (0555)	19,963
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568)	266,127
From Solid Waste Management Fund - Scrap Tire Subaccount (0569)	36,141
From Solid Waste Management Fund (0570)	142,726
From Metallic Minerals Waste Management Fund (0575)	1,099
From Natural Resources Protection Fund - Air Pollution Asbestos Fee Subaccount (0584)	14,641
From Petroleum Storage Tank Insurance Fund (0585)	41,347
From Underground Storage Tank Regulation Program Fund (0586)	6,061
From Natural Resources Protection Fund - Air Pollution Permit Fee Subaccount (0594)	295,346
From Parks Sales Tax Fund (0613)	243,996
From Soil and Water Sales Tax Fund (0614)	120,722
From Environmental Radiation Monitoring Fund (0656)	3,080
From Groundwater Protection Fund (0660)	946

From Water and Wastewater Loan Fund (0649)	61,667
From Hazardous Waste Fund (0676)	122,305
From Safe Drinking Water Fund (0679)	153,981
From Geologic Resources Fund (0801)	214
From Dry-cleaning Environmental Response Trust Fund (0898)	5,723
From Mined Land Reclamation Fund (0906)	9,160
Total Cost Allocation HB 2013 Transfer	<u>1,649,643</u>

For Cost Allocation Information Technology Services Division Transfer,
provided five percent (5%) flexibility is allowed between funds

From Missouri Air Emission Reduction Fund (0267)	226,705
From State Park Earnings Fund (0415)	197,423
From Historic Preservation Revolving Fund (0430)	16,698
From Natural Resources Protection Fund (0555)	60,830
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568)	773,058
From Solid Waste Management Fund - Scrap Tire Subaccount (0569)	104,307
From Solid Waste Management Fund (0570)	450,384
From Metallic Minerals Waste Management Fund (0575)	20,442
From Natural Resources Protection Fund - Air Pollution Asbestos Fee Subaccount (0584)	42,254
From Petroleum Storage Tank Insurance Fund (0585)	143,215
From Underground Storage Tank Regulation Program Fund (0586)	17,493
From Natural Resources Protection Fund - Air Pollution Permit Fee Subaccount (0594)	852,377
From Parks Sales Tax Fund (0613)	2,021,473
From Soil and Water Sales Tax Fund (0614)	759,101
From Water and Wastewater Loan Fund (0649)	177,974
From Environmental Radiation Monitoring Fund (0656)	8,891
From Hazardous Waste Fund (0676)	402,089
From Safe Drinking Water Fund (0679)	444,394
From Geologic Resources Fund (0801)	36,981
From Dry-cleaning Environmental Response Trust Fund (0898)	<u>22,083</u>
Total Cost Allocation Information Technology Services Division Transfer	<u>6,778,172</u>
Total	<u>\$14,971,266</u>

SECTION 6.335.—Funds are to be transferred out of the State Treasury, to the
OA Information Technology - Federal and Other 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 twenty-five percent (25%) flexibility
is allowed between personal service and expense and equipment

and between divisions	
Personal Service.....	\$4,779,587
Expense and Equipment.....	13,532,988
From Conservation Commission Fund (0609) (Not to exceed 85.72 F.T.E.) . .	<u>\$18,312,575</u>

SECTION 6.605. — To the Department of Conservation
For the Administrative Services Division, provided twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment and between divisions

Personal Service.....	\$4,573,326
Expense and Equipment.....	18,591,077
From Conservation Commission Fund (0609) (Not to exceed 126.77 F.T.E.) . .	<u>\$23,164,403</u>

SECTION 6.610. — To the Department of Conservation
For the Design and Development Division, provided twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment and between divisions

Personal Service.....	\$7,852,845
Expense and Equipment.....	2,421,911
From Conservation Commission Fund (0609) (Not to exceed 183.32 F.T.E.) . .	<u>\$10,274,756</u>

SECTION 6.615. — To the Department of Conservation
For the Fisheries Division, provided twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment and between divisions

Personal Service.....	\$7,535,766
Expense and Equipment.....	3,687,035
From Conservation Commission Fund (0609) (Not to exceed 192.55 F.T.E.) . .	<u>\$11,222,801</u>

SECTION 6.620. — To the Department of Conservation
For the Forestry Division, provided twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment and between divisions

Personal Service.....	\$9,404,052
Expense and Equipment.....	5,833,605
From Conservation Commission Fund (0609) (Not to exceed 264.26 F.T.E.) . .	<u>\$15,237,657</u>

SECTION 6.625. — To the Department of Conservation
For the Human Resources Division, provided twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment and between divisions

Personal Service.....	\$15,260,401
Expense and Equipment.....	961,456
From Conservation Commission Fund (0609) (Not to exceed 31.67 F.T.E.) . .	<u>\$16,221,857</u>

SECTION 6.630. — To the Department of Conservation
For the Outreach and Education Division, provided twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment and between divisions

Personal Service.....	\$7,680,906
Expense and Equipment.....	7,055,933
From Conservation Commission Fund (0609) (Not to exceed 196.74 F.T.E.) . .	<u>\$14,736,839</u>

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

Personal Service.	\$3,809,130
Expense and Equipment.	<u>4,163,877</u>
From Conservation Commission Fund (0609) (Not to exceed 85.20 F.T.E.) . . .	\$7,973,007

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

Personal Service.	\$10,799,600
Expense and Equipment.	<u>1,439,228</u>
From Conservation Commission Fund (0609) (Not to exceed 219.94 F.T.E.)..	\$12,238,828

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

Personal Service.	\$5,912,012
Expense and Equipment.	<u>2,909,337</u>
From Conservation Commission Fund (0609) (Not to exceed 152.09 F.T.E.) . .	\$8,821,349

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

Personal Service.	\$9,531,951
Expense and Equipment.	<u>6,963,848</u>
From Conservation Commission Fund (0609) (Not to exceed 274.55 F.T.E.)..	\$16,495,799

Department of Agriculture Totals

General Revenue Fund.	\$22,059,329
Federal Funds.	7,667,530
Other Funds.	<u>23,489,401</u>
Total.	\$53,216,260

Department of Natural Resources Totals

General Revenue Fund.	\$12,366,059
Federal Funds.	50,563,921
Other Funds.	<u>519,027,722</u>
Total.	\$581,957,702

Department of Conservation Totals

Total - Other Funds.	\$154,699,871
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Approved May 6, 2016

HB 2007 [CCS SCS HCS HB 2007]

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, 2016 and ending June 30, 2017; 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, 2016 and ending June 30, 2017 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.....	\$418,345
Annual salary adjustment in accordance with Section 105.005, RSMo.	419
Expense and Equipment.	54,309
From General Revenue Fund (0101)	473,073
Personal Service.....	48,846
Expense and Equipment.	1,777
From Department of Economic Development- Community Development Block Grant (Administration) Fund (0123)	50,623
Personal Service.....	1,079,067
Annual salary adjustment in accordance with Section 105.005, RSMo	873
Expense and Equipment	420,691
From Job and Development Training Fund (0155).	1,500,631
Personal Service.....	806,096
Annual salary adjustment in accordance with Section 105.005, RSMo	1,214
Expense and Equipment	347,173
For refunds.	12,000
From Department of Economic Development Administrative Fund (0547).	1,166,483
Total (Not to exceed 38.31 F.T.E.)	\$3,190,810

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).	\$758,600
From Energy Federal Fund (0866).	258,746
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.	<u>\$1,684,366</u>

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.	\$113,455
Expense and Equipment.	19,160
From General Revenue Fund (0101).	<u>132,615</u>

Personal Service.	1,530,483
Expense and Equipment.	302,933
From Job Development and Training Fund (0155).	<u>1,833,416</u>

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.	178,739
Expense and Equipment.	1,338,651
From General Revenue Fund (0101).	<u>1,517,390</u>

Personal Service	
From Job Development and Training Fund (0155).	51,379

Personal Service	
From Department of Economic Development Administrative Fund (0547).	45,447
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	
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Personal Service	1,262,415
Expense and Equipment	<u>132,020</u>
From General Revenue Fund (0101)	1,394,435

Personal Service From Department of Economic Development Administrative Fund (0547)	7,088
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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	857,384
Expense and Equipment	<u>112,318</u>
From General Revenue Fund (0101)	969,702

Personal Service	44,352
Expense and Equipment	<u>3,890</u>
From State Supplemental Downtown Development Fund (0766)	48,242

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	71,212
Expense and Equipment	<u>21,336</u>
From General Revenue Fund (0101)	92,548

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
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For International Trade and Investment Offices From General Revenue Fund (0101)	1,910,000
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For business recruitment and marketing From Economic Development Advancement Fund (0783)	<u>2,250,000</u>
Total (Not to exceed 91.22 F.T.E.)	\$11,654,501

SECTION 7.020. — 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)	\$250,000
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SECTION 7.025. — To the Department of Economic Development
For advocacy of the continued presence and expansion of military installations in the state, provided that not more than twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment

Personal Service.	\$102,000
Expense and Equipment.	<u>250,000</u>
From General Revenue Fund (0101).	\$352,000

SECTION 7.030.— To the Department of Economic Development
Funds are to be transferred out of the State Treasury, chargeable to
the Small Business Development Centers Fund, to the Missouri
Technology Investment Fund
From Small Business Development Centers Fund (0294). \$100

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. \$18,410,000

For expanded education and training for the University of Missouri
Research Reactor. 2,000,000

For a research and development facility for the production of a multi-
source agricultural waste products-derived biochar, or activated
carbon. 2,500,000
From Missouri Technology Investment Fund (0172). \$22,910,000

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). \$22,910,000

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. \$98,780
Expense and Equipment. 155,005
From General Revenue Fund (0101). 253,785

Personal Service. 806,966
Expense and Equipment. 250,251
From Department of Economic Development - Community Development
Block Grant (Administration) Fund (0123). 1,057,217

For projects awarded before July 1, 2016
Expense and Equipment 44,725,000

For projects awarded on or after July 1, 2016, provided that no funds shall
be expended at higher education institutions not headquartered in

Missouri for purposes of accreditation Expense and Equipment	<u>15,000,000</u>
From Department of Economic Development - Community Development Block Grant (Pass-through) Fund (0118).	59,725,000

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).	<u>2,000,000</u>
Total (Not to exceed 21.00 F.T.E.).	<u>\$63,036,002</u>

SECTION 7.046. — To the Department of Economic Development
For Rural Regional Development Grants. \$250,000
For Community Development Corporations
To provide technical assistance and development services for
emerging and progressive Community Development Corporations
and non-profits with emphasis on urban economic redevelopment
goals, and further provided that the program be administered
through the UMKC Office of the Provost, Department of Architecture
Urban Planning and Design. 150,000
From General Revenue Fund (0101). \$400,000

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). 157,386
Total. \$200,000

SECTION 7.060. — To the Department of Economic Development
For Missouri supplemental tax increment financing as provided in
Sections 99.845 and 99.866, 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, St. Louis Innovation District, and National Geospatial
Agency West. 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 Sections 99.845 (10) or 99.866, RSMo, before a
project may be disbursed funds subject to the appropriation
From Missouri Supplemental Tax Increment Financing Fund (0848). \$23,772,860

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).	\$23,772,860
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).	\$1,507,209
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).	\$1,553,651
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).	\$35,211
Personal Service.	199,780
Expense and Equipment.	<u>3,750,000</u>
From Community Service Commission Fund (0197).	<u>3,949,780</u>
Total (Not to exceed 5.00 F.T.E.).	<u>\$3,984,991</u>
SECTION 7.095. — To the Department of Economic Development	
For the Missouri State Council on the Arts	
Personal Service.	\$352,043
Expense and Equipment.	<u>632,514</u>
From Department of Economic Development - Missouri Council on the	
Arts - Federal Fund (0138).	984,557
Personal Service.	566,157
Expense and Equipment.	<u>10,303,414</u>
From Missouri Arts Council Trust Fund (0262).	<u>10,869,571</u>

For grants to public television and radio stations as provided in Section 143.183, RSMo	
From Missouri Public Broadcasting Corporation Special Fund (0887)	1,010,000
For the Missouri Humanities Council.	1,260,000
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 serves as an archival repository for special art, history, cultural and archival collections.. . . .	50,000
From Missouri Humanities Council Trust Fund (0177)..	1,610,000
Total (Not to exceed 15.00 F.T.E.)	\$14,474,128
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)..	\$6,060,000
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)..	\$1,010,000
SECTION 7.110. — To the Department of Economic Development	
Funds are to be transferred out of the State Treasury, to the Missouri Public Broadcasting Corporation Special Fund as authorized by Section 143.183, RSMo	
From General Revenue Fund (0101)..	\$1,010,000
SECTION 7.115. — To the Department of Economic Development	
For the Division of Workforce Development	
For general administration of Workforce Development activities	
Personal Service.	\$16,894,874
Expense and Equipment.	4,018,529
From Job Development and Training Fund (0155)..	20,913,403
Personal Service.	393,269
Expense and Equipment.	81,389
From Missouri Works Job Development Fund (0600).	474,658
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). 500,000
Total (Not to exceed 426.72 F.T.E.). \$22,388,061

SECTION 7.120. — To the Department of Economic Development
For the purpose of funding a Pre-Apprenticeship program within any city
not within a county to assist minorities and women in their
preparation for entry into construction contractor sponsored
apprenticeship programs by providing curriculum that teaches core
competencies the student will need before applying for a
construction position. \$100,000
For the Certified Work Ready Community Program. 100,000
From General Revenue Fund (0101) 200,000

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. \$94,059,293

SECTION 7.125. — To the Department of Economic Development
For funding new and expanding industry training programs and basic
industry retraining programs
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). \$6,315,666

SECTION 7.132. — To the Department of Economic Development
For an advanced manufacturing training facility located in a city of the
third classification with more than eleven thousand five hundred
but fewer than thirteen thousand inhabitants and located in any
county of the third classification without a township form of
government and with more than thirty-seven thousand but fewer
than forty-one thousand inhabitants
From General Revenue Fund (0101). \$300,000

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. \$58,484
Expense and Equipment. 12,765
From Job Development and Training Fund (0155) (Not to exceed 1.00 F.T.E.). . . \$71,249

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. 1,711,488
Expense and Equipment. 24,891,680
From Division of Tourism Supplemental Revenue Fund (0274). 26,603,168

Expense and Equipment
From Tourism Marketing Fund (0650). 24,500
Total (Not to exceed 41.00 F.T.E.). \$26,727,783

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). \$25,948,443

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 Wood Energy Tax Credit Program

For the redemption of tax credits issued on or after July 1, 2016, under
Sections 135.300 through 135.311, RSMo. 2,500,000

For the Alternative Fuel Infrastructure Tax Credit Program

For the redemption of tax credits issued on or after July 1, 2016, under
Section 135.710, RSMo. 50,000
From General Revenue Fund (0101). 2,564,610

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.	1,251,318
Expense and Equipment.	<u>609,299</u>
From Energy Federal Fund (0866)	1,860,617

Personal Service.	469,738
Expense and Equipment.	<u>89,970</u>
From Energy Set-Aside Program Fund (0667)	559,708

Personal Service From Biodiesel Fuel Revolving Fund (0730)..	3,663
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Personal Service.	312,797
Expense and Equipment.	<u>32,050</u>
From Energy Futures Fund (0935).	344,847

For the purpose of funding the promotion of energy, renewable energy, and energy efficiency From Utilicare Stabilization Fund (0134)	100
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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).	17,000,000
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.).	<u>\$49,467,299</u>

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. \$358,748
Expense and Equipment 354,466
For Manufactured Housing programs. 20,000
For refunds. 10,000
From Manufactured Housing Fund (0582). 743,214

For Manufactured Housing to pay consumer claims From Manufactured Housing Consumer Recovery Fund (0909).	<u>192,000</u>
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Total (Not to exceed 8.00 F.T.E.).	\$935,214
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.	\$899,815
Expense and Equipment.	265,609
From Public Service Commission Fund (0607).	\$1,165,424
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.	\$10,889,234
Expense and Equipment.	2,536,462
For refunds.	10,000
From Public Service Commission Fund (0607)	13,435,696
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.).	\$15,931,504
SECTION 7.400. — To the Department of Insurance, Financial Institutions and Professional Registration	
Personal Service.	\$145,628
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.).	\$183,754
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.	\$478,096

Expense and Equipment.....	<u>64,511</u>
From Federal - Missouri Department of Insurance Fund (0192) (Not to exceed 21.00 F.T.E.).....	\$542,607
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.....	\$8,306,262
Expense and Equipment.....	<u>2,022,104</u>
From Insurance Dedicated Fund (0566).....	<u>10,328,366</u>
For consumer restitution payments	
From Consumer Restitution Fund (0792).....	<u>5,000</u>
Total (Not to exceed 170.96 F.T.E.).....	<u>\$10,333,366</u>
SECTION 7.425. — To the Department of Insurance, Financial Institutions and Professional Registration For market conduct and financial examinations of insurance companies	
Personal Service.....	\$3,403,590
Expense and Equipment.....	<u>767,699</u>
From Insurance Examiners Fund (0552) (Not to exceed 42.90 F.T.E.).....	<u>\$4,171,289</u>
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).....	<u>75,000</u>
Total.....	<u>\$135,000</u>
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).....	<u>200,000</u>
Total.....	<u>\$1,450,000</u>
SECTION 7.440. — To the Department of Insurance, Financial Institutions and Professional Registration For the Division of Credit Unions	
Personal Service.....	\$1,178,239
Expense and Equipment.....	<u>144,055</u>
From Division of Credit Unions Fund (0548) (Not to exceed 15.50 F.T.E.)....	<u>\$1,322,294</u>

SECTION 7.445.— To the Department of Insurance, Financial Institutions and Professional Registration
For the Division of Finance

Personal Service.....	\$8,119,094
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.).....	<u>\$9,047,370</u>

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
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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
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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
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SECTION 7.465.— To the Department of Insurance, Financial Institutions and Professional Registration
For general administration of the Division of Professional Registration

Personal Service.....	\$3,498,131
Expense and Equipment	1,037,295
For examination and other fees	252,000
For refunds.....	<u>125,000</u>
From Professional Registration Fees Fund (0689) (Not to exceed 84.50 F.T.E.).....	\$4,912,426

SECTION 7.470.— To the Department of Insurance, Financial Institutions and Professional Registration
For the State Board of Accountancy

Personal Service.....	\$295,268
Expense and Equipment.....	<u>171,991</u>
From State Board of Accountancy Fund (0627) (Not to Exceed 7.00 F.T.E.) . . .	\$467,259

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.	\$398,599
Expense and Equipment.	<u>301,397</u>
From State Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects Fund (0678) (Not to exceed 10.00 F.T.E.).	\$699,996

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
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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.	<u>1,000</u>
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.

	\$394,642
Expense and Equipment.	<u>237,475</u>
From Dental Board Fund (0677) (Not to exceed 8.50 F.T.E.).	\$632,117

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
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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.

	\$1,903,234
Expense and Equipment.	<u>753,115</u>
From Board of Registration for the Healing Arts Fund (0634) (Not to exceed 45.00 F.T.E.).	\$2,656,349

SECTION 7.505. — To the Department of Insurance, Financial Institutions and Professional Registration
For the State Board of Nursing
Personal Service.

	\$1,268,471
Expense and Equipment.	<u>577,518</u>
From State Board of Nursing Fund (0635) (Not to exceed 28.00 F.T.E.).	\$1,845,989

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
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SECTION 7.515.— To the Department of Insurance, Financial Institutions and Professional Registration
For the State Board of Pharmacy

Personal Service.....	\$1,089,799
Expense and Equipment.....	668,418
For criminal history checks.....	<u>5,000</u>
From Board of Pharmacy Fund (0637) (Not to exceed 16.00 F.T.E.).	\$1,763,217

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
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SECTION 7.525.— To the Department of Insurance, Financial Institutions and Professional Registration
For the Missouri Real Estate Commission

Personal Service.....	\$954,485
Expense and Equipment.....	<u>276,669</u>
From Real Estate Commission Fund (0638) (Not to exceed 25.00 F.T.E.).	\$1,231,154

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.....	<u>50,000</u>
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
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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
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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
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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. 2,648,177

Annual salary adjustment in accordance with Section 105.005, RSMo. 2,434

Expense and Equipment. 1,408,167

From Department of Labor and Industrial Relations Administrative

Fund (0122). 4,058,778

Total (Not to exceed 49.90 F.T.E). \$5,508,778

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). \$321,772

From Division of Labor Standards - Federal Fund (0186). 70,502

From Unemployment Compensation Administration Fund (0948). 4,191,102

From Workers' Compensation Fund (0652). 977,412

From Special Employment Security Fund (0949). 100,000

Total. \$5,660,788

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

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

From General Revenue Fund (0101). \$146,051

From the Division of Labor Standards - Federal Fund (0186) 41,601

From Unemployment Compensation Fund (0948). 4,989,980

From Workers' Compensation Fund (0652). 934,393

From Special Employment Security Fund (0949). 230,531

Total. \$6,342,556

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. \$11,086

Expense and Equipment. 695

From General Revenue Fund (0101) 11,781

Personal Service. 472,130

Annual salary adjustment in accordance with Section 105.005, RSMo. 6,398

Expense and Equipment. 30,008

From Unemployment Compensation Administration Fund (0948). 508,536

Personal Service. 456,899

Annual salary adjustment in accordance with Section 105.005, RSMo. 1,066

Expense and Equipment.	28,719
From Workers' Compensation Fund (0652).	<u>486,684</u>
Total (Not to Exceed 14.00 F.T.E.).	\$1,007,001

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.	\$127,761
Expense and Equipment.	<u>20,717</u>
From General Revenue Fund (0101).	148,478

Expense and Equipment

From Division of Labor Standards - Federal Funds (0186).	32,670
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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).	45,506

Expense and Equipment

From Child Labor Enforcement Fund (0826).	179,450
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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.	85,171
Expense and Equipment.	<u>11,083</u>
From General Revenue Fund (0101).	96,254

Personal Service.

47,492

Expense and Equipment.

22,400

From State Mine Inspection Fund (0973).	69,892
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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.	257,631
Expense and Equipment.	<u>15,906</u>
From General Revenue Fund (0101).	273,537

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.	162,552
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Expense and Equipment.....	10,788
From General Revenue Fund (0101).....	<u>173,340</u>
Total (Not to exceed 15.40 F.T.E.).....	\$1,019,127

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.....	\$720,019
Expense and Equipment.....	<u>290,893</u>
From Division of Labor Standards - Federal Fund (0186).....	1,010,912

Personal Service.....	125,373
Expense and Equipment.....	<u>33,042</u>
From Workers' Compensation Fund (0652).....	158,415
Total (Not to exceed 17.00 F.T.E.).....	<u>\$1,169,327</u>

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.....	\$187,214
Expense and Equipment.....	<u>165,081</u>
From Division of Labor Standards - Federal Fund (0186).....	352,295

Personal Service.....	74,292
Expense and Equipment.....	<u>12,119</u>
From Workers' Compensation Fund (0652).....	86,411
Total (Not to exceed 5.50 F.T.E.).....	<u>\$438,706</u>

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.....	\$113,785
Expense and Equipment.....	<u>8,976</u>
From General Revenue Fund (0101) (Not to exceed 2.00 F.T.E.).....	\$122,761

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.....	\$9,055,747
Annual salary adjustment in accordance with Section 105.005, RSMo.....	104,219
Expense and Equipment.....	<u>1,452,111</u>
From Workers' Compensation Fund (0652).....	10,612,077

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.) \$10,666,913

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) \$134,060,833

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 design and construction of a Workers' Memorial
 From Workers Memorial Fund (0895) \$250,000

SECTION 7.880.— To the Department of Labor and Industrial Relations
 For the Division of Employment Security
 Personal Service \$24,011,325
 Expense and Equipment 8,247,871
 From Unemployment Compensation Administration Fund (0948) 32,259,196

Personal Service 705,475
 Expense and Equipment 16,143
 From Unemployment Automation Fund (0953) 721,618
 Total (Not to exceed 519.21 F.T.E.) \$32,980,814

SECTION 7.885. — 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 7.890. — To the Department of Labor and Industrial Relations
 For the Division of Employment Security
 Personal Service. \$562,911
 Expense and Equipment. 6,500,000
 From Special Employment Security Fund (0949)
 (Not to exceed 15.00 F.T.E.). \$7,062,911

SECTION 7.895. — 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 7.900. — 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 7.905. — 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. \$523,573
 Expense and Equipment. 16,338
 From General Revenue Fund (0101) 539,911

Personal Service. 951,745
 Expense and Equipment. 202,984
 From Department of Labor and Industrial Relations - Commission on
 Human Rights - Federal Fund (0117). 1,154,729

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, and
 further provided that \$15,000 be allocated toward multi-day Martin Luther
 King, Jr. events in a home rule city with more than four hundred thousand
 inhabitants and located in more than one county, by a local chapter of a
 national human rights organization
 From General Revenue Fund (0101) 55,086
 From Martin Luther King, Jr. State Celebration Commission Fund (0438). 5,000

Total (Not to exceed 32.70 F.T.E.) \$1,754,726

Department of Economic Development Totals

General Revenue Fund \$100,283,375
 Federal Funds 203,743,387
 Other Funds 69,033,830
 Total \$373,060,592

**Department of Insurance, Financial Institutions & Professional
 Registration Totals**

Federal Funds \$1,792,607
 Other Funds 40,067,934
 Total \$41,860,541

Department of Labor & Industrial Relations Totals

General Revenue Fund \$2,384,477
 Federal Funds 57,061,523
 Other Funds 157,080,463
 Total \$216,526,463

Approved May 6, 2016

HB 2008 [CCS SCS HCS HB 2008]

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, 2016 and ending June 30, 2017.

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, 2016 and ending June 30, 2017, as follows:

SECTION 8.005.—To the Department of Public Safety

For the Office of the Director

Personal Service \$964,472
 Annual salary adjustment in accordance with Section 105.005, RSMo 2,434
 Expense and Equipment 147,668
 From General Revenue Fund (0101) 1,114,574

Personal Service 428,615

Expense and Equipment.	716,286
From Department of Public Safety Federal Fund (0152)	<u>1,144,901</u>
Personal Service.	1,607
Expense and Equipment.	<u>905</u>
From Department of Public Safety - Juvenile Accountability Incentive Block Grant Fund (0121)	2,512
Personal Service.	313,108
Expense and Equipment.	<u>99,800</u>
From Justice Assistance Grant Program Fund (0782)	412,908
Personal Service.	71,465
Expense and Equipment.	<u>15,042</u>
From Services to Victims Fund (0592)	86,507
Personal Service.	467,692
Expense and Equipment.	<u>1,506,453</u>
From Crime Victims' Compensation Fund (0681)	1,974,145
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.	1,289,561
Expense and Equipment.	<u>22,120,000</u>
From Department of Public Safety Federal Homeland Security Fund (0193)	23,409,561
For the purpose of 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.	45,900
Expense and Equipment.	<u>2,455,000</u>
From Department of Public Safety Federal Fund (0152)	2,500,900
For the purpose of funding drug task force grants, provided not more than three percent (3%) is used for grant administration	
Personal Service.	45,699
Expense and Equipment.	<u>1,855,000</u>
From General Revenue Fund (0101)	1,900,699
Personal Service.	90,278
Expense and Equipment.	<u>763,000</u>
From MODEX Fund (0867)	853,278
Total (Not to exceed 69.80 F.T.E.)	<u>\$33,410,985</u>

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). \$722,492

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. \$1,722,492

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). \$100,300

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 the purpose of supplementing deputy sheriffs' salary and related
 employment benefits pursuant to Section 57.278, RSMo
 From Deputy Sheriff Salary Supplementation Fund (0913). \$7,200,000

For the purpose of funding grants related to the issuance of the conceal and
 carry permits for all counties of real time sharing of MoDex core, MoDex
 core interfaced mobile evidence collection software documenting crime
 for accident, and incidents, class III counties CCW equipment, and class
 III counties enhanced sheriff and deputy training and products through
 the MSATA. The grant recipient shall not use more than four percent
 (4%) of the grant award for administrative costs
 From General Revenue Fund (0101). 1,630,000

For the purpose of funding grants related to the issuance of a Jail
 Management System. The grant recipient shall not use more than
 four percent (4%) of the grant award for administrative costs
 From General Revenue Fund (0101). 1,000,000

For the purpose of funding grants related to the issuance of a Multi-Modal
 Biometric Identification System. The grant recipient shall not use
 more than four percent (4%) of the grant award for administrative costs
 From General Revenue Fund (0101). 2,500,000

Total \$12,330,000

SECTION 8.030.— To the Department of Public Safety

For the Office of the Director

For funding operating grants to local law enforcement cyber crimes task forces, provided not more than three percent (3%) is used for grant administration

Personal Service. \$35,700

Expense and Equipment. 1,465,000

From General Revenue Fund (0101). \$1,500,700

SECTION 8.035.— 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 8.040.— 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 8.045.— 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 8.050.— To the Department of Public Safety

For the Office of the Director

For the Violence Against Women Program

From Department of Public Safety Federal Fund (0152).. \$2,994,232

SECTION 8.055.— 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	30,600
Expense and Equipment	<u>1,422,000</u>
From General Revenue Fund (0101)	1,452,600
Total (Not to exceed 1.00 F.T.E.)	<u>\$11,789,929</u>

SECTION 8.060.— To the Department of Public Safety
For the National Forensic Sciences Improvement Act Program
From Department of Public Safety Federal Fund (0152) \$175,000

SECTION 8.065.— To the Department of Public Safety
For the State Forensic Laboratory Program
From State Forensic Laboratory Fund (0591) \$399,200

SECTION 8.070.— 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) \$450,000

SECTION 8.075.— 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 8.080.— To the Department of Public Safety
For the Capitol Police
Personal Service \$1,344,398
Expense and Equipment 112,497
From General Revenue Fund (0101) (Not to exceed 32.00 F.T.E.) \$1,456,895

SECTION 8.085.— To the Department of Public Safety
For the State Highway Patrol
For Administration
Personal Service \$255,915
Expense and Equipment 3,361
From General Revenue Fund (0101) 259,276

Personal Service 6,058,742
Expense and Equipment 422,589
From State Highways and Transportation Department Fund (0644) 6,481,331

Personal Service
From Criminal Record System Fund (0671) 42,664

Personal Service 34,879
Expense and Equipment 4,802
From Gaming Commission Fund (0286) 39,681

Personal Service
From Water Patrol Division Fund (0400) 98,694

For the High-Intensity Drug Trafficking Area Program
Personal Service 48,146

Expense and Equipment.....	2,598,000
From Department of Public Safety Federal Fund (0152).....	<u>2,646,146</u>
Total (Not to exceed 120.00 F.T.E.).....	\$9,567,792

SECTION 8.090.— 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.....	\$12,597,394E
Expense and Equipment.....	<u>1,005,889E</u>
From General Revenue Fund (0101).....	13,603,283

Personal Service.....	3,825,854E
Expense and Equipment.....	<u>158,657E</u>
From Department of Public Safety Federal Fund (0152).....	3,984,511

Personal Service.....	365,033E
Expense and Equipment.....	<u>315,909E</u>
From Gaming Commission Fund (0286).....	680,942

Personal Service.....	1,285,884E
Expense and Equipment.....	<u>105,078E</u>
From Water Patrol Division Fund (0400).....	1,390,962

Personal Service.....	79,348,212E
Expense and Equipment.....	<u>6,510,716E</u>
From State Highways and Transportation Department Fund (0644).....	85,858,928

Personal Service.....	3,344,193E
Expense and Equipment.....	<u>258,883E</u>
From Criminal Record System Fund (0671).....	3,603,076

Personal Service.....	85,131E
Expense and Equipment.....	<u>6,458E</u>
From Highway Patrol Academy Fund (0674).....	91,589

Personal Service.....	4,681E
Expense and Equipment.....	<u>657E</u>
From Highway Patrol's Motor Vehicle, Aircraft, and Watercraft Revolving Fund (0695).....	5,338

Personal Service.....	54,625E
Expense and Equipment.....	<u>6,046E</u>
From DNA Profiling Analysis Fund (0772).....	60,671

Personal Service.....	58,733E
Expense and Equipment.....	<u>5,017E</u>
From Highway Patrol Traffic Records Fund (0758).....	63,750

Personal Service.....	74,926E
Expense and Equipment.....	<u>7,594E</u>

From Highway Patrol Inspection Fund (0297)	82,520
Total	<u>\$109,425,570</u>

SECTION 8.095.— To the Department of Public Safety

For the State Highway Patrol

For the Enforcement Program

Personal Service	\$8,966,097
Expense and Equipment	<u>2,036,752</u>
From General Revenue Fund (0101)	11,002,849

Personal Service	72,199,449
Expense and Equipment	<u>6,131,028</u>
From State Highways and Transportation Department Fund (0644)	78,330,477

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)	400,000
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Personal Service

From Criminal Record System Fund (0671)	199,128
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Expense and Equipment

From Gaming Commission Fund (0286)	357,488
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Personal Service	8,047
Expense and Equipment	<u>297,625</u>

From Highway Patrol's Motor Vehicle, Aircraft, and Watercraft Revolving Fund (0695)	305,672
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Expense and Equipment

From Highway Patrol Traffic Records Fund (0758)	245,242
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Personal Service

From Water Patrol Division Fund (0400)	87,813
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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	5,319,200
Expense and Equipment	<u>5,852,940</u>
From Department of Public Safety Federal Fund (0152)	11,172,140

For a statewide interoperable communication system

From State Highways and Transportation Department Fund (0644)	<u>9,100,000</u>
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Total (Not to exceed 1,289.50 F.T.E.)	<u>\$111,200,809</u>
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SECTION 8.100.— To the Department of Public Safety

For the State Highway Patrol

For the Water Patrol Division

Personal Service	\$3,601,600
Expense and Equipment	<u>387,251</u>
From General Revenue Fund (0101)	3,988,851

Personal Service	284,336
Expense and Equipment	<u>2,226,991</u>
From Department of Public Safety Federal Fund (0152)	2,511,327

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	1,655,052
Expense and Equipment	<u>840,000</u>
From Water Patrol Division Fund (0400)	2,495,052
Total (Not to exceed 84.00 F.T.E.)	\$9,011,729

SECTION 8.105. — 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)	\$472,112
From Gaming Commission Fund (0286)	775,366
From State Highways and Transportation Department Fund (0644)	<u>4,837,264</u>
Total	\$6,084,742

SECTION 8.110. — 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 General Revenue Fund (0101)	\$125,950
From State Highways and Transportation Department Fund (0644)	6,323,075
From Highway Patrol's Motor Vehicle, Aircraft, and Watercraft Revolving Fund (0695)	7,713,448
From Gaming Commission Fund (0286)	<u>549,074</u>
Total	\$14,711,547

SECTION 8.115. — To the Department of Public Safety

For the State Highway Patrol

For Crime Labs

Personal Service	\$2,607,171
Expense and Equipment	<u>961,393</u>
From General Revenue Fund (0101)	3,568,564

Personal Service	3,878,874
Expense and Equipment	<u>909,249</u>
From State Highways and Transportation Department Fund (0644)	4,788,123

Personal Service	64,650
Expense and Equipment.	<u>1,478,305</u>
From DNA Profiling Analysis Fund (0772).	1,542,955

Personal Service	120,145
Expense and Equipment.	<u>900,000</u>
From Department of Public Safety Federal Fund (0152)	1,020,145

Personal Service	190,797
Expense and Equipment.	<u>2,575</u>
From Criminal Record System Fund (0671).	193,372

Expense and Equipment	
From State Forensic Laboratory Fund (0591).	<u>327,633</u>
Total (Not to exceed 116.00 F.T.E.).	\$11,440,792

SECTION 8.120. — To the Department of Public Safety

For the State Highway Patrol

For the Law Enforcement Academy

Personal Service

From General Revenue Fund (0101).	\$81,386
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Expense and Equipment

From Department of Public Safety Federal Fund (0152)	59,655
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Personal Service	174,718
Expense and Equipment.	<u>79,440</u>
From Gaming Commission Fund (0286).	254,158

Personal Service	1,344,722
Expense and Equipment.	<u>73,576</u>
From State Highways and Transportation Department Fund (0644).	1,418,298

Personal Service	102,481
Expense and Equipment.	<u>581,717</u>
From Highway Patrol Academy Fund (0674).	684,198
Total (Not to exceed 35.00 F.T.E.).	\$2,497,695

SECTION 8.125. — 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
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Personal Service.	11,082,397
Expense and Equipment.	<u>1,021,875</u>
From State Highways and Transportation Department Fund (0644).	12,104,272

Personal Service	128,775
Expense and Equipment.	<u>360,632</u>
From Highway Patrol Inspection Fund (0297).	489,407
Total (Not to exceed 299.00 F.T.E.).	\$12,943,679

SECTION 8.130. — 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 8.135. — To the Department of Public Safety
 For the State Highway Patrol
 For Technical Services
 Personal Service..... \$604,259
 Expense and Equipment..... 170,292
 From General Revenue Fund (0101)..... 774,551

 Personal Service..... 425,808
 Expense and Equipment..... 4,995,285
 From Department of Public Safety Federal Fund (0152)..... 5,421,093

 Personal Service..... 14,351,336
 Expense and Equipment..... 14,797,215
 From State Highways and Transportation Department Fund (0644)..... 29,148,551

 Personal Service..... 3,679,539
 Expense and Equipment..... 4,050,243
 National Criminal Record Reviews..... 2,500,000
 From Criminal Record System Fund (0671)..... 10,229,782

 Personal Service
 From Gaming Commission Fund (0286)..... 21,543
 From Highway Patrol Traffic Records Fund (0758)..... 79,116

 Expense and Equipment
 From Criminal Justice Network and Technology Revolving Fund (0842) 2,819,050
 Total (Not to exceed 370.00 F.T.E.)..... \$48,493,686

SECTION 8.140. — 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 8.145. — 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 8.150. — To the Department of Public Safety
 For the Division of Alcohol and Tobacco Control
 Personal Service..... \$104,152
 Expense and Equipment..... 63,442
 From Department of Public Safety Federal Fund (0152)..... 167,594

Personal Service	1,210,004
Expense and Equipment.	<u>572,435</u>
From Division of Alcohol and Tobacco Control Fund (0544)	1,782,439

Personal Service	114,824
Expense and Equipment.	<u>33,046</u>
From Healthy Families Trust Fund (0625).	147,870
Total (Not to exceed 29.00 F.T.E.).	<u>\$2,097,903</u>

SECTION 8.155.— 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 8.160.— To the Department of Public Safety
 For the Division of Fire Safety, provided five percent (5%)
 flexibility is allowed between personal service and expense and
 equipment and no flexibility is allowed from expense and
 equipment to personal service for all funds in this section
 Personal Service. \$2,278,317
 Expense and Equipment. 382,309
 From General Revenue Fund (0101) 2,660,626

Personal Service	395,741
Expense and Equipment.	<u>54,615</u>
From Elevator Safety Fund (0257)	450,356

Personal Service	394,801
Expense and Equipment.	<u>46,898</u>
From Boiler and Pressure Vessels Safety Fund (0744).	441,699

Personal Service	87,806
Expense and Equipment.	<u>12,027</u>
From Missouri Explosives Safety Act Administration Fund (0804).	99,833
Total (Not to exceed 72.92 F.T.E.).	<u>\$3,652,514</u>

SECTION 8.165.— To the Department of Public Safety
 For the Division of Fire Safety
 For the Fire Safe Cigarette Program
 Personal Service. \$21,017
 Expense and Equipment. 10,204
 From Cigarette Fire Safety Standard and Firefighter Protection Act Fund (0937). . . \$31,221

SECTION 8.170.— 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). \$538,000
 From Chemical Emergency Preparedness Fund (0587) 100,000
 From Fire Education Fund (0821). 320,000
 Total. \$958,000

SECTION 8.175. — To the Department of Public Safety

For the Missouri Veterans' Commission

For Administration and Service to Veterans

Personal Service

From General Revenue Fund (0101) \$204,000

Personal Service 533,909

Expense and Equipment. 131,588

From Missouri Veterans' Homes Fund (0460). 665,497

Personal Service. 3,630,641

Expense and Equipment. 1,307,855From Veterans Commission Capital Improvement Trust Fund (0304) 4,938,496

Expense and Equipment

From Veterans' Trust Fund (0579). 23,832Total (Not to exceed 114.46 F.T.E.). \$5,831,825**SECTION 8.180.** — 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 8.185.** — To the Department of Public Safety

For the Missouri Veterans' Commission

For the National World War I Museum and Memorial

From World War II Memorial Trust Fund (0891). \$93,750

For the Veterans Memorial Museum in St. Louis

From World War II Memorial Trust Fund (0891) 93,750

For the Missouri Honor Flights

From World War II Memorial Trust Fund (0891) 93,750

For the Missouri Veterans History Project

From World War II Memorial Trust Fund (0891). 93,750Total. \$375,000

*I hereby veto \$375,000 World War II Memorial Trust Fund. Use of the fund for the purposes listed below is not an allowable use of the fund pursuant to Section 301.3031, RSMo.

For the National World War I Museum and Memorial

From \$93,750 to \$0 World War II Memorial Trust Fund.

For the Veterans Memorial Museum in St. Louis

From \$93,750 to \$0 World War II Memorial Trust Fund.

For the Missouri Honor Flights

From \$93,750 to \$0 World War II Memorial Trust Fund.

For the Missouri Veterans History Project

From \$93,750 to \$0 World War II Memorial Trust Fund.
From \$375,000 to \$0 in total for the section.

JEREMIAH W. (JAY) NIXON, GOVERNOR

SECTION 8.190.— 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 8.195.— 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	53,421,225
Expense and Equipment.	22,936,958
From Missouri Veterans' Homes Fund (0460).	<u>76,358,183</u>

Expense and Equipment From Veterans' Trust Fund (0579)	49,980
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Personal Service From Veterans Commission Capital Improvement Trust Fund (0304)	29,731
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For refunds to veterans and/or the U.S. Department of Veterans' Affairs From Missouri Veterans' Homes Fund (0460).	1,274,400
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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 Missouri Veterans' Homes Fund (0460).	<u>1,604,382</u>
Total (Not to exceed 1,639.48 F.T.E.).	<u>\$80,066,676</u>

SECTION 8.200.— 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 8.205.— To the Department of Public Safety
For the Gaming Commission
For the Divisions of Gaming and Bingo
Personal Service. \$14,824,185
Expense and Equipment. 1,726,519
From Gaming Commission Fund (0286). 16,550,704

Expense and Equipment From Compulsive Gamblers Fund (0249).	<u>56,310</u>
Total (Not to exceed 239.00 F.T.E.).	<u>\$16,607,014</u>

SECTION 8.210. — 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 8.215. — 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 8.220. — 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 8.225. — To the Department of Public Safety	
For the Gaming Commission	
For breeder incentive payments	
From Missouri Breeders Fund (0605).	\$5,000
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 Veterans Commission Capital Improvement Trust Fund	
From Gaming Commission Fund (0286).	\$32,000,000
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 Missouri National Guard Trust Fund	
From Gaming Commission Fund (0286).	\$4,000,000
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 Access Missouri Financial Assistance Fund	
From Gaming Commission Fund (0286).	\$5,000,000
SECTION 8.245. — 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 8.250. — To the Adjutant General	

For Missouri Military Forces Administration	
Personal Service	\$1,053,285
Expense and Equipment	245,133
From General Revenue Fund (0101)	<u>1,298,418</u>

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.)	<u>\$1,418,418</u>

SECTION 8.255. — 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)	\$3,343,957

Personal Service	1,291,425
Expense and Equipment	<u>3,226,247</u>
From Missouri National Guard Trust Fund (0900)	<u>4,517,672</u>
Total (Not to exceed 42.40 F.T.E.)	<u>\$7,861,629</u>

SECTION 8.260. — To the Adjutant General

For the Veterans Recognition Program

Personal Service	\$95,258
Expense and Equipment	<u>536,732</u>
From Veterans Commission Capital Improvement Trust Fund (0304)	
(Not to exceed 3.00 F.T.E.)	\$631,990

SECTION 8.265. — To the Adjutant General

For Missouri Military Forces Field Support

Personal Service	\$709,265
Expense and Equipment	<u>1,741,217</u>
From General Revenue Fund (0101)	<u>2,450,482</u>

Personal Service	101,887
Expense and Equipment	<u>98,417</u>
From Adjutant General - Federal Fund (0190)	<u>200,304</u>
Total (Not to exceed 40.37 F.T.E.)	<u>\$2,650,786</u>

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	<u>140,000</u>
From Missouri Military Family Relief Fund (0719)	<u>\$150,000</u>

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 \$442,317

Expense and Equipment 19,773

From General Revenue Fund (0101) 462,090

Personal Service 10,693,889

Expense and Equipment 13,803,556

From Adjutant General - Federal Fund (0190) 24,497,445

Personal Service

From Missouri National Guard Training Site Fund (0269) 20,474

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.) \$26,519,495

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 \$1,283,705

Expense and Equipment 202,974

From General Revenue Fund (0101) 1,486,679

Personal Service 1,597,890

Expense and Equipment 841,885

From State Emergency Management - Federal Fund (0145) 2,439,775

Personal Service 275,320

Expense and Equipment 33,950

From Missouri Disaster Fund (0663) 309,270

Personal Service 1,157,016

Expense and Equipment 120,000

From Department of Health and Senior Services - Federal Fund (0143) 1,277,016

Personal Service 162,682

Expense and Equipment 85,117

From Chemical Emergency Preparedness Fund (0587).....	247,799
Total (Not to exceed 93.49 F.T.E.)	<u>\$5,760,539</u>

SECTION 8.296.— To the Department of Public Safety
For the State Emergency Management Agency
For Missouri Task Force 1

To provide for expenses of Missouri Task Force 1, a division of the Boone County Fire Protection District, when it responds to emergencies and disasters in the State of Missouri. These expenses may include, but are not limited to: personnel salaries and benefits, supplies, and repair or replacement of damaged equipment	
From General Revenue Fund (0101).....	\$750,000

To provide for expenses of Missouri Task Force 1, a division of the Boone County Fire Protection District, when it conducts annual training and exercises. These expenses may include, but are not limited to: personnel salaries and benefits, supplies, and repair or replacement of damaged equipment	
From General Revenue Fund (0101).....	<u>500,000</u>
Total	<u>\$1,250,000</u>

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
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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)	<u>750,000</u>
Total	<u>\$1,400,000</u>

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)	\$12,262,386

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)	100,506,359

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)	14,043,999

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	<u>\$130,267,754</u>

Bill Totals

General Revenue Fund	\$81,093,052
Federal Funds	248,004,471
Other Funds	419,296,626
Total	<u>\$748,394,149</u>

Approved May 6, 2016

HB 2009 [CCS SCS HCS HB 2009]

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, 2016 and ending June 30, 2017; 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, 2016 and ending June 30, 2017, 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. Further provided ten percent (10%) flexibility is allowed between personal service and expense and equipment and ten percent (10%) flexibility is allowed between sections

Personal Service	\$4,489,625
Annual salary adjustment in accordance with Section 105.005, RSMo	2,436
Expense and Equipment	147,678
From General Revenue Fund (0101)	<u>4,639,739</u>

For Family Support Services

From General Revenue Fund (0101)	384,093
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From Department of Correction - Federal Fund (0130)	71,024
Total (Not to exceed 108.00 F.T.E.)	<u>\$5,094,856</u>

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
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For the Kansas City Reentry Program	178,000
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For the St. Louis Reentry Program	250,000
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For Ex-Offender Rehabilitative Resources	40,000
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From General Revenue Fund (0101)	<u>468,000</u>
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Total	<u>\$667,500</u>
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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	\$2,390,376
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Expense and Equipment	<u>2,456,446</u>
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From Department of Correction - Federal Fund (0130)	<u>4,846,822</u>
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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
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Total (Not to exceed 43.00 F.T.E.)	<u>\$4,876,822</u>
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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 ten percent (10%) flexibility is allowed between personal service and expense and equipment and ten percent (10%) flexibility is allowed between sections

Personal Service	\$577,838
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Expense and Equipment	<u>528,202</u>
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From General Revenue Fund (0101)	<u>1,106,040</u>
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Expense and Equipment

From Inmate Incarceration Reimbursement Act Revolving Fund (0828)	750,000
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Total	<u>\$1,856,040</u>
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SECTION 9.025.— 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 9.030.— To the Department of Corrections
For the Division of Human Services
For telecommunications department-wide, provided ten percent (10%)
flexibility is allowed between sections
Expense and Equipment
From General Revenue Fund (0101). \$1,860,529

SECTION 9.035.— To the Department of Corrections
For the Division of Human Services, provided ten percent (10%)
flexibility is allowed between personal service and expense and
equipment and ten percent (10%) flexibility is allowed between
sections
Personal Service. \$9,476,849
Expense and Equipment. 111,989
From General Revenue Fund (0101) 9,588,838

Personal Service. 143,688
Expense and Equipment. 34,068
From Inmate Fund (0540). 177,756
Total (Not to exceed 254.60 F.T.E.). \$9,766,594

SECTION 9.040.— To the Department of Corrections
For the Division of Human Services
For general services, provided 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 Division of Human Services
For the operation of institutional facilities, utilities, systems furniture and
structural modifications, provided ten percent (10%) flexibility is
allowed between sections
Expense and Equipment
From General Revenue Fund (0101). \$27,664,815
From Working Capital Revolving Fund (0510). 1,425,607
Total. \$29,090,422

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 ten percent (10%) flexibility is
allowed between sections
Expense and Equipment
From General Revenue Fund (0101). \$31,183,488
From Department of Correction - Federal Fund (0130). 250,000
Total. \$31,433,488

SECTION 9.055. — To the Department of Corrections	
For the Division of Human Services	
For the purpose of funding training costs department-wide, provided 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 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 ten percent (10%) flexibility is allowed between sections	
Personal Service	
From General Revenue Fund (0101).....	\$6,176,046
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 ten percent (10%) flexibility is allowed between sections	
Expense and Equipment	
From General Revenue Fund (0101).....	\$22,523,328
SECTION 9.075. — To the Department of Corrections	
For the Division of Adult Institutions, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment and ten percent (10%) flexibility is allowed between sections	
Personal Service.....	\$1,629,209
Expense and Equipment.....	127,443
From General Revenue Fund (0101) (Not to exceed 38.41 F.T.E.).....	\$1,756,652
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 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 ten percent (10%) flexibility is allowed between institutions	

Personal Service
From General Revenue Fund (0101) (Not to exceed 529.00 F.T.E.). \$17,743,817

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 ten percent (10%) flexibility is allowed
between institutions
Personal Service
From General Revenue Fund (0101) (Not to exceed 433.00 F.T.E.). \$14,208,801

SECTION 9.095.— To the Department of Corrections
For the Division of Adult Institutions
For the Ozark Correctional Center at Fordland, provided ten percent
(10%) flexibility is allowed between institutions
Personal Service
From General Revenue Fund (0101). \$5,702,942
From Inmate Fund (0540). 278,851
Total (Not to exceed 171.00 F.T.E.). \$5,981,793

SECTION 9.100.— To the Department of Corrections
For the Division of Adult Institutions
For the Moberly Correctional Center, provided ten percent (10%)
flexibility is allowed between institutions
Personal Service
From General Revenue Fund (0540) (Not to exceed 385.00 F.T.E.). \$13,167,515

SECTION 9.105.— To the Department of Corrections
For the Division of Adult Institutions
For the Algoa Correctional Center at Jefferson City, provided ten percent
(10%) flexibility is allowed between institutions
Personal Service
From General Revenue Fund (0101) (Not to exceed 325.00 F.T.E.). \$10,954,445

SECTION 9.110.— To the Department of Corrections
For the Division of Adult Institutions
For the Missouri Eastern Correctional Center at Pacific, provided ten
percent (10%) flexibility is allowed between institutions
Personal Service
From General Revenue Fund (0101) (Not to exceed 330.00 F.T.E.). \$11,044,960

SECTION 9.115.— To the Department of Corrections
For the Division of Adult Institutions
For the Chillicothe Correctional Center, provided ten percent (10%)
flexibility is allowed between institutions
Personal Service
From General Revenue Fund (0101). \$14,029,415
From Inmate Fund (0540). 29,756
Total (Not to exceed 459.02 F.T.E.). \$14,059,171

SECTION 9.120.— To the Department of Corrections
For the Division of Adult Institutions

For the Boonville Correctional Center, provided ten percent (10%) flexibility is allowed between institutions
 Personal Service
 From General Revenue Fund (0101)..... \$10,229,167
 From Inmate Fund (0540). 36,265
 Total (Not to exceed 300.00 F.T.E.). \$10,265,432

SECTION 9.125.— To the Department of Corrections
 For the Division of Adult Institutions
 For the Farmington Correctional Center, provided ten percent (10%) flexibility is allowed between institutions
 Personal Service
 From General Revenue Fund (0101) (Not to exceed 588.00 F.T.E.)..... \$19,701,936

SECTION 9.130.— To the Department of Corrections
 For the Division of Adult Institutions
 For the Western Missouri Correctional Center at Cameron, provided ten percent (10%) flexibility is allowed between institutions
 Personal Service
 From General Revenue Fund (0101) (Not to exceed 485.00 F.T.E.)..... \$16,242,445

SECTION 9.135.— To the Department of Corrections
 For the Division of Adult Institutions
 For the Potosi Correctional Center, provided ten percent (10%) flexibility is allowed between institutions
 Personal Service
 From General Revenue Fund (0101) (Not to exceed 331.00 F.T.E.)..... \$11,275,032

SECTION 9.140.— To the Department of Corrections
 For the Division of Adult Institutions
 For the Fulton Reception and Diagnostic Center, provided ten percent (10%) flexibility is allowed between institutions
 Personal Service
 From General Revenue Fund (0101) (Not to exceed 425.00 F.T.E.)..... \$14,135,681

SECTION 9.145.— To the Department of Corrections
 For the Division of Adult Institutions
 For the Tipton Correctional Center, provided ten percent (10%) flexibility is allowed between institutions
 Personal Service
 From General Revenue Fund (0101)..... \$10,596,672
 From Inmate Fund (0540). 93,719
 Total (Not to exceed 310.00 F.T.E.). \$10,690,391

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 ten percent (10%) flexibility is allowed between institutions
 Personal Service
 From General Revenue Fund (0101) (Not to exceed 509.00 F.T.E.)..... \$16,744,272

SECTION 9.155. — To the Department of Corrections	
For the Division of Adult Institutions	
For the Maryville Treatment Center, provided ten percent (10%) flexibility is allowed between institutions	
Personal Service	
From General Revenue Fund (0101) (Not to exceed 179.00 F.T.E.).	\$6,164,597
SECTION 9.160. — To the Department of Corrections	
For the Division of Adult Institutions	
For the Crossroads Correctional Center at Cameron, provided ten percent (10%) flexibility is allowed between institutions	
Personal Service	
From General Revenue Fund (0101) (Not to exceed 385.00 F.T.E.).	\$12,826,348
SECTION 9.165. — To the Department of Corrections	
For the Division of Adult Institutions	
For the Northeast Correctional Center at Bowling Green, provided ten percent (10%) flexibility is allowed between institutions	
Personal Service	
From General Revenue Fund (0101) (Not to exceed 528.00 F.T.E.).	\$17,325,686
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 ten percent (10%) flexibility is allowed between institutions	
Personal Service	
From General Revenue Fund (0101) (Not to exceed 611.00 F.T.E.).	\$19,793,097
SECTION 9.175. — To the Department of Corrections	
For the Division of Adult Institutions	
For the South Central Correctional Center at Licking, provided ten percent (10%) flexibility is allowed between institutions	
Personal Service	
From General Revenue Fund (0101) (Not to exceed 411.00 F.T.E.).	\$13,568,026
SECTION 9.180. — To the Department of Corrections	
For the Division of Adult Institutions	
For the Southeast Correctional Center at Charleston, provided ten percent (10%) flexibility is allowed between institutions	
Personal Service	
From General Revenue Fund (0101) (Not to exceed 406.00 F.T.E.).	\$13,308,291
SECTION 9.185. — To the Department of Corrections	
For the Division of Adult Institutions	
For the Kansas City Reentry Center, provided ten percent (10%) flexibility is allowed between institutions	
Personal Service	
From General Revenue Fund (0101).	\$3,536,190
From Inmate Fund (0540).	50,348
Total (Not to exceed 106.18 F.T.E.).	<u>\$3,586,538</u>

SECTION 9.190.— To the Department of Corrections
 For the Division of Offender Rehabilitative Services, provided ten percent
 (10%) flexibility is allowed between personal service and expense
 and equipment and ten percent (10%) flexibility is allowed
 between sections

Personal Service.....	\$1,253,172
Expense and Equipment.....	44,462
From General Revenue Fund (0101) (Not to exceed 22.15 F.T.E.).....	<u>\$1,297,634</u>

SECTION 9.195.— To the Department of Corrections
 For the Division of Offender Rehabilitative Services
 For contractual services for offender physical and mental health care,
 provided 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).....	\$147,550,706
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SECTION 9.200.— To the Department of Corrections
 For the Division of Offender Rehabilitative Services
 For medical equipment, provided ten percent (10%) flexibility is
 allowed between sections

Expense and Equipment	
From General Revenue Fund (0101).....	\$299,087

SECTION 9.205.— To the Department of Corrections
 For the Division of Offender Rehabilitative Services
 For substance abuse services, provided ten percent (10%) flexibility is
 allowed between personal service and expense and equipment and
 ten percent (10%) flexibility is allowed between sections

Personal Service.....	\$3,957,822
Expense and Equipment.....	5,455,500
From General Revenue Fund (0101).....	<u>9,413,322</u>

Expense and Equipment	
From Correctional Substance Abuse Earnings Fund (0853).....	140,000
Total (Not to exceed 110.00 F.T.E.).....	<u>\$9,553,322</u>

SECTION 9.210.— To the Department of Corrections
 For the Division of Offender Rehabilitative Services
 For toxicology testing, provided ten percent (10%) flexibility is allowed
 between sections

Expense and Equipment	
From General Revenue Fund (0101).....	\$517,125

SECTION 9.215.— To the Department of Corrections
 For the Division of Offender Rehabilitative Services
 For offender education, provided ten percent (10%) flexibility is allowed
 between sections

Personal Service
From General Revenue Fund (0101) (Not to exceed 225.00 F.T.E.). \$8,739,241

SECTION 9.220.— To the Department of Corrections
For the Division of Offender Rehabilitative Services
For Missouri Correctional Enterprises, provided ten percent (10%)
flexibility is allowed between personal service and expense and
equipment
Personal Service. \$7,178,490
Expense and Equipment. 22,000,000
From Working Capital Revolving Fund (0510) (Not to exceed 222.00 F.T.E.). \$29,178,490

SECTION 9.225.— To the Department of Corrections
For the Board of Probation and Parole, provided no funds shall be used to
transport non-custody inmates and ten percent (10%) flexibility is
allowed between personal service and expense and equipment and
ten percent (10%) flexibility is allowed between sections
Personal Service. \$65,847,328
Annual salary adjustment in accordance with Section 105.005, RSMo 11,575
Expense and Equipment. 3,592,863
From General Revenue Fund (0101) 69,451,766

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). 1,300,000
Total (Not to exceed 1,744.81 F.T.E.). \$75,455,371

SECTION 9.230.— To the Department of Corrections
For the Board of Probation and Parole
For the St. Louis Community Release Center, provided ten percent (10%)
flexibility is allowed between sections
Personal Service
From General Revenue Fund (0101) (Not to exceed 125.86 F.T.E.). \$4,387,828

SECTION 9.235.— To the Department of Corrections
For the Board of Probation and Parole
For the Command Center, provided ten percent (10%) flexibility is
allowed between sections
Personal Service. \$579,462
Expense and Equipment. 4,900
From General Revenue Fund (0101) (Not to exceed 14.40 F.T.E.). \$584,362

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

For an offender management pilot project utilizing multi-deterrent, mobile
 application accessible electronic monitoring technology capable of
 providing real-time analysis of behavior patterns and location history
 From General Revenue Fund (0101). 500,000
 Total. \$2,280,289

SECTION 9.255.— To the Department of Corrections
 For the Board of Probation and Parole
 For the community supervision centers, provided no funds shall be used
 to transport non-custody inmates and ten percent (10%) flexibility
 is allowed between personal service and expense and equipment
 and fifteen percent (15%) flexibility is allowed between sections
 Personal Service. \$4,201,214
 Expense and Equipment. 930,055
 From General Revenue Fund (0101) (Not to exceed 129.42 F.T.E.). \$5,131,269

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, and ten
 percent (10%) flexibility is allowed between reimbursements to
 county jails, certificates of delivery and extradition payments
 For Reimbursements to County Jails. \$39,530,272
 For Certificates of Delivery 1,900,000
 For Extradition Payments. 1,900,000
 From General Revenue Fund (0101). \$43,330,272

Bill Totals
 General Revenue Fund. \$678,093,702
 Federal Funds 5,167,846
 Other Funds. 42,903,644
 Total. \$726,165,192

Approved May 6, 2016

HB 2010 [CCS SCS HCS HB 2010]

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, 2016 and ending June 30, 2017; 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, 2016 and ending June 30, 2017, as follows:

SECTION 10.005.— To the Department of Mental Health
For the Office of the Director

Personal Service.	\$449,733
Expense and Equipment.	9,354
From General Revenue Fund (0101)	<u>459,087</u>
Personal Service.	74,724
Expense and Equipment.	52,013
From Department of Mental Health Federal Fund (0148).	<u>126,737</u>
Total (Not to exceed 8.09 F.T.E.).	<u>\$585,824</u>

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).	\$1,112,359

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

For funding program operations and support

Personal Service. \$4,697,414
Expense and Equipment. 354,986

From General Revenue Fund (0101). 5,052,400

Personal Service. 913,166
Expense and Equipment. 853,430

From Department of Mental Health Federal Fund (0148). 1,766,596

For the Missouri Medicaid mental health partnership technology initiative

Personal Service. 61,917
Expense and Equipment. 614,811

From General Revenue Fund (0101). 676,728

Personal Service. 10,529
Expense and Equipment. 506,650

From Department of Mental Health Federal Fund (0148). 517,179

Total (Not to exceed 123.05 F.T.E.). \$8,012,903

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 staff training

Expense and Equipment

From General Revenue Fund (0101). \$357,495

Personal Service. 183,891
Expense and Equipment. 289,500

From Department of Mental Health Federal Fund (0148). 473,391

Expense and Equipment

From Mental Health Earnings Fund (0288). 175,000

Total. \$1,005,886

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)	<u>100,000</u>
Total	<u>\$775,600</u>

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
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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	\$452,574
Expense and Equipment	<u>1,925,000</u>
From Mental Health Trust Fund (0926) (Not to exceed 7.50 F.T.E.)	<u>\$2,377,574</u>

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	\$119,752
Expense and Equipment	<u>2,461,728</u>
From Department of Mental Health Federal Fund (0148) (Not to exceed 2.00 F.T.E.)	<u>\$2,581,480</u>

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	\$40,180
Expense and Equipment	<u>861,479</u>
From Department of Mental Health Federal Fund (0148) (Not to exceed 1.00 F.T.E.)	<u>\$901,659</u>

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)	1,000,000

For the purpose of funding Shelter Plus Care grants	
From Department of Mental Health Federal Fund (0148)	<u>13,696,746</u>
Total	\$14,951,746

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)	<u>8,000,000</u>
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)	\$216,335,680
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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
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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)	\$133,879,424
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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)	\$50,000,000
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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	\$862,926
Expense and Equipment	<u>20,729</u>
From General Revenue Fund (0101)	883,655
Personal Service	888,008
Expense and Equipment	<u>175,220</u>

From Department of Mental Health Federal Fund (0148) 1,063,228

 Personal Service
 From Health Initiatives Fund (0275) 47,877
 Total (Not to exceed 36.32 F.T.E.) \$1,994,760

SECTION 10.105.— To the Department of Mental Health
 For the Division of Behavioral Health
 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) 26,788

 Personal Service 147,744
 Expense and Equipment 192,363
 From Department Mental Health Federal Fund (0148) 340,107

 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 20,306
 Expense and Equipment 90,194

From Department of Mental Health Federal Fund (0148) 110,500

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 314,206
 Expense and Equipment 145,613
 From Department of Mental Health Federal Fund (0148) 459,819

For Community 2000 Team programs
 From General Revenue Fund (0101) 1,002,216
 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.) \$10,307,342

SECTION 10.110.— To the Department of Mental Health
 For the Division of Behavioral Health
 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, and further provided that up to an additional \$254,518 may be used for substance abuse treatment services, by a non-profit Comprehensive Substance Treatment and Rehabilitation (CSTAR) residential facility located in a city not within a county, in conjunction with the Department of Social Services, provided to pregnant women, whose child will be eligible for MO HealthNet services, and who are at risk of substance abuse, including opioid addiction	
Personal Service.....	\$534,296
For treatment of alcohol and drug abuse	<u>41,237,767</u>
From General Revenue Fund (0101)	41,772,063
For the purpose of reducing recidivism among offenders with serious substance use disorders who are returning to the St. Louis or Kansas City areas from any of the state Correctional facilities. Additionally, remaining funds shall be used to support offenders returning to other regions of the state who are working with available treatment slots from the Department of Mental Health. 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)	1,780,000
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 use disorder treatment services, may be provided by the contracted health care vendor to the Missouri Department of Corrections, and upon release, to designated substance use disorder treatment providers in the community, including Saint Louis and Kansas City metropolitan areas	
From General Revenue Fund (0101)	772,500
For the purpose of funding youth services	
From Mental Health Interagency Payments Fund (0109).....	30,000
For treatment of alcohol and drug abuse.	63,198,818
Personal Service.....	249,113
Expense and Equipment.....	<u>372,725</u>
From Department of Mental Health Federal Fund (0148)	63,820,656

For treatment of drug and alcohol abuse with the Access to Recovery Grant	
For treatment services	2,625,740
Personal Service.	164,824
Expense and Equipment.	<u>203,550</u>
From Department of Mental Health Federal Fund (0148)	2,994,114

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).	<u>1,240,669</u>
Total (Not to exceed 19.53 F.T.E.).	\$124,046,460

SECTION 10.115.— To the Department of Mental Health
For the Division of Behavioral Health

For the purpose of funding treatment of compulsive gambling.	\$217,346
Personal Service.	42,479
Expense and Equipment.	<u>3,133</u>
From Compulsive Gamblers Fund (0249) (Not to exceed 1.00 F.T.E.).	\$262,958

SECTION 10.120.— To the Department of Mental Health
For the Division of Behavioral Health

For the purpose of funding the Substance Abuse Traffic Offender Program	
From Department of Mental Health Federal Fund (0148).	\$407,458
From Mental Health Earnings Fund (0288).	6,993,738

Personal Service	
From Department of Mental Health Federal Fund (0148)	21,688
Personal Service.	202,503
Expense and Equipment.	<u>38,802</u>
From Health Initiatives Fund (0275).	241,305
Total (Not to exceed 5.48 F.T.E.).	\$7,664,189

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.	\$802,346
Expense and Equipment.	<u>49,324</u>
From General Revenue Fund (0101)	851,670

Personal Service.	643,310
Expense and Equipment.	<u>330,566</u>
From Department of Mental Health Federal Fund (0148)	973,876

For suicide prevention initiatives	
Personal Service.	50,000
Expense and Equipment.	<u>817,142</u>
From Department of Mental Health Federal Fund (0148).	867,142

Expense and Equipment	
From Mental Health Earnings Fund (0288)	300,000
Total (Not to exceed 29.60 F.T.E.)	<u>\$2,992,688</u>

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

Personal Service	\$3,336,093
Expense and Equipment	<u>57,121</u>
From General Revenue Fund (0101)	3,393,214

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
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To pay the state operated hospital provider tax

From General Revenue Fund (0101)	16,000,000
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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
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Personal Service	223,944
Expense and Equipment	<u>1,688,409</u>
From Mental Health Earnings Fund (0288)	1,912,353

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)	<u>607,216</u>
Total (Not to exceed 84.62 F.T.E.)	<u>\$26,166,207</u>

SECTION 10.210.— To the Department of Mental Health

For the Division of Behavioral Health

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	\$90,538
Expense and Equipment	<u>852,271</u>
From General Revenue Fund (0101)	942,809

Personal Service.	227,526
Expense and Equipment.	<u>2,586,975</u>
From Department of Mental Health Federal Fund (0148).	2,814,501

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, 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

From General Revenue Fund (0101)	127,861,993
From Department of Mental Health Federal Fund (0148)	213,718,429
From DMH Local Tax Matching Fund (0930).	1,995,949

For the purpose of funding community based services in the St. Louis Eastern Region for Community Access to Care Facilitation

From General Revenue Fund (0101)	105,200
From Department of Mental Health Federal Fund (0148)	1,000,000

For the purpose of funding treatment for Crisis Intervention in Kansas City, Missouri

From General Revenue Fund (0101)	2,500,000
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For the provision of mental health services and support services to other agencies

From Mental Health Interagency Payments Fund (0109).	1,310,572
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For the purpose of funding programs for the homeless mentally ill

From General Revenue Fund (0101)	568,773
From Department of Mental Health Federal Fund (0148)	964,080

For the purpose of funding the Missouri Eating Disorder Council and its responsibilities under Section 630.575, RSMo

Personal Service.	38,760
Expense and Equipment.	<u>201,495</u>
From General Revenue Fund (0101).	240,255
Total (Not to exceed 8.80 F.T.E.).	<u>\$354,022,561</u>

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.

\$635,350

For distribution through the Office of Administration to counties pursuant to Section 56.700, RSMo.

132,550

From General Revenue Fund (0101).	<u>\$767,900</u>
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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.	\$766,673
Expense and Equipment.	<u>22,765</u>
From General Revenue Fund (0101)	789,438

Personal Service.....	4,405
Expense and Equipment.....	<u>37,235</u>
From Department of Mental Health Federal Fund (0148).....	41,640
Total (Not to exceed 16.39 F.T.E.).....	<u>\$831,078</u>

SECTION 10.225.— To the Department of Mental Health

For the Division of Behavioral Health

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.....	\$52,633
Expense and Equipment.....	<u>88,793</u>
From General Revenue Fund (0101).....	141,426

Personal Service.....	338,422
Expense and Equipment.....	<u>1,164,690</u>
From Department of Mental Health Federal Fund (0148).....	1,503,112

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).....	34,381,571
From Department of Mental Health Federal Fund (0148).....	53,759,391
From DMH Local Tax Matching Fund (0930).....	887,879

For the purpose of funding youth services

From Mental Health Interagency Payments Fund (0109).....	<u>600,000</u>
Total (Not to exceed 5.29 F.T.E.).....	<u>\$91,273,379</u>

SECTION 10.230.— 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
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For the purpose of funding a Case Management fee in both the Fee-for-Service and Managed Care programs to support evidence-based, limited duration mental health treatments to children served by or referred from Child Advocacy Centers, who have experienced severe physical or emotional trauma. Providers of these evidence-based services must document appropriate training or certification in these models. The case management fee is intended to supplement existing codes for counseling for qualified patients and providers

From General Revenue Fund (0101)	500,000
From Department of Mental Health Federal Fund (0148).....	750,000
Total	<u>\$1,750,000</u>

SECTION 10.235.—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)	\$13,524,140
From Department of Mental Health Federal Fund (0148).....	916,243
Total	<u>\$14,440,383</u>

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	\$37,473,630
Expense and Equipment	7,496,617
From General Revenue Fund (0101)	<u>44,970,247</u>

Personal Service	972,374
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Expense and Equipment	618,895
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From Department of Mental Health Federal Fund (0148)	<u>1,591,269</u>
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For the provision of support services to other agencies

Expense and Equipment

From Mental Health Interagency Payments Fund (0109)	250,000
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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)	916,851
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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.....	7,939,556
Expense and Equipment.....	<u>1,961,905</u>
From General Revenue Fund (0101).....	9,901,461

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).....	<u>62,834</u>
Total (Not to exceed 1,173.14 F.T.E.).....	\$57,692,662

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.....	\$10,673,453
Expense and Equipment.....	<u>2,248,865</u>
From General Revenue Fund (0101).....	12,922,318

Personal Service.....	810,224
Expense and Equipment.....	<u>105,903</u>
From Department of Mental Health Federal Fund (0148).....	916,127

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).....	169,263
From Department of Mental Health Federal Fund (0148).....	<u>11,644</u>
Total (Not to exceed 293.51 F.T.E.).....	\$14,019,352

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.....	\$17,132,191
Expense and Equipment.....	<u>2,737,172</u>
From General Revenue Fund (0101).....	19,869,363

Personal Service.....	444,652
Expense and Equipment.....	<u>93,210</u>
From Department of Mental Health Federal Fund (0148).....	537,862

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) 293,140
 From Department of Mental Health Federal Fund (0148) 964
 Total (Not to exceed 472.14 F.T.E.) \$20,701,329

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 41.00 F.T.E.) \$1,729,961

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 \$6,708,211
 Expense and Equipment 2,322,496
 From General Revenue Fund (0101) 9,030,707

Personal Service
 From Department of Mental Health Federal Fund (0148) 438,702

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) 17,384
 From Department of Mental Health Federal Fund (0148) 1,183
 Total (Not to exceed 179.50 F.T.E.) \$9,487,976

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.....	\$17,369,169
Expense and Equipment.....	<u>2,970,527</u>
From General Revenue Fund (0101).....	20,339,696

Personal Service.....	297,630
Expense and Equipment.....	<u>219,538</u>
From Department of Mental Health Federal Fund (0148).....	517,168

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).....	166,883

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.....	15,411,226
Expense and Equipment.....	<u>3,912,155</u>
From General Revenue Fund (0101).....	19,323,381

Personal Service	
From Department of Mental Health Federal Fund (0148).....	28,831

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).....	<u>86,807</u>
Total (Not to exceed 908.64 F.T.E.).....	\$40,462,766

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.....	\$13,759,823
Expense and Equipment.....	<u>2,382,020</u>
From General Revenue Fund (0101).....	16,141,843

Personal Service.	249,474
Expense and Equipment.	<u>633,082</u>
From Department of Mental Health Federal Fund (0148).	882,556

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).	<u>252,100</u>
Total (Not to exceed 354.05 F.T.E.).	\$17,276,499

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.	\$6,453,646
Expense and Equipment.	<u>971,324</u>
From General Revenue Fund (0101)	7,424,970

Personal Service.	1,905,876
Expense and Equipment.	<u>197,901</u>
From Department of Mental Health Federal Fund (0148).	2,103,777

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)	65,854
From Department of Mental Health Federal Fund (0148).	<u>7,477</u>
Total (Not to exceed 216.80 F.T.E.).	\$9,602,078

SECTION 10.400.— To the Department of Mental Health

For the Division of Developmental Disabilities

For the purpose of funding division administration

Personal Service.	\$1,302,443
Expense and Equipment.	<u>56,250</u>
From General Revenue Fund (0101)	1,358,693

Personal Service.	320,100
Expense and Equipment.	<u>58,877</u>
From Department of Mental Health Federal Fund (0148).	378,977
Total (Not to exceed 29.37 F.T.E.).	\$1,737,670

SECTION 10.405.— To the Department of Mental Health

For the Division of Developmental Disabilities

To pay the state operated Intermediate Care Facilities for those with Intellectual Disabilities (ICFs-ID) provider tax

From General Revenue Fund (0101).	\$7,000,000
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For the purpose of funding habilitation centers

Expense and Equipment	
From Habilitation Center Room and Board Fund (0435).....	3,416,027
Total.....	<u>\$10,416,027</u>

SECTION 10.410.—To the Department of Mental Health

For the Division of Developmental Disabilities

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).....	\$324,356,113
From Department of Mental Health Federal Fund (0148).....	632,030,127
From DMH Local Tax Matching Fund (0930).....	1,000,000

For the purpose of funding a provider rate increase for providers of Day

Habilitation Services for Developmental Disability Community Programs

From General Revenue (0101).....	8,000,000
From Department of Mental Health Federal Fund (0148).....	13,775,163

For the purpose of funding community programs

Personal Service.....	567,790
Expense and Equipment.....	31,425
From General Revenue Fund (0101).....	<u>599,215</u>

Personal Service.....	979,893
Expense and Equipment.....	177,376
From Department of Mental Health Federal Fund (0148).....	<u>1,157,269</u>

For consumer and family directed supports/in-home services/choices for families

From Developmental Disabilities Waiting List Equity Trust Fund (0986).....	10,000
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For the purpose of funding programs for persons with autism and their families

From General Revenue Fund (0101).....	4,889,514
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For an Autism Center located in a 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 but fewer than one hundred fifty thousand inhabitants

From General Revenue Fund (0101).....	100,000
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For the purpose of funding Autism Outreach Initiatives for Children in Northeast Missouri

From General Revenue Fund (0101).....	200,000
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For the purpose of funding Regional Autism projects

From General Revenue Fund (0101).....	9,013,166
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For services for children who are clients of the Department of Social Services

From Mental Health Interagency Payments Fund (0109)	11,077,650
For purposes of funding youth services	
From Mental Health Interagency Payments Fund (0109)	572,165
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 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 24.59 F.T.E.)	<u>\$1,025,508,991</u>

SECTION 10.415.— 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) \$1,250,000

SECTION 10.420.— 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) \$2,000,774
From Department of Mental Health Federal Fund (0148) 8,189,587
Total (Not to exceed 237.38 F.T.E.) \$10,190,361

SECTION 10.425.— To the Department of Mental Health
For the Division of Developmental Disabilities
For the purpose of funding developmental disabilities services
Personal Service \$419,586
Expense and Equipment 1,146,512
From Department of Mental Health Federal Fund (0148) (Not to exceed 7.98 F.T.E.) \$1,566,098

SECTION 10.430.— 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	<u>\$7,042,365</u>

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

Personal Service	\$3,187,873
Expense and Equipment	<u>183,562</u>
From General Revenue Fund (0101)	3,371,435

Personal Service	663,959
Expense and Equipment	<u>110,333</u>
From Department of Mental Health Federal Fund (0148)	774,292
Total (Not to exceed 98.70 F.T.E.)	<u>\$4,145,727</u>

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

Personal Service	\$2,853,086
Expense and Equipment	<u>283,011</u>
From General Revenue Fund (0101)	3,136,097

Personal Service	1,243,912
Expense and Equipment	<u>111,314</u>
From Department of Mental Health Federal Fund (0148)	1,355,226
Total (Not to exceed 97.74 F.T.E.)	<u>\$4,491,323</u>

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

Personal Service	\$1,710,317
Expense and Equipment	<u>143,508</u>
From General Revenue Fund (0101)	1,853,825

Personal Service	242,694
Expense and Equipment	<u>27,582</u>
From Department of Mental Health Federal Fund (0148)	270,276
Total (Not to exceed 49.57 F.T.E.)	<u>\$2,124,101</u>

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

Personal Service	\$2,064,197
Expense and Equipment	<u>221,442</u>

From General Revenue Fund (0101)	2,285,639
Personal Service	378,753
Expense and Equipment	41,508
From Department of Mental Health Federal Fund (0148)	420,261
Total (Not to exceed 61.13 F.T.E.)	\$2,705,900

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

Personal Service	\$4,273,736
Expense and Equipment	384,747
From General Revenue Fund (0101)	4,658,483

Personal Service	1,056,905
Expense and Equipment	235,754
From Department of Mental Health Federal Fund (0148)	1,292,659
Total (Not to exceed 140.00 F.T.E.)	\$5,951,142

SECTION 10.525.— To the Department of Mental Health
For the Division of Developmental Disabilities

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	\$6,092,231
Expense and Equipment	251,502
From General Revenue Fund (0101)	6,343,733

Personal Service	8,856,555
Expense and Equipment	645,187
From Department of Mental Health Federal Fund (0148)	9,501,742

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)	933,981
From Department of Mental Health Federal Fund (0148)	40,105
Total (Not to exceed 445.85 F.T.E.)	\$16,819,561

SECTION 10.530.— To the Department of Mental Health
For the Division of Developmental Disabilities

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

Personal Service.....	\$3,591,326
Expense and Equipment.....	34,000
From General Revenue Fund (0101).....	<u>3,625,326</u>

Personal Service.....	6,724,984
Expense and Equipment.....	366,517
From Department of Mental Health Federal Fund (0148).....	<u>7,091,501</u>

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).....	399,475
From Department of Mental Health Federal Fund (0148).....	95,614
Total (Not to exceed 370.43 F.T.E.).....	<u>\$11,211,916</u>

SECTION 10.535.— To the Department of Mental Health

For the Division of Developmental Disabilities

For the purpose of funding the 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 ten percent (10%) flexibility is allowed between
 personal service and expense and equipment

Personal Service.....	\$5,225,628
Expense and Equipment.....	389,490
From General Revenue Fund (0101).....	<u>5,615,118</u>

Personal Service.....	11,552,708
Expense and Equipment.....	262,239
From Department of Mental Health Federal Fund (0148).....	<u>11,814,947</u>

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).....	742,698
Total (Not to exceed 583.09 F.T.E.).....	<u>\$18,172,763</u>

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.	\$2,237,835
Expense and Equipment.	68,518
From General Revenue Fund (0101)	<u>2,306,353</u>

Personal Service.	5,717,214
Expense and Equipment.	359,918
From Department of Mental Health Federal Fund (0148)	<u>6,077,132</u>

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)	9,422
From Department of Mental Health Federal Fund (0148)	227,776
Total (Not to exceed 270.26 F.T.E.)	<u>\$8,620,673</u>

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.	\$4,434,648
Expense and Equipment.	1,852,531
From General Revenue Fund (0101)	<u>6,287,179</u>

Personal Service.	13,231,145
Expense and Equipment.	1,018,656
From Department of Mental Health Federal Fund (0148)	<u>14,249,801</u>
Total (Not to exceed 600.96 F.T.E.)	<u>\$20,536,980</u>

SECTION 10.550.— To the Department of Mental Health

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.	\$1,907,122
Expense and Equipment.	19,844
From General Revenue Fund (0101)	<u>1,926,966</u>

Personal Service.	4,412,640
Expense and Equipment.	633,271
From Department of Mental Health Federal Fund (0148)	<u>5,045,911</u>

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)	191,564
From Department of Mental Health Federal Fund (0148).	86,462
Total (Not to exceed 222.89 F.T.E.).	<u>\$7,250,903</u>

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.	\$452,074
Expense and Equipment.	16,712
From General Revenue Fund (0101)	<u>468,786</u>

Personal Service.	1,235,836
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Expense and Equipment.	120,986
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From Department of Health and Senior Services Federal Fund (0143).	<u>1,356,822</u>
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Total (Not to exceed 33.20 F.T.E.).	<u>\$1,825,608</u>
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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.	\$202,764
Expense and Equipment.	134,693
From General Revenue Fund (0101)	<u>337,457</u>

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.	2,445,881
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Expense and Equipment.	2,221,330
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From Department of Health and Senior Services Federal Fund (0143).	<u>4,667,211</u>
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Expense and Equipment

From Nursing Facility Quality of Care Fund (0271).	430,000
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Expense and Equipment

From Health Access Incentive Fund (0276)	50,000
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Expense and Equipment

From Mammography Fund (0293)	25,000
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Personal Service.	133,147
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Expense and Equipment.	99,525
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From Missouri Public Health Services Fund (0298)	<u>232,672</u>
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Expense and Equipment

From Professional and Practical Nursing Student Loan and Nurse Loan

Repayment Fund (0565)	30,000
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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.)	<u>\$5,906,911</u>
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)	40,000
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 Organ Donor Program Fund (0824)	25
From Childhood Lead Testing Fund (0899)	275
Total	<u>\$250,000</u>

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.	\$103,019
Expense and Equipment.	<u>3,000,001</u>
From Department of Health and Senior Services Federal Fund (0143).	3,103,020
Personal Service.	104,047
Expense and Equipment.	<u>347,596</u>
From Department of Health - Donated Fund (0658).	451,643
Total.	<u>\$3,554,663</u>
SECTION 10.700. — To the Department of Health and Senior Services	
For the Division of Community and Public Health	
For the Adolescent Health Program	
Personal Services	
From General Revenue Fund (0101).	\$15,150
Expense and Equipment	
From Department of Health and Senior Services Federal Fund (0143).	133,521
From Health Initiatives Fund (0275).	1,228
For the purpose of funding program operations and support	
Personal Service	
From General Revenue Fund (0101).	6,402,351
Personal Service.	15,707,763
Expense and Equipment.	<u>3,487,814</u>
From Department of Health and Senior Services Federal Fund (0143).	19,195,577
Personal Service.	1,010,232
Expense and Equipment.	<u>554,622</u>
From Health Initiatives Fund (0275).	1,564,854
Personal Service.	208,782
Expense and Equipment.	<u>66,883</u>
From Hazardous Waste Fund (0676).	275,665
Personal Service.	112,978
Expense and Equipment.	<u>81,887</u>
From Organ Donor Program Fund (0824).	194,865
Personal Service.	413,425
Expense and Equipment.	<u>68,053</u>
From Missouri Public Health Services Fund (0298).	481,478
Personal Service.	72,713

Expense and Equipment.....	68,048
From Department of Health and Senior Services Document Services Fund (0646).....	140,761
Personal Service.....	185,118
Expense and Equipment.....	333,830
From Department of Health - Donated Fund (0658).....	518,948
Personal Service.....	79,013
Expense and Equipment.....	27,748
From Putative Father Registry Fund (0780).....	106,761
Expense and Equipment From Governor's Council on Physical Fitness Institution Gift Trust Fund (0924).....	47,500
Personal Service.....	71,577
Expense and Equipment.....	23,785
From Environmental Radiation Monitoring Fund (0656).....	95,362
Total (Not to exceed 538.63 F.T.E.).....	<u>\$29,174,021</u>

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

From General Revenue Fund (0101).....	\$3,322,692
From Department of Health and Senior Services Federal Fund (0143).....	9,900,000
Total.....	<u>\$13,222,692</u>

SECTION 10.710.— To the Department of Health and Senior Services
For the Division of Community and Public Health
For the purpose of developing skill for independence and community
support for people with epilepsy, including preparing for gainful
employment, quality of life and seizure management

From General Revenue Fund (0101).....	\$50,000
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For Brain Injury Waiver

From General Revenue Fund (0101).....	750,000
From Department of Health and Senior Services Federal Fund (0143).....	1,289,595

For the purpose of funding a pilot project dedicated to analyzing the
Missouri HIV/HCV co-infected rate, and to develop screening
protocols and concurrent treatment regimens

From General Revenue Fund (0101).....	500,000
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For the Adolescent Health Program

From Department of Health and Senior Services Federal Fund (0143).....	2,186,539
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For the purpose of funding community health programs and related
expenses

From General Revenue Fund (0101).....	8,404,072
From Department of Health and Senior Services Federal Fund (0143).....	76,285,954

From Organ Donor Program Fund (0824)	45,000
From Breast Cancer Awareness Trust Fund (0915).	5,000
From Missouri Lead Abatement Loan Fund (0893).	1,000
From Children's Special Health Care Needs Service Fund (0950).	30,000
From C & M Smith Memorial Endowment Trust Fund (0873).	10,000
From Brain Injury Fund (0742)..	874,900
From Missouri Public Health Services Fund (0298).	<u>1,549,750</u>
Total.	\$91,981,810

SECTION 10.713.— To the Department of Health and Senior Services
For the Division of Community and Public Health
For the purpose of funding the Show-Me Healthy Women's program in
Missouri

From General Revenue Fund (0101).	\$500,000
Personal Service.	386,266
Expense and Equipment.	<u>1,894,132</u>
From Department of Health and Senior Services Federal Fund (0143).	<u>2,280,398</u>

From Missouri Public Health Services Fund (0298)	20,000
From Department of Health - Donated Fund (0658).	<u>32,548</u>
Total (Not to exceed 8.00 F.T.E.).	\$2,832,946

SECTION 10.715.— 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).	<u>50,000</u>
Total.	\$100,000

SECTION 10.720.— 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).	\$193,680,851
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SECTION 10.723.— To the Department of Health and Senior Services
For the Division of Community and Public Health
For the purpose of funding a grant program for established diaper banks
throughout the State of Missouri

From General Revenue Fund (0101).	\$100,000
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SECTION 10.725.— 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
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For the Offices of Primary Care and Rural Health and Women's Health

Personal Service.	750,777
Expense and Equipment.	<u>274,227</u>
From Department of Health and Senior Services Federal Fund (0143).	<u>1,025,004</u>

Personal Service.	97,901
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Expense and Equipment.....	14,851
From Health Initiatives Fund (0275).....	<u>112,752</u>

Personal Service.....	75,746
Expense and Equipment.....	<u>8,900</u>
From Professional and Practical Nursing Student Loan and Nurse Loan Repayment Fund (0565).....	84,646

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
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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).....	<u>792,134</u>
Total (Not to exceed 18.20 F.T.E.).....	<u>\$3,193,402</u>

SECTION 10.730.— To the Department of Health and Senior Services
For the Division of Community and Public Health
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).....

	\$500,000
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For the purpose of funding the Primary Care Resource Initiative Program (PRIMO), Financial Aid to Medical Students, and Loan Repayment Programs From Health Access Incentive Fund (0276).....	650,000
From Department of Health - Donated Fund (0658).....	1,106,236
From Department of Health and Senior Services Federal Fund (0143).....	174,446
From Professional and Practical Nursing Student Loan and Nurse Loan Repayment Fund (0565).....	<u>499,752</u>
Total.....	<u>\$2,930,434</u>

SECTION 10.735.— 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.....

	\$192,042
Expense and Equipment.....	<u>194,324</u>
From General Revenue Fund (0101).....	386,366

Personal Service From Department of Health and Senior Services Federal Fund (0143).....	<u>30,600</u>
Total (Not to exceed 4.98 F.T.E.).....	<u>\$416,966</u>

SECTION 10.740.— 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.....

	\$1,895,481
Expense and Equipment and Program Distribution.....	<u>14,770,116</u>

From Department of Health and Senior Services Federal Fund (0143). 16,665,597

From Insurance Dedicated Fund (0566). 1,000,000

Total (Not to exceed 37.02 F.T.E.). \$17,665,597

SECTION 10.745.— 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

Personal Service. \$113,631

Expense and Equipment. 79,998

From General Revenue Fund (0101) (Not to exceed 2.49 F.T.E.). 193,629

For the purpose of providing expansion of courier services for delivery of cord

blood to the St. Louis Cord Blood Bank at SSM Cardinal Glennon Hospital

From General Revenue Fund (0101). 75,000

For the purpose of funding the State Public Health Laboratory

Personal Service. 1,512,280

Expense and Equipment. 416,761

From General Revenue Fund (0101). 1,929,041

Personal Service. 874,938

Expense and Equipment. 1,327,250

From Department of Health and Senior Services Federal Fund (0143). 2,202,188

Personal Service. 1,420,574

Expense and Equipment. 5,099,465

From Missouri Public Health Services Fund (0298). 6,520,039

Expense and Equipment

From Safe Drinking Water Fund (0679). 434,532

Personal Service. 17,576

Expense and Equipment. 46,368

From Childhood Lead Testing Fund (0899). 63,944

Total (Not to exceed 95.52 F.T.E.). \$11,418,373

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

Personal Service. \$9,063,756

Expense and Equipment. 973,339

From General Revenue Fund (0101). 10,037,095

Personal Service. 10,421,233

Expense and Equipment. 1,174,210

From Department of Health and Senior Services Federal Fund (0143). 11,595,443

Total (Not to exceed 488.31 F.T.E.). \$21,632,538

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

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

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). \$316,949,858

From Department of Health and Senior Services Federal Fund (0143).. 547,283,887

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. \$867,233,745

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

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.....	<u>\$46,368,678</u>

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
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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
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SECTION 10.900.— To the Department of Health and Senior Services
For the Division of Regulation and Licensure
For the purpose of funding program operations and support

Personal Service.....	\$8,404,540
Expense and Equipment.....	746,494
From General Revenue Fund (0101).....	<u>9,151,034</u>

Personal Service.....	11,936,185
Expense and Equipment.....	1,233,024
From Department of Health and Senior Services Federal Fund (0143).....	<u>13,169,209</u>

Personal Service.....	888,730
Expense and Equipment.....	1,022,832
From Nursing Facility Quality of Care Fund (0271).....	<u>1,911,562</u>

Personal Service.....	76,867
Expense and Equipment.....	10,970
From Health Access Incentive Fund (0276).....	<u>87,837</u>

Personal Service.....	65,406
Expense and Equipment.....	13,110
From Mammography Fund (0293).....	<u>78,516</u>

Personal Service.....	219,867
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Expense and Equipment.....	57,197
From Early Childhood Development, Education and Care Fund (0859).....	277,064

For nursing home quality initiatives	
From Nursing Facility Reimbursement Allowance Fund (0196).....	725,000
Total (Not to exceed 460.96 F.T.E.).....	\$25,400,222

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..... \$110,113
Expense and Equipment..... 8,568
From General Revenue Fund (0101) (Not to exceed 2.00 F.T.E.)..... \$118,681

Department of Mental Health Totals

General Revenue Fund.....	\$816,386,000
Federal Funds.....	1,119,157,203
Other Funds.....	56,608,544
Total.....	\$1,992,151,747

Department of Health and Senior Services Totals

General Revenue Fund.....	\$375,836,997
Federal Funds.....	944,650,565
Other Funds.....	20,964,344
Total.....	\$1,341,451,906

Approved May 5, 2016

HB 2011 [CCS SCS HCS HB 2011]

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, 2016 and ending June 30, 2017; 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, and further provided that no funds from these sections shall be paid to any entity that performs abortions not necessary to save the life of the mother or that counsels women to have an abortion not necessary to save the life of the mother.

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, 2016 and ending June 30, 2017 as follows:

SECTION 11.005.— To the Department of Social Services

For the Office of the Director

Personal Service.....	\$102,130
Annual salary adjustment in accordance with Section 105.005, RSMo.....	2,178
Expense and Equipment.....	<u>33,543</u>
From General Revenue Fund (0101).....	137,851

Personal Service.....	146,849
Annual salary adjustment in accordance with Section 105.005, RSMo.....	256
Expense and Equipment.....	<u>1,197</u>
From Department of Social Services Federal Fund (0610).....	148,302

Personal Service	
From Child Support Enforcement Fund (0169).....	<u>30,773</u>
Total (Not to exceed 3.25 F.T.E.).....	\$316,926

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).....	\$4,443,552
From Family Services Donations Fund (0167).....	<u>33,999</u>
Total.....	\$4,477,551

SECTION 11.015.— To the Department of Social Services

For the Office of the Director

For the Human Resources Center

Personal Service.....	\$266,353
Expense and Equipment.....	<u>11,036</u>
From General Revenue Fund (0101).....	277,389

Personal Service.....	201,836
Expense and Equipment.....	<u>29,749</u>

From Department of Social Services Federal Fund (0610)	231,585
Total (Not to exceed 11.52 F.T.E.)	<u>\$508,974</u>

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.	\$1,190,957
Expense and Equipment.	<u>185,578</u>
From General Revenue Fund (0101)	1,376,535

Personal Service.	1,614,302
Expense and Equipment.	<u>860,039</u>
From Department of Social Services Federal Fund (0610)	<u>2,474,341</u>

Expense and Equipment	
From Recovery Audit and Compliance Fund (0974)	82,087

Expense and Equipment	
From Medicaid Provider Enrollment Fund (0990)	<u>51,500</u>
Total (Not to exceed 73.05 F.T.E.)	<u>\$3,984,463</u>

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)	<u>2,969,576</u>
Total	<u>\$3,612,249</u>

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.	\$1,757,913
Expense and Equipment.	<u>375,468</u>
From General Revenue Fund (0101)	2,133,381

Personal Service.	1,070,292
Expense and Equipment.	<u>170,113</u>
From Department of Social Services Federal Fund (0610)	<u>1,240,405</u>

Personal Service.	4,149
Expense and Equipment.	<u>317</u>
From Department of Social Services Administrative Trust Fund (0545)	<u>4,466</u>

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	
From Department of Social Services Administrative Trust Fund (0545)	<u>1,200,000</u>
Total (Not to exceed 72.00 F.T.E.)	<u>\$4,627,099</u>
 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	
From Department of Social Services Federal Fund (0610)	\$3,250,000
 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)	<u>2,650,000</u>
Total	<u>\$15,099,000</u>
 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	\$1,589,611
Expense and Equipment	<u>31,577</u>
From General Revenue Fund (0101)	1,621,188
Personal Service	3,134,046
Expense and Equipment	<u>390,834</u>
From Department of Social Services Federal Fund (0610)	3,524,880
Personal Service	583,414
Expense and Equipment	<u>90,076</u>
From Third Party Liability Collections Fund (0120)	673,490
Personal Service	
From Child Support Enforcement Fund (0169)	<u>167,287</u>
Total (Not to exceed 124.97 F.T.E.)	<u>\$5,986,845</u>

SECTION 11.065.— To the Department of Social Services

For the Family Support Division

Personal Service.	\$1,387,419
Expense and Equipment.	8,407
From General Revenue Fund (0101)	<u>1,395,826</u>

Personal Service.	647,812
Expense and Equipment.	1,906,084
From Temporary Assistance for Needy Families Federal Fund (0199)	<u>2,553,896</u>

Personal Service.	4,709,051
Expense and Equipment.	8,974,775
From Department of Social Services Federal Fund (0610)	<u>13,683,826</u>

Personal Service	
From Child Support Enforcement Fund (0169).	564,663
Total (Not to exceed 168.46 F.T.E.)	<u>\$18,198,211</u>

SECTION 11.070.— To the Department of Social Services

For the Family Support Division

For the income maintenance field staff and operations

Personal Service.	\$14,843,763
Expense and Equipment.	3,207,874
From General Revenue Fund (0101)	<u>18,051,637</u>

Personal Service.	20,002,064
Expense and Equipment.	2,654,182
From Temporary Assistance for Needy Families Federal Fund (0199)	<u>22,656,246</u>

Personal Service.	32,736,970
Expense and Equipment.	8,050,631
From Department of Social Services Federal Fund (0610)	<u>40,787,601</u>

Personal Service.	812,688
Expense and Equipment.	27,917
From Health Initiatives Fund (0275).	<u>840,605</u>
Total (Not to exceed 2,052.73 F.T.E.)	<u>\$82,336,089</u>

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).	<u>133,974</u>
Total.	<u>\$247,667</u>

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)	<u>146,888</u>

From Department of Social Services Federal Fund (0610).....	1,399,859
Total.....	<u>\$3,473,369</u>

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
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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.....	<u>\$1,797,824</u>

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, 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

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).....	97,500
From Department of Social Services Federal Fund (0610).....	97,500
Total.....	<u>\$72,221,617</u>

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 11.115 and 11.190

For grants and contracts to Community Partnerships and other community initiatives and related expenses

From General Revenue Fund (0101) \$632,328
 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 purpose of funding a program for adolescents with the goal of
 preventing teen pregnancies
 From Temporary Assistance for Needy Families Federal Fund (0199) 800,000
 Total \$10,479,827

SECTION 11.105.— To the Department of Social Services
 For the Family Support Division
 For the purpose of funding the Food Nutrition and Employment Training
 Programs
 From Department of Social Services Federal Fund (0610) \$12,981,261

SECTION 11.110.— To the Department of Social Services
 For the Family Support Division
 For the purpose of funding the Healthcare Industry Training and
 Education (HITE) Program, under the provisions of the Health
 Profession Opportunity Grant (HPOG)
 From Department of Social Services Federal Fund (0610) \$3,000,000

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 and 11.190
 For the purpose of funding Temporary Assistance for Needy Families
 (TANF) benefits; Temporary Assistance (TA) Diversion
 transitional benefits and payments to qualified agencies for TANF
 or TANF Maintenance of Effort activities, 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) 58,257,541

For the purpose of funding work assistance programs
 From General Revenue Fund (0101) 1,855,554
 From Temporary Assistance for Needy Families Federal Fund (0199) 28,394,658

For support to Food Banks' effort to provide services and food to
 low-income individuals. 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. 3,500,000

For the purpose of funding tutoring programs 500,000

For the Summer Jobs program. 8,500,000

For the purpose of funding the State Parks Youth Corps (SPYC) Jobs program	1,500,000
For the purpose of funding the Foster Care Jobs program	1,000,000
For Jobs for America's Graduates	750,000
From Temporary Assistance for Needy Families Federal Fund (0199)	25,750,000
For the purpose of funding an evidence-based program through a school-based early warning and response system that improves student attendance, behavior and course performance in reading and math by identifying the root causes for student absenteeism, classroom disruption and course failure	
From Temporary Assistance for Needy Families Federal Fund (0199)	500,000
Total	\$122,614,553

SECTION 11.120.— To the Department of Social Services

For the Family Support Division	
For the purpose of funding a healthy marriage and fatherhood initiative	
From Temporary Assistance for Needy Families Federal Fund (0199)	\$1,500,000

SECTION 11.125.— To the Department of Social Services

For the Family Support Division	
For the purpose of funding supplemental payments to aged or disabled persons	
From General Revenue Fund (0101)	\$33,525

SECTION 11.130.— To the Department of Social Services

For the Family Support Division	
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)	\$25,620,885

SECTION 11.135.— 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)	\$3,233,950
From Blind Pension Fund (0621)	34,750,906
Total	\$37,984,856

SECTION 11.140.— 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 11.145.— 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 11.150.— 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 11.155.— 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 11.160.— 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 11.165.— To the Department of Social Services
Funds are to be 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 11.170.— To the Department of Social Services
For the Family Support Division
For the Utilicare Program
From Utilicare Stabilization Fund (0134). \$4,000,000

SECTION 11.175.— 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 11.180.— 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 11.185.— To the Department of Social Services
 For the Family Support Division
 For the purpose of funding administration of blind services

Personal Service.....	\$793,319
Expense and Equipment.....	132,737
From General Revenue Fund (0101).....	<u>926,056</u>

Personal Service.....	3,069,328
Expense and Equipment.....	743,274
From Department of Social Services Federal Fund (0610).....	<u>3,812,602</u>
Total (Not to exceed 103.69 F.T.E.).....	\$4,738,658

SECTION 11.190.— 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 and 11.115
 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).....	<u>349,000</u>
Total.....	\$8,304,901

SECTION 11.195.— To the Department of Social Services
 For the Family Support Division
 For the purpose of supporting business enterprise programs for the blind,
 provided that a federal military vending facility operated in
 accordance with Sections 8.700 - 8.745, RSMo and that regularly
 employs at least five hundred individuals shall incorporate at least
 three blind vendors and shall evenly split all resulting compensation

From Department of Social Services Federal Fund (0610).....	\$35,000,000
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SECTION 11.200.— 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 no more than ten percent (10%)
 flexibility is allowed between personal service and expense and
 equipment within this section to allow staff or contractual services
 to complete child support interstate collection activities

Personal Service.....	\$3,141,391
Expense and Equipment.....	3,593,790
From General Revenue Fund (0101).....	<u>6,735,181</u>

Personal Service.....	17,065,694
Expense and Equipment.....	5,709,213
From Department of Social Services Federal Fund (0610).....	<u>22,774,907</u>

Personal Service.....	2,277,999
Expense and Equipment.....	764,573
From Child Support Enforcement Fund (0169).....	<u>3,042,572</u>

For Child Support Mediation

Expense and Equipment
From Child Support Enforcement Fund (0169) 615,000

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) 130,350
From Department of Social Services Federal Fund (0610) 264,650
Total (Not to exceed 691.24 F.T.E.) \$33,562,660

SECTION 11.205.— 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 services

From General Revenue Fund (0101) \$2,240,491
From Department of Social Services Federal Fund (0610) 14,886,582
From Child Support Enforcement Fund (0169) 400,212
Total \$17,527,285

SECTION 11.210.— 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,
refunds of bonds, refunds of support payments or overpayments,
and distributions to families

From Department of Social Services Federal Fund (0610) \$56,500,000
From Debt Offset Escrow Fund (0753) 9,000,000
Total \$65,500,000

SECTION 11.215.— 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 11.220.— To the Department of Social Services

For the Children's Division

Personal Service \$741,198
Expense and Equipment 80,236
From General Revenue Fund (0101) 821,434

Personal Service 3,267,224
Expense and Equipment 2,661,367
From Department of Social Services Federal Fund (0610) 5,928,591

Personal Service 46,745

Expense and Equipment	11,548
From Early Childhood Development, Education and Care Fund (0859)	58,293

Expense and Equipment	
From Third Party Liability Collections Fund (0120)	50,000
Total (Not to exceed 89.50 F.T.E.)	\$6,858,318

SECTION 11.225.— To the Department of Social Services

For the Children's Division

For the Children's Division field staff and operations

Personal Service	\$32,453,990
Expense and Equipment	2,248,361
From General Revenue Fund (0101)	34,702,351

Personal Service	45,837,355
Expense and Equipment	4,378,301
From Department of Social Services Federal Fund (0610)	50,215,656

Personal Service	72,530
Expense and Equipment	27,846
From Health Initiatives Fund (0275)	100,376

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 1,969.38 F.T.E.)	\$86,384,302

SECTION 11.230.— 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 11.235.— 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, preventive services, child care, family reunification services, or intensive in-home services

From General Revenue Fund (0101)	\$12,800,518
From Temporary Assistance for Needy Families Federal Fund (0199)	2,573,418
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	\$24,512,111

SECTION 11.240.— 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 Temporary Assistance for Needy Families Federal Fund (0199) \$1,290,000

For the purpose of funding certificates to low-income, at-home families
pursuant to Chapter 313, RSMoFrom General Revenue Fund (0101) 3,074,500Total \$4,364,500**SECTION 11.245.**— 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) \$84,144,917

From Department of Social Services Federal Fund (0610) 49,944,058

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 (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 programsFrom Foster Care and Adoptive Parents Recruitment and Retention Fund (0979) 5,000Total \$135,960,360**SECTION 11.250.**— 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) 172,920Total \$576,399**SECTION 11.255.**— 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 Temporary Assistance for Needy Families Federal Fund (0199) 450,000

From Department of Social Services Federal Fund (0610) 1,050,000Total \$1,688,848

SECTION 11.260.— To the Department of Social Services
For the Children's Division
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)	\$22,081,870
From Department of Social Services Federal Fund (0610)	<u>17,637,433</u>
Total	<u>\$39,719,303</u>

SECTION 11.265.— To the Department of Social Services
For the Children's Division
For the purpose of funding Adoption and Guardianship subsidy payments and related services

From General Revenue Fund (0101)	\$61,313,011
From Department of Social Services Federal Fund (0610)	<u>23,145,967</u>
Total	<u>\$84,458,978</u>

SECTION 11.270.— To the Department of Social Services
For the Children's Division
For the purpose of funding Adoption Resource Centers

From General Revenue Fund (0101)	\$60,000
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 General Revenue Fund (0101)	60,000
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

From General Revenue Fund (0101)	400,000
From Department of Social Services Federal Fund (0610)	900,000

For the purpose of funding the community connections for youth program for an adoption resource center located in southwest Missouri and one center located in western Missouri to provide advocacy support services for youth between the ages of sixteen and twenty-six to: prevent foster care youth from becoming missing, locate missing foster care youth, prevent sex trafficking of foster care youth, and assist youth who have aged out of the foster care system

From Department of Social Services Federal Fund (0610)	<u>600,000</u>
Total	<u>\$2,620,000</u>

SECTION 11.275.— 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	<u>\$5,918,787</u>

SECTION 11.280.— 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	<u>\$2,950,523</u>

SECTION 11.285.— 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
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SECTION 11.290.— 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
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SECTION 11.295.— 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
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SECTION 11.300.— 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)	\$16,500,000
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SECTION 11.305.— 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, 2016, 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 to 165
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, and further provided that all funds available for disproportionate share rate increases shall go only to licensed or religiously exempt in compliance providers who are accredited or making progress toward accreditation

From General Revenue Fund (0101)	\$36,782,158
From Department of Social Services Federal Fund (0610)	103,059,215
From Temporary Assistance for Needy Families Fund (0199)	37,657,515
From Early Childhood Development, Education and Care Fund (0859)	7,574,500

Personal Service

From General Revenue Fund (0101)	14,739
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Personal Service

From Department of Social Services Federal Fund (0610)	525,761
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For the purpose of funding early childhood development, education, and care programs for low-income families pursuant to Chapter 313, RSMo

From General Revenue Fund (0101)	3,500,000
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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.)	<u>\$189,213,888</u>

SECTION 11.310.— To the Department of Social Services

For the Division of Youth Services

For the purpose of funding Central Office and regional offices

Personal Service	\$1,213,819
Expense and Equipment	<u>80,694</u>
From General Revenue Fund (0101)	1,294,513

Personal Service	510,202
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Expense and Equipment	<u>100,340</u>
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From Department of Social Services Federal Fund (0610)	610,542
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Expense and Equipment

From Youth Services Treatment Fund (0843)	999
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Total (Not to exceed 41.33 F.T.E.)	<u>\$1,906,054</u>
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SECTION 11.315.— To the Department of Social Services

For the Division of Youth Services

For the purpose of funding treatment services, including foster care and contractual payments

Personal Service	\$16,397,242
Expense and Equipment	<u>869,032</u>
From General Revenue Fund (0101)	17,266,274

Personal Service	23,551,221
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Expense and Equipment	<u>6,496,018</u>
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From Department of Social Services Federal Fund (0610)	30,047,239
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Personal Service.	3,238,539
Expense and Equipment.	<u>4,162,802</u>
From DOSS Educational Improvement Fund (0620).	7,401,341

Personal Service.	136,085
Expense and Equipment.	<u>9,106</u>
From Health Initiatives Fund (0275).	145,191

Expense and Equipment From Youth Services Products Fund (0764)	5,000
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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)	890,764
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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).	<u>200,000</u>
Total (Not to exceed 1,213.88 F.T.E.).	\$55,955,809

SECTION 11.320.— 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).	<u>500,000</u>
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.	\$2,673,274
Expense and Equipment.	<u>693,766</u>
From General Revenue Fund (0101)	3,367,040

Personal Service.	5,503,213
Expense and Equipment.	<u>3,334,371</u>
From Department of Social Services Federal Fund (0610)	8,837,584

Personal Service.	97,661
Expense and Equipment.	<u>7,708</u>
From Federal Reimbursement Allowance Fund (0142)	105,369

Personal Service.	26,602
Expense and Equipment.	<u>356</u>
From Pharmacy Reimbursement Allowance Fund (0144).	26,958

Personal Service.	430,332
Expense and Equipment.	<u>41,385</u>

From Health Initiatives Fund (0275)	471,717
Personal Service	86,032
Expense and Equipment	<u>10,281</u>
From Nursing Facility Quality of Care Fund (0271)	96,313
Personal Service	398,428
Expense and Equipment	<u>488,041</u>
From Third Party Liability Collections Fund (0120)	886,469
Personal Service	775,206
Expense and Equipment	<u>55,553</u>
From Missouri Rx Plan Fund (0779)	830,759
Personal Service	18,379
Expense and Equipment	<u>3,466</u>
From Ambulance Service Reimbursement Allowance Fund (0958)	21,845
Total (Not to exceed 234.11 F.T.E.)	<u>\$14,644,054</u>

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)	<u>1,560,595</u>
Total	<u>\$15,161,455</u>

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 ten percent (10%) flexibility is allowed between this subsection and sections 11.410, 11.435, 11.455, 11.460, 11.465, 11.470, 11.485, 11.490, 11.505, 11.510, 11.555, and 11.600 Expense and Equipment

From General Revenue Fund (0101)	\$529,796
From Department of Social Services Federal Fund (0610)	<u>568,625</u>
Total	<u>\$1,098,421</u>

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)	<u>3,000,000</u>
Total	<u>\$6,000,000</u>

***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, 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 as a state designated health information exchange that has received over ten million dollars in federal funds, and further provided that a vendor remote-hosted solution shall be utilized for any enterprise data warehouse solution, and further provided the department shall make a good faith effort to locate the data and call centers in the state

From General Revenue Fund (0101)	\$11,386,283
From Department of Social Services Federal Fund (0610)	55,866,963
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 as a state designated health information exchange that has received over ten million dollars in federal funds, and further provided that a vendor remote-hosted solution shall be utilized for any enterprise data warehouse solution, 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
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For the purpose of funding any connections between the department and the Missouri Health Connection, and to provide funding for the connections of long-term care and behavioral health centers to statewide health information exchanges for access to Medicaid data streams, provided no funding may be used for health information exchange services that does not include direct connections, for the purpose of bi-directional health information exchange of Medicaid clinical and claims data, to all health information organizations providing services to Tier One Safety Net Hospitals in Missouri. No entity receiving the data shall charge the department for receipt of and distribution of the data, nor shall the department pay any entity for receiving the data

From General Revenue Fund (0101)	250,000
From Department of Social Services Federal Fund (0610)	250,000
Total	<u>\$81,808,320</u>

*I hereby veto \$500,000, including \$250,000 general revenue, for funding connections between the Department of Social Services and the Missouri Health Connection. The language added

places conditions on health information exchange services that would unfairly exempt select providers from the requirement to pay for such services as called for under existing contracts.

For the purpose of funding any connections between the department and the Missouri Health Connection.

From \$250,000 to \$0 General Revenue Fund.

From \$250,000 to \$0 Department of Social Services Federal Fund.

From \$81,808,320 to \$81,308,320 in total for the section

JEREMIAH W. (JAY) NIXON, GOVERNOR

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) \$40,000,000

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 and program

expenses under MO HealthNet and the Missouri Rx Plan authorized by Sections 208.780 through 208.798, RSMo. and for Medicare Part D Clawback payments and for administration of these programs. The line item appropriations within this section may be used for any other purpose for which line item funding is appropriated within this section, and an amount not to exceed 0.25% of the total Medicaid service delivery dollars appropriated in this section shall be spent toward data analysis services to find efficiencies and fraud detection related to appropriations in this section

For the purpose of funding pharmaceutical payments under the MO HealthNet fee-for-service program 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 ten percent (10%) flexibility is allowed between this subsection and sections 11.410, 11.435, 11.455, 11.460, 11.465, 11.470, 11.485, 11.490, 11.505, 11.510, 11.555, and 11.600,

From General Revenue Fund (0101)	\$120,721,992
From Title XIX - Federal (0163)	1,004,528,298
From Pharmacy Rebates Fund (0114)	234,126,451
From Third Party Liability Collections Fund (0120)	4,217,574
From Pharmacy Reimbursement Allowance Fund (0144)	61,745,023
From Health Initiatives Fund (0275)	3,543,350
From Premium Fund (0885)	3,800,000
From Life Sciences Research Trust Fund (0763)	10,556,250

For the purpose of funding Medicare Part D Clawback payments and for funding MO HealthNet pharmacy payments as authorized by the provisions of this section, provided that not more than ten percent (10%) flexibility is allowed between this subsection and sections 11.410, 11.435, 11.455, 11.460, 11.465, 11.470, 11.485, 11.490, 11.505, 11.510, 11.555, and 11.600

From General Revenue Fund (0101)	198,071,188
From Title XIX - Federal (0163).	12,947,791

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 ten percent (10%) flexibility is allowed between this subsection and sections 11.410, 11.435, 11.455, 11.460, 11.465, 11.470, 11.485, 11.490, 11.505, 11.510, 11.555, and 11.600

From General Revenue Fund (0101)	18,602,844
From Title XIX - Federal (0163).	728,077
From Missouri Rx Plan Fund (0779).	4,655,326
Total	<u>\$1,678,244,164</u>

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
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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
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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
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SECTION 11.455.— 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, asthma related 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, and for piloting the development of health homes for children in foster care, and including, but not limited to, Medicare parity payments for primary care physicians relating to maternal-fetal medicine, neonatology and pediatric

cardiology, provided that up to an additional \$254,518 may be used for substance abuse treatment services, by a non-profit Comprehensive Substance Abuse Treatment and Rehabilitation (CSTAR) residential facility located in a city not within a county, in conjunction with the Department of Mental Health, provided to pregnant women whose child will be eligible for MO HealthNet services, and who are at risk of substance abuse, including opioid addiction, and further provided that not more than ten percent (10%) flexibility is allowed between this subsection and sections 11.410, 11.435, 11.455, 11.460, 11.465, 11.470, 11.485, 11.490, 11.505, 11.510, 11.555, and 11.600, and further provided that an amount not to exceed 0.25% of the total Medicaid service delivery dollars appropriated in this section shall be spent toward data analysis services to find efficiencies and fraud detection related to appropriations in this section

From General Revenue Fund (0101).....	\$137,342,933
From Title XIX - Federal (0163).....	274,647,956
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.....	<u>\$425,253,847</u>

SECTION 11.460.— To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding dental services under the MO HealthNet fee-for-service program, including adult dental procedure codes (Tier 1-6), provided that not more than ten percent (10%) flexibility is allowed between this subsection and sections 11.410, 11.435, 11.455, 11.460, 11.465, 11.470, 11.485, 11.490, 11.505, 11.510, 11.555, and 11.600

From General Revenue Fund (0101).....	\$4,346,912
From Title XIX - Federal (0163).....	9,505,328
From Health Initiatives Fund (0275).....	71,162
From Healthy Families Trust Fund (0625).....	848,773
Total.....	<u>\$14,772,175</u>

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 ten percent (10%) flexibility is allowed between this subsection and sections 11.410, 11.435, 11.455, 11.460, 11.465, 11.470, 11.485, 11.490, 11.505, 11.510, 11.555, and 11.600

From General Revenue Fund (0101).....	\$78,237,045
From Title XIX - Federal (0163).....	163,208,186
Total.....	<u>\$241,445,231</u>

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 one and one-half percent (1.5%) provider rate increase beginning on July 1, 2016 for care in nursing facilities or

other long-term care services under the MO HealthNet fee-for-service program	
From General Revenue Fund (0101)	\$6,944,934
From Title XIX - Federal (0163)	11,941,539

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 ten percent (10%) flexibility is allowed between this subsection and sections 11.410, 11.435, 11.455, 11.460, 11.465, 11.470, 11.485, 11.490, 11.505, 11.510, 11.555, and 11.600	
From General Revenue Fund (0101)	152,890,618
From Title XIX - Federal (0163)	391,168,231
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 ten percent (10%) flexibility is allowed between this subsection and sections 11.410, 11.435, 11.455, 11.460, 11.465, 11.470, 11.485, 11.490, 11.505, 11.510, 11.555, and 11.600	
From General Revenue Fund (0101)	2,552,515
From Title XIX - Federal (0163)	4,634,502
From Health Initiatives Fund (0275)	159,305
Total	\$644,953,832

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	
From Title XIX - Federal (0163)	\$6,291,672
From Long Term Support UPL Fund (0724)	4,659,096
Total	\$10,950,768

SECTION 11.485.— To the Department of Social Services

For the MO HealthNet Division	
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 additional funding shall be used to increase ground ambulance base rates for basic life support and advanced life support, payment of ground ambulance mileage during patient transportation from mile zero to the 5th mile, and annual patient safety and quality services for ambulance service through the Missouri Center for Patient Safety, and further provided that not more than ten percent (10%) flexibility is allowed between this subsection and sections 11.410, 11.435, 11.455, 11.460, 11.465, 11.470, 11.485, 11.490, 11.505, 11.510, 11.555, and 11.600

From General Revenue Fund (0101)	\$79,680,604
From Title XIX - Federal (0163)..	154,077,917
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)	22,808,960

For the purpose of adopting a new CPT code for, and making payment under said code to, paramedics who provide treatment to a MO HealthNet patient who would otherwise be transported to an emergency department via ambulance service; services may include on-site treatment for the patient or some other service rendered to effect treatment of the patient's issue for which the call for service was made; the amount of reimbursement shall be set by the department and shall be less than reimbursement which would otherwise be provided if the emergency personnel had transported the patient to an emergency department; the department shall request any state plan amendment necessary to implement the new code

From General Revenue Fund (0101)	600,000
From Title XIX - Federal (0163)..	1,031,676

For the purpose of funding non-emergency medical transportation, provided that not more than ten percent (10%) flexibility is allowed between this subsection and sections 11.410, 11.435, 11.455, 11.460, 11.465, 11.470, 11.485, 11.490, 11.505, 11.510, 11.555, and 11.600

From General Revenue Fund (0101)	15,626,583
From Title XIX - Federal (0163)..	24,517,814

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
Total.	<u>\$307,244,323</u>

SECTION 11.490. — To the Department of Social Services

For the MO HealthNet Division

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, and further provided that not more than ten percent (10%) flexibility is allowed between this subsection and sections 11.410, 11.435, 11.455, 11.460, 11.465, 11.470, 11.485, 11.490, 11.505, 11.510, 11.555, and 11.600

From General Revenue Fund (0101).	\$4,178,400
From Title XIX - Federal (0163).	7,488,569
Total.	<u>\$11,666,969</u>

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).	\$19,522,756
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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).	\$19,522,756
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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, 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 July 1, 2017, provided that not more than ten percent (10%) flexibility is allowed between this subsection and sections 11.410, 11.435, 11.455, 11.460, 11.465, 11.470, 11.485, 11.490, 11.505, 11.510, 11.555, and 11.600, and further provided that the MO HealthNet Division shall monitor and prepare periodic reports on the fiscal implications of such an expansion of prepaid capitated coverage to all enrollees as provided by this section

From General Revenue Fund (0101).....	\$467,559,953
From Title XIX - Federal (0163).....	1,235,543,176
From Uncompensated Care Fund (0108).....	33,848,436
From Pharmacy Rebates Fund (0114).....	581,199
From Pharmacy Reimbursement Allowance Fund (0144).....	907,611
From Health Initiatives Fund (0275).....	18,314,722
From Federal Reimbursement Allowance Fund (0142).....	97,394,117
From Healthy Families Trust Fund (0625).....	4,094,848
From Life Sciences Research Trust Fund (0763).....	21,443,750
From Premium Fund (0885).....	7,080,502
From Ambulance Service Reimbursement Allowance Fund (0958).....	1,453,111
From Medicaid Managed Care Organization Reimbursement Allowance Fund (0160).....	5,000
Total.....	<u>\$1,888,226,425</u>

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, provided that the MO HealthNet Division shall track payments to out-of-state hospitals by location, and further provided that up to an additional \$254,518 may be used for substance abuse treatment services, by a non-profit Comprehensive Substance Abuse Treatment and Rehabilitation (CSTAR) residential facility located in a city not within a county, in conjunction with the Department of Mental Health, provided to pregnant women whose child will be eligible for MO HealthNet services, and who are at risk of substance abuse, including opioid addiction, and further provided that not more than ten percent (10%) flexibility is allowed between this subsection and sections 11.410, 11.435, 11.455, 11.460, 11.465, 11.470, 11.485, 11.490, 11.505, 11.510, 11.555, and 11.600

From General Revenue Fund (0101).....	\$35,423,431
From Title XIX - Federal (0163).....	350,286,343
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
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For Graduate Medical Education

From Healthy Families Trust Fund (0625).....	10,000,000
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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

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

From General Revenue Fund (0101)	150,000
From Title XIX - Federal (0163).	365,000
From Federal Reimbursement Allowance Fund (0142).	215,000
Total.	<u>\$605,406,682</u>

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
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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).	\$5,183,830
From Title XIX - Federal (0163).	7,759,115

For the purpose of funding a community health worker initiative that focuses on providing casework services to high utilizers of MO HealthNet services

From General Revenue Fund (0101)	1,000,000
From Title XIX - Federal (0163).	1,000,000
Total.	<u>\$14,942,945</u>

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).	4,900,000
Total.	<u>\$7,353,934</u>

SECTION 11.527.— 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 Department of Social Services Federal Fund (0610).....	1,800,000
Total.....	<u>\$2,000,000</u>

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).....	\$1,125,818,734E

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).....	\$38,348,801
From Title XIX - Federal (0163).....	61,505,748
Total.....	<u>\$99,854,549</u>

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).....	\$128,526,012
From Title XIX - Federal (0163).....	221,900,719
Total.....	<u>\$350,426,731</u>

SECTION 11.550.— To the Department of Social Services

For the MO HealthNet Division	
For the purpose of funding family planning and family planning-related services, pregnancy testing, sexually transmitted disease testing and treatment, including pap tests and pelvic exams, and follow-up services provided that none of the funds appropriated herein may be expended to directly or indirectly subsidize abortion services or procedures or administrative functions and none of the funds	

appropriated herein may be paid or granted to an organization that provides abortion services. An otherwise qualified organization shall not be disqualified from receipt of these funds because of its affiliation with an organization that provides abortion services, provided that the affiliated organization that provides abortion services is independent of the qualified organization. An independent affiliate that provides abortion services must be separately incorporated from any organization that receives these funds. Such services shall be available to uninsured women who are at least 18 to 55 years of age with a family Modified Adjusted Gross Income for the household size that does not exceed 201% of the Federal Poverty Level (FPL) and who is a legal resident of the state

From General Revenue Fund (0101). \$10,790,923

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 or equal to 150 percent of the federal poverty level; four percent on the amount of a family's income which is less than or equal to 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 or equal to 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 or equal to 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, and further provided that not more than ten percent (10%) flexibility is allowed between this subsection and sections 11.410, 11.435, 11.455, 11.460, 11.465, 11.470, 11.485, 11.490, 11.505, 11.510, 11.555, and 11.600

From General Revenue Fund (0101). \$14,504,145
From Title XIX - Federal (0163). 70,529,429
From Federal Reimbursement Allowance Fund (0142). 7,719,204
Total. \$92,752,778

SECTION 11.560.— 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). \$3,481,466
From Title XIX - Federal (0163). 10,096,324
From Department of Social Services Federal Fund (0610). 20,000
Total. \$13,597,790

SECTION 11.565. — 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 11.570. — 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 11.575. — 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 11.580. — 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 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 11.585. — 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 11.590. — 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 11.595. — 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).....	34,653,770
Total.....	\$34,896,295
SECTION 11.600. — 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 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 or equal to 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 or equal to 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 or equal to 225 percent of the federal poverty level not to exceed five percent of total income; families with an annual income equal to or greater than than 300 percent of the federal poverty level are ineligible for this program, and further provided that not more than ten percent (10%) flexibility is allowed between this subsection and sections 11.410, 11.435, 11.455, 11.460, 11.465, 11.470, 11.485, 11.490, 11.505, 11.510, 11.555, and 11.600

From General Revenue Fund (0101).	\$25,668,198
From Title XIX - Federal (0163).	<u>1,004,600</u>
Total.	\$26,672,798

Bill Totals

General Revenue Fund.	\$1,788,767,619
Federal Funds.	4,895,844,396
Other Funds.	<u>2,540,798,187</u>
Total.	\$9,225,410,202

Approved May 6, 2016

HB 2012 [CCS SCS HCS HB 2012]

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, 2016 and ending June 30, 2017.

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, 2016 and ending June 30, 2017 as follows:

SECTION 12.005.— To the Governor

Personal Service and/or Expense and Equipment.	\$2,151,258
Personal Service and/or Expense and Equipment for the Mansion.	99,199
From General Revenue Fund (0101) (Not to exceed 25.00 F.T.E.)	<u>2,250,457</u>

For the Governor's Security Detail

Personal Service and/or Expense and Equipment	
From General Revenue Fund (0101) (Not to exceed 14.00 F.T.E.)	1,820,801

For the Ferguson Commission

From Department of Social Services Federal Fund (0610)	500,000
From Department of Economic Development - Community	
Development Fund (0123).	<u>275,000</u>
Total (Not to exceed 39.00 F.T.E.)	<u>\$4,846,258</u>

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
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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.)	\$463,425

SECTION 12.035.— To the Secretary of State

Personal Service and/or Expense and Equipment	
From General Revenue Fund (0101)	\$8,978,738
From Election Administration Improvements Fund (0157).	278,713
From Secretary of State - Federal Fund (0195).	481,640
From Secretary of State's Technology Trust Fund Account (0266)	2,787,197
From Local Records Preservation Fund (0577).	1,350,008
From Wolfner Library Trust Fund (0928)	30,000
From Investor Education and Protection Fund (0829)	<u>1,743,206</u>
Total (Not to exceed 269.30 F.T.E.)	<u>\$15,649,502</u>

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 Investor 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). \$2,600,000

SECTION 12.060.— To the Secretary of State
 For election costs associated with absentee ballots
 From General Revenue Fund (0101). \$190,000

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). \$4,284,000

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). \$400,000

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). \$2,723,776

SECTION 12.105.— To the Secretary of State

For the Remote Electronic Access for Libraries Program

From General Revenue Fund (0101). \$2,750,000

SECTION 12.110.— 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 12.115.— To the Secretary of State

For library networking grants and other grants and donations

From Library Networking Fund (0822). \$1,110,000

SECTION 12.120.— 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). \$1,010,000

SECTION 12.145.— To the State Auditor

Personal Service and/or Expense and Equipment

From General Revenue Fund (0101). \$6,681,338

From State Auditor - Federal Fund (0115). 918,993

From Conservation Commission Fund (0609). 48,354

From Parks Sales Tax Fund (0613). 22,847

From Soil and Water Sales Tax Fund (0614). 22,038

From Petition Audit Revolving Trust Fund (0648). 893,463

Total (Not to exceed 168.77 F.T.E.). \$8,587,033

SECTION 12.150.— To the State Treasurer

Personal Service and/or Expense and Equipment

From State Treasurer's General Operations Fund (0164). \$1,920,542

From Central Check Mailing Service Revolving Fund (0515). 237,382

For Unclaimed Property Division administrative costs including personal service, expense and equipment for auctions, advertising, and promotions

From Abandoned Fund Account (0863) 2,171,264

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.) \$4,337,188

SECTION 12.151.— To the State Treasurer

For debt service and maintenance on the Edward Jones Dome project in
St. Louis, provided that no funds are expended for payment of any
debt service for which the debt service schedule extends beyond 2022

From General Revenue Fund (0101) \$12,000,000

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	
From General Revenue Fund (0101)	\$13,585,784
From Attorney General - Federal Fund (0136)	2,670,045
From Gaming Commission Fund (0286)	145,387
From Natural Resources Protection Fund-Water Pollution Permit Fee	
Subaccount (0568)	43,579
From Solid Waste Management Fund (0570)	44,079
From Petroleum Storage Tank Insurance Fund (0585)	81,212
From Motor Vehicle Commission Fund (0588)	51,552
From Health Spa Regulatory Fund (0589)	5,000
From Natural Resources Protection Fund-Air Pollution Permit Fee	
Subaccount (0594)	43,547
From Attorney General's Court Costs Fund (0603)	187,000
From Soil and Water Sales Tax Fund (0614)	15,215
From Merchandising Practices Revolving Fund (0631)	3,886,429
From Workers' Compensation Fund (0652)	483,740
From Workers' Compensation - Second Injury Fund (0653)	3,141,427
From Lottery Enterprise Fund (0657)	58,085
From Antitrust Revolving Fund (0666)	646,626
From Hazardous Waste Fund (0676)	313,984
From Safe Drinking Water Fund (0679)	15,245
From Inmate Incarceration Reimbursement Act Revolving Fund (0828)	143,802
From Mined Land Reclamation Fund (0906)	15,210
Total (Not to exceed 403.05 F.T.E.)	<u>\$25,576,948</u>

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
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SECTION 12.205.— To the Attorney General
For a Medicaid fraud unit

Personal Service and/or Expense and Equipment	
From General Revenue Fund (0101)	\$725,849
From Attorney General - Federal Fund (0136)	2,082,390
Total (Not to exceed 28.00 F.T.E.)	<u>\$2,808,239</u>

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)	\$110,620
From Attorney General - Federal Fund (0136)	1,075,089
From Missouri Office of Prosecution Services Fund (0680)	2,039,554
From Missouri Office of Prosecution Services Revolving Fund (0844)	150,000
Total (Not to exceed 10.00 F.T.E.)	<u>\$3,375,263</u>

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
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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. \$5,262,022

Annual salary adjustment in accordance with Section 476.405, RSMo. 23,436

From General Revenue Fund (0101) 5,285,458

From Judiciary - Federal Fund (0137) 510,189

From Supreme Court Publications Revolving Fund (0525). 150,000

Total (Not to exceed 83.00 F.T.E.) \$5,945,647

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). \$11,604,801

From Judiciary - Federal Fund (0137) 8,254,065

From Basic Civil Legal Services Fund (0757). 5,098,498

From State Court Administration Revolving Fund (0831)	60,000
From Statewide Court Automation Fund (0270)	5,250,489
From Judiciary Education and Training Fund (0847)	1,437,142
From Crime Victims' Compensation Fund (0681)	887,200
Total (Not to exceed 229.25 F.T.E.)	<u>\$32,592,195</u>

SECTION 12.306.— To the Supreme Court

For production and distribution of a report measuring and assessing judicial performance in the appellate and circuit courts of the state, including a judicial weighted workload model and a clerical weighted workload model pursuant to Section 477.405, RSMo	
From General Revenue Fund (0101)	\$100,000

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)	\$1,387,567

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.	\$12,019,721
Annual salary adjustment in accordance with Section 476.405, RSMo.	<u>98,112</u>
From General Revenue Fund (0101) (Not to exceed 159.35 F.T.E.)	<u>\$12,117,833</u>

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.	\$148,051,753
Annual salary adjustment in accordance with Section 476.405, RSMo.	<u>1,319,812</u>
From General Revenue Fund (0101)	<u>149,371,565</u>

From Judiciary - Federal Fund (0137)	5,608,263
From Third Party Liability Collections Fund (0120)	397,256
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)	<u>2,524,249</u>

For Implementation of SB 585 (2016)

Personal Service and/or Expense and Equipment
From General Revenue Fund (0101). 327,413

For a Treatment Court Administrator for the 5th Judicial Circuit
Personal Service and/or Expense and Equipment
From General Revenue Fund (0101) 56,864

For a new Circuit Court Judge and related staff for the 26th
Judicial Circuit, contingent upon passage of authorizing legislation
Personal Service and/or Expense and Equipment
From General Revenue Fund (0101). 211,585
Total (Not to exceed 2,962.45 F.T.E.). \$159,067,195

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). \$7,491,971

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) \$6,934,641

For the purpose of funding treatment programs focused on medication
assisted treatment for Missourians with substance use disorder
related to alcohol and opioid addiction. The Drug Courts
Coordinating Commission shall enter into agreements with the
drug courts, DWI courts, veteran's courts, and other treatment
courts of this state in order to fund medication assisted treatment
programs. The Drug Courts Coordinating Commission shall
submit an annual report to both the Chairperson of the House
Budget Committee and the Chairperson of the Senate Appropriations
Committee that includes information concerning the contracts entered
into and the impact of the medication assisted treatment programs on
rates of recidivism
From Drug Court Resources Fund (0733). 750,000
Total (Not to exceed 4.00 F.T.E.). \$7,684,641

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

From General Revenue Fund (0101)	\$37,776,510
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)	41,497,581
For expenses authorized by the Public Defender Commission as provided by Section 600.090, RSMo Personal Service.	135,187
Expense and Equipment.	2,850,756
From Legal Defense and Defender Fund (0670)..	2,985,943
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 597.13 F.T.E.).	\$45,808,524
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.	10,462,942
Joint Contingent Expenses.	225,000
From General Revenue Fund (0101)	12,228,058
Senate Contingent Expenses From Senate Revolving Fund (0535)..	40,000
Total (Not to exceed 220.54 F.T.E.).	\$12,268,058
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	1,370,691
House Contingent Expenses.	12,442,864
From General Revenue Fund (0101)	21,361,151
House Contingent Expenses From House of Representatives Revolving Fund (0520).	45,000
Total (Not to exceed 435.38 F.T.E.).	\$21,406,151
SECTION 12.506.— To the House of Representatives	
Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the State Capitol Commission Fund From General Revenue Fund (0101)..	\$15,000

SECTION 12.507.— To the House of Representatives
 For the State Capitol Commission for planning efforts for a centennial
 celebration pursuant to Chapter 8.007 RSMo
 From State Capitol Commission Fund (0745). \$15,000

SECTION 12.510.— To the House of Representatives
 For payment of 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. \$660,790
 For the Oversight Division. 867,964

For an audit and/or program evaluation of the Regional Convention and
 Sports Complex authority. 100,000

For an actuarial analysis of the cost impact to MO Healthnet if the state
 required the MO Healthnet Division to reimburse marital and family
 therapist services provided to MO Healthnet participants. 25,000
 From General Revenue Fund (0101) (Not to exceed 24.00 F.T.E.). \$1,653,754

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 General Revenue Fund (0101). \$450,000
 From Statutory Revision Fund (0546). 210,739
 Total (Not to exceed 1.25 F.T.E.). \$660,739

SECTION 12.525.— To the Interim Committees of the General Assembly
 For the Joint Committee on Administrative Rules. \$139,435
 For the Joint Committee on Public Employee Retirement. 169,669
 For the Joint Committee on Education 76,245
 For the Joint Committee on MO HealthNet. 300,000
 From General Revenue Fund (0101) (Not to exceed 8.00 F.T.E.). \$685,349

Elected Officials Totals
 General Revenue Fund. \$65,439,390
 Federal Funds. 21,773,365
 Other Funds. 51,023,349
 Total. \$138,236,104

Judiciary Totals
 General Revenue Fund. \$188,055,057
 Federal Funds. 14,372,517
 Other Funds. 14,937,692
 Total. \$217,365,266

Public Defender Totals

General Revenue Fund.	\$41,497,581
Federal Funds.	125,000
Other Funds.	2,985,943
Total.	<u>\$44,608,524</u>

General Assembly Totals

General Revenue Fund.	\$36,633,312
Other Funds.	295,739
Total.	<u>\$36,929,051</u>

Approved May 6, 2016

HB 2013 [HCS HB 2013]

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, 2016 and ending June 30, 2017; 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, 2016 and ending June 30, 2017 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, and structural modifications 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%) between federal funds within this section

For the Department of Elementary and Secondary Education Expense and Equipment From General Revenue Fund (0101).	\$466,363
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From Assistive Technology Federal Fund (0188).....	30,995
From DESE - Federal Fund (0105).....	1,725
From Vocational Rehabilitation Fund (0104).....	2,120,002
From Assistive Technology Loan Revolving Fund (0889).....	9,506
From Deaf Relay Service and Equipment Distribution Program Fund (0559)	21,623
For the Department of Revenue Expense and Equipment	
From General Revenue Fund (0101).....	609,990
For the Department of Revenue For the State Lottery Commission Expense and Equipment	
From Lottery Enterprise Fund (0657).....	351,830
For the Office of Administration Expense and Equipment	
From General Revenue Fund (0101).....	771,551
From OA Revolving Administrative Trust Fund (0505).....	177,609
From State Facility Maintenance and Operation Fund (0501).....	308,269
For the Ethics Commission Expense and Equipment	
From General Revenue Fund (0101).....	99,124
For the Department of Agriculture Expense and Equipment	
From General Revenue Fund (0101).....	195,584
From Agriculture Protection Fund (0970).....	3,351
From Grain Inspection Fee Fund (0647).....	43,222
From Petroleum Inspection Fund (0662).....	6,408
For the Department of Natural Resources Expense and Equipment	
From General Revenue Fund (0101).....	406,300
From DNR - Federal Fund (0140).....	280,494
From DNR Cost Allocation Fund (0500).....	1,171,191
For the Department of Economic Development Expense and Equipment	
From General Revenue Fund (0101).....	31,067
From Job Development and Training Fund (0155).....	1,346,007
From Division of Tourism Supplemental Revenue Fund (0274).....	4,073
From Manufactured Housing Fund (0582).....	21,139
From Missouri Arts Council Trust Fund (0262).....	36,351
From Public Service Commission Fund (0607).....	919,372
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)	52,924
From Insurance Dedicated Fund (0566)	4,633
From Insurance Examiners Fund (0552)	11,096
From Professional Registration Fees Fund (0689)	7,474
For the Department of Labor and Industrial Relations	
Expense and Equipment	
From General Revenue Fund (0101)	11,880
From DOLIR - Commission on Human Rights - Federal Fund (0117)	8,444
From DOLIR Administrative Fund (0122)	1,302
From Unemployment Compensation Administration Fund (0948)	81,412
From Workers' Compensation Fund (0652)	233,109
For the Department of Public Safety	
Expense and Equipment	
From General Revenue Fund (0101)	3,471
From Justice Assistance Grant Program Fund (0782)	16,569
From State Emergency Management - Federal Fund (0145)	9,434
From Veterans' Commission Capital Improvement Trust Fund (0304)	192,666
From Division of Alcohol and Tobacco Control Fund (0544)	91,971
For the Department of Public Safety	
For the State Highway Patrol	
Expense and Equipment	
From General Revenue Fund (0101)	174,785
From Department of Public Safety - Federal Fund (0152)	5,728
From Federal Drug Seizure Fund (0194)	3,307
From State Highways and Transportation Department Fund (0644)	1,033,867
For the Department of Public Safety	
For the Missouri Gaming Commission	
Expense and Equipment	
From Gaming Commission Fund (0286)	393,759
For the Department of Corrections	
Expense and Equipment	
From General Revenue Fund (0101)	5,993,482
From Working Capital Revolving Fund (0510)	248,165
For the Department of Mental Health	
Expense and Equipment	
From General Revenue Fund (0101)	2,194,967
For the Department of Health and Senior Services	
Expense and Equipment	
From General Revenue Fund (0101)	1,665,019
From Department of Health and Senior Services - Federal Fund (0143)	1,924,158
For the Department of Social Services	
Expense and Equipment	
From General Revenue Fund (0101)	9,498,966
From DSS Federal and Other Sources Fund (0610)	5,351,977

From Nursing Facility Quality of Care Fund (0271).....	74,906
For the General Assembly Expense and Equipment	
From General Revenue Fund (0101).....	7,489
For the Secretary of State Expense and Equipment	
From General Revenue Fund (0101).....	614,374
From Local Records Preservation Fund (0577).....	1,866
For the State Auditor Expense and Equipment	
From General Revenue Fund (0101).....	8,346
For the Attorney General Expense and Equipment	
From General Revenue Fund (0101).....	339,259
From Attorney General - Federal Fund (0136).....	119,477
From Hazardous Waste Fund (0676).....	6,851
From Missouri Office of Prosecution Services Fund (0680).....	34,797
From Workers' Compensation - Second Injury Fund (0653).....	76,812
From Workers' Compensation Fund (0652).....	76,813
For the Judiciary Expense and Equipment	
From General Revenue Fund (0101).....	2,277,085
From Judiciary - Federal Fund (0137).....	20,137
From Judiciary Education and Training Fund (0847).....	127,449
Total.....	\$42,649,410

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, and structural modifications 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).....	\$286,002
From DESE - Federal Fund (0105).....	335,953
From Vocational Rehabilitation Fund (0104).....	704,854
For the Department of Higher Education Expense and Equipment	
From General Revenue Fund (0101).....	114,101
For the Department of Revenue Expense and Equipment	

From General Revenue Fund (0101)	1,862,803
For the Office of Administration	
Expense and Equipment	
From General Revenue Fund (0101)	3,016,207
From Children's Trust Fund (0694).	13,105
From State Facility Maintenance and Operation Fund (0501).	540,860
For the Department of Agriculture	
Expense and Equipment	
From General Revenue Fund (0101)	85,875
From Department of Agriculture - Federal Fund (0133)	19,667
From Agriculture Development Fund (0904)	1,132
From Agriculture Protection Fund (0970).	285,141
From Animal Care Reserve Fund (0295)	1,937
From Animal Health Laboratory Fee Fund (0292).	32,055
From Commodity Council Merchandising Fund (0406)	2,753
From Grain Inspection Fees Fund (0647)	3,439
From State Milk Inspection Fees Fund (0645).	4,801
From Missouri Wine and Grape Fund (0787)	3,033
From Petroleum Inspection Fund (0662).	100,338
From Single - Purpose Animal Facilities Loan Program Fund (0408)	3,599
For the Department of Natural Resources	
Expense and Equipment	
From General Revenue Fund (0101)	318,928
From DNR - Federal Fund (0140)	251,120
From DNR Cost Allocation Fund (0500)	518,559
For the Department of Economic Development	
Expense and Equipment	
From General Revenue Fund (0101)	195,276
From Energy Federal Fund (0866).	44,236
From Job Development and Training Fund (0155).	721,009
From Department of Economic Development Administrative Fund (0547)	44,357
From Division of Tourism Supplemental Revenue Fund (0274).	100,131
From Energy Set-Aside Program Fund (0667).	23,824
From Public Service Commission Fund (0607)	89,397
For the Department of Insurance, Financial Institutions and Professional	
Registration	
Expense and Equipment	
From Division of Credit Unions Fund (0548)	23,994
From Division of Finance Fund (0550)	179,175
From Insurance Dedicated Fund (0566)	327,330
From Insurance Examiners Fund (0552)	84,294
From Professional Registration Fees Fund (0689).	193,487
For the Department of Labor and Industrial Relations	
Expense and Equipment	
From General Revenue Fund (0101)	53,874
From DOLIR - Commission on Human Rights - Federal Fund (0117).	45,269

From DOLIR Administrative Fund (0122)	246,481
From Division of Labor Standards - Federal Fund (0186)	2,877
From Unemployment Compensation Administration Fund (0948)	924,112
From Special Employment Security Fund (0949)	41,351
From Workers' Compensation Fund (0652)	368,581
For the Department of Public Safety	
Expense and Equipment	
From General Revenue Fund (0101)	226,390
From State Emergency Management - Federal Fund (0145)	18,957
From Veterans' Commission Capital Improvement Trust Fund (0304)	107,813
For the Department of Public Safety	
For the State Highway Patrol	
Expense and Equipment	
From State Highways and Transportation Department Fund (0644)	127,827
For the Department of Public Safety	
For the Missouri Gaming Commission	
Expense and Equipment	
From Gaming Commission Fund (0286)	73,804
For the Department of Corrections	
Expense and Equipment	
From General Revenue Fund (0101)	1,010,994
For the Department of Mental Health	
Expense and Equipment	
From General Revenue Fund (0101)	781,743
From Department of Mental Health - Federal Fund (0148)	194,987
From Compulsive Gamblers Fund (0249)	1,319
From Health Initiatives Fund (0275)	5,962
From Mental Health Earnings Fund (0288)	3,311
For the Department of Health and Senior Services	
Expense and Equipment	
From General Revenue Fund (0101)	774,030
From Department of Health and Senior Services - Federal Fund (0143)	894,499
For the Department of Social Services	
Expense and Equipment	
From General Revenue Fund (0101)	5,336,885
From DOSS Federal and Other Sources Fund (0610)	716,434
From Temporary Assistance for Needy Families Fund (0199)	130,841
From Department of Social Services Educational Improvement Fund (0620)	5,269
From Early Childhood Development, Education and Care Fund (0859)	482
From Health Initiatives Fund (0275)	17,145
From Third Party Liability Collections Fund (0120)	27
For the Governor	
Expense and Equipment	
From General Revenue Fund (0101)	399,951

For the Lieutenant Governor Expense and Equipment From General Revenue Fund (0101)	29,708
For the General Assembly Expense and Equipment From General Revenue Fund (0101)	1,586,249
For the Secretary of State Expense and Equipment From General Revenue Fund (0101)	911,050
From Investor Education and Protection Fund (0829)	13,291
From Local Records Preservation Fund (0577)	5,097
From Secretary of State's Technology Trust Fund Account (0266)	6,280
For the State Auditor Expense and Equipment From General Revenue Fund (0101)	179,235
For the Attorney General Expense and Equipment From General Revenue Fund (0101)	416,965
From Attorney General - Federal Fund (0136)	129,240
From Gaming Commission Fund (0286)	4,197
From Hazardous Waste Fund (0676)	7,700
From Inmate Incarceration Reimbursement Act Revolving Fund (0828)	9,062
From Lottery Enterprise Fund (0657)	4,197
From Natural Resources Protection Water Pollution Permit Fee Subaccount Fund (0568)	8,381
From Workers' Compensation Second Injury Fund (0653)	29,527
From Workers' Compensation Fund (0652)	29,527
For the State Treasurer Expense and Equipment From State Treasurer's General Operations Fund (0164)	181,227
For the Judiciary Expense and Equipment From General Revenue Fund (0101)	221,618
Total	<u>\$26,816,538</u>

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, and structural modifications 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)	\$3,889,157
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)	467,987
From Gaming Commission Fund (0286)	29,683
From State Highways and Transportation Department Fund (0644)	1,637,183
For the Department of Mental Health Expense and Equipment From General Revenue Fund (0101)	21,201,065
For the Department of Health and Senior Services Expense and Equipment From General Revenue Fund (0101)	8,671
From Department of Health and Senior Services - Federal Fund (0143)	10,020
For the Department of Social Services Expense and Equipment From General Revenue Fund (0101)	3,137,032
From DOSS Federal and Other Sources Fund (0610)	769,092
Total	<u>\$34,553,853</u>

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 General Revenue Fund (0101) \$25,000

From Adjutant General - Federal Fund (0190) 1,656,676

Total. \$1,681,676

Bill Totals

General Revenue Fund. \$71,905,898
 Federal Funds. 18,889,709
 Other Funds. 13,631,349
 Total. \$104,426,956

Approved May 6, 2016

HB 2014 [CCS SCS HCS HB 2014]

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

To appropriate money for supplemental purposes for the several departments and offices of state government.

AN ACT To appropriate money for supplemental purposes for the expenses, grants, and distributions of the several departments and offices of state government 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 fiscal period 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 ending June 30, 2016, as follows:

SECTION 14.005.— To the Department of Elementary and Secondary Education
 For distributions to the free public schools for Early Childhood Special Education
 From General Revenue Fund (0101). \$19,522,174

SECTION 14.010.— 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). \$5,261,000

SECTION 14.015.— To the Department of Elementary and Secondary Education
 For distributions of charter school closure refunds

From General Revenue Fund (0101). \$2,646,394

SECTION 14.020.— 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). \$200,000

SECTION 14.025.— 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). \$1,400,000

SECTION 14.030.— To the University of Missouri

For the payment of refunds set off against debt as required by Section 143.786, RSMo
From Debt Offset Escrow Fund (0753). \$1,200,000

SECTION 14.035.— 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). \$462,589

SECTION 14.040.— 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). \$75,000

SECTION 14.045.— 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). \$1,163,675

SECTION 14.050.— To the Department of Revenue

For the Missouri State Lottery Commission
For payments to vendors for costs of the design, manufacture, licensing, leasing, processing, and delivery of games administered by the Lottery Commission
From Lottery Enterprise Fund (0657). \$1,000,000

SECTION 14.055.— To the Office of Administration

For the Information Technology Services Division
For expense and equipment
From General Revenue Fund (0101). \$1,825,106

SECTION 14.065.— To the Department of Agriculture

For Delta Regional Authority Organizational Dues From General Revenue Fund (0101).....	\$74,143
SECTION 14.070. — To the Department of Natural Resources Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Missouri Water Development Fund From General Revenue Fund (0101).....	\$44,425
SECTION 14.075. — To the Department of Natural Resources For the payment of interest, operations, and maintenance in accordance with the Clarence Cannon Water Contract From Missouri Water Development Fund (0174).....	\$44,425
SECTION 14.080. — To the Department of Natural Resources For the Soil and Water Conservation Program For soil and water conservation cost-share grants From Soil and Water Sales Tax Fund.....	\$4,000,000
SECTION 14.085. — To the Department of Natural Resources For the Division of Environmental Quality For environmental emergency response From Hazardous Waste Fund (0676).....	\$350,000
SECTION 14.090. — To the Department of Economic Development For funding new and expanding industry training programs and basic industry retraining programs From Missouri Works Job Development Fund (0600).....	\$500,000
SECTION 14.100. — 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).....	\$22,876,230
SECTION 14.105. — To the Department of Labor and Industrial Relations For the planning, design, and construction of the Workers' Memorial From Workers Memorial Fund (0895).....	\$40,000
SECTION 14.110. — To the Department of Corrections For the Office of the Director For fuel and utilities From General Revenue Fund (0101).....	\$773,742
SECTION 14.115. — To the Department of Corrections For the Division of Offender Rehabilitative Services For contractual services for offender physical and mental health care From General Revenue Fund (0101).....	\$993,963
SECTION 14.120. — To the Department of Corrections For the Board of Probation and Parole For transfers and refunds set-off against debts as required by Section 143.786, RSMo From Debt Offset Escrow Fund (0753).....	\$200,000

SECTION 14.125. — 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).	\$5,819,697
 SECTION 14.130. — To the Department of Mental Health	
For the Office of the Director	
For the purpose of funding Shelter Plus Care grants	
From Department of Mental Health Federal Fund (0148).	\$2,101,024
 SECTION 14.135. — 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	
From General Revenue Fund (0101).	\$102,815
 SECTION 14.140. — 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	
From Department of Health and Senior Services Federal Fund (0143).	\$3,500,000
 SECTION 14.145. — To the Department of Health and Senior Services	
For the Division of Community and Public Health	
For the purpose of funding community health programs and related expenses	
From Department of Health and Senior Services Federal Fund (0143).	\$5,500,000
 SECTION 14.150. — 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).	\$4,509,986
From Department of Health and Senior Services Federal Fund (0143).	24,271,503
Total.	<u>\$28,781,489</u>

SECTION 14.155.— To the Department of Social Services
 For the Family Support Division
 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) \$2,489,934

SECTION 14.160.— 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) \$510,097

SECTION 14.165.— 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) \$1,790,518
 From Department of Social Services Federal Fund (0610) 1,193,678
 Total \$2,984,196

SECTION 14.170.— To the Department of Social Services
 For the Children's Division
 For the purpose of funding Adoption and Guardianship subsidy payments
 and related services
 From General Revenue Fund (0101) \$3,702,722
 From Department of Social Services Federal Fund (0610) 602,769
 Total \$4,305,491

SECTION 14.175.— To the Department of Social Services
 For the MO HealthNet Division
 For the purpose of funding pharmaceutical payments and program expenses
 under MO HealthNet and the Missouri Rx Plan authorized by Sections
 208.780 through 208.798, RSMo and for Medicare Part D Clawback
 payments and for administration of these programs. The line item
 appropriations within this section may be used for any other purpose
 for which line item funding is appropriated within this section
 For the purpose of funding pharmaceutical payments under the MO
 HealthNet fee-for-service program 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) \$73,528,529
 From Title XIX - Federal Fund (0163) 77,286,433

For the purpose of funding Medicare Part D Clawback payments and for

funding MO HealthNet pharmacy payments as authorized by the provisions of this section	
From General Revenue Fund (0101)	15,345,257
Total	<u>\$166,160,219</u>

SECTION 14.180.— 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 program, and for administration of these programs, and for a comprehensive chronic care risk management program and Major Medical Prior Authorization

From General Revenue Fund (0101)	\$40,636,054
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SECTION 14.185.— To the Department of Social Services
For the MO HealthNet Division
For the purpose of funding dental services under the MO HealthNet fee-for-service and managed care programs

From General Revenue Fund (0101)	\$591,477
From Title XIX - Federal Fund (0163)	<u>1,080,904</u>
Total	<u>\$1,672,381</u>

SECTION 14.190.— 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

From General Revenue Fund (0101)	\$9,476,755
From Title XIX - Federal Fund (0163)	<u>17,541,504</u>
Total	<u>\$27,018,259</u>

SECTION 14.195.— To the Department of Social Services
For the MO HealthNet Division
For funding long-term care services
For the purpose of funding home health for the elderly, or other long-term care services under the MO HealthNet fee-for-service program

From General Revenue Fund (0101)	\$35,674
From Title XIX - Federal Fund (0163)	33,184

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

From General Revenue Fund (0101)	25,165
From Title XIX - Federal Fund (0163)	<u>83,432</u>
Total	<u>\$177,455</u>

SECTION 14.200.— To the Department of Social Services
For the MO HealthNet Division
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

From General Revenue Fund (0101) \$6,372,782

For the purpose of funding non-emergency medical transportation
From General Revenue Fund (0101) 4,286,944
Total \$10,659,726

SECTION 14.205.— To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding the payment to comprehensive prepaid health care plans or for payments to providers of health care services for persons eligible for medical assistance under the MO HealthNet fee-for-service programs or State Medical Program and for administration of these programs 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

From General Revenue Fund (0101) \$27,642,414

SECTION 14.210.— 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 of 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

From General Revenue Fund (0101) \$13,958,966

SECTION 14.215.— 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.

From General Revenue Fund (0101) \$39,347,055
From Title XIX - Federal Fund (0163) 19,094,495
Total \$58,441,550

SECTION 14.220.— 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). \$3,346,588

From Title XIX - Federal Fund (0163)	27,889,546
Total	<u>\$31,236,134</u>

SECTION 14.225.— 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 than 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.

From General Revenue Fund (0101)	\$3,141,668
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SECTION 14.230.— To the Supreme Court

For the purpose of making payments due from litigants in court proceedings under set-off against debts authority as provided in Section 488.020(3.), RSMo

From Circuit Courts Escrow Fund (0718)	\$462,589
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Bill Totals

General Revenue Fund	\$278,249,326
Federal Funds	152,488,926
Other Funds	<u>33,989,819</u>
Total	<u>\$464,728,071</u>

Approved April 29, 2016

HB 2017 [SCS HCS HB 2017]

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

To appropriate money for capital improvement and other purposes for the several departments of state government

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, 2016 and ending June 30, 2017.

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, 2016 and ending June 30, 2017 the unexpended balances available as of June 30, 2016 but not to exceed the amounts stated herein, as follows:

SECTION 17.005.— To the Office of Administration
 For the Department of Elementary and Secondary Education
 For repair and renovations to facilities statewide
 Representing expenditures originally authorized under the
 provisions of House Bill Section 19.135, an Act of the 98th
 General Assembly, First Regular Session
 From Board of Public Buildings Bond Proceeds Fund (various). \$4,499,739

SECTION 17.010.— 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 and most recently
 authorized under the provisions of House Bill Section 17.127, an
 Act of the 98th General Assembly, First Regular Session
 From General Revenue Fund (0101). \$1,400,000

SECTION 17.015.— 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 and most recently
 authorized under the provisions of House Bill Section 17.355, an
 Act of the 98th General Assembly, First Regular Session
 From General Revenue Fund (0101). \$375,000

SECTION 17.020.— To the Coordinating Board for Higher Education
 For repair and renovations including masonry and roof repairs and
 window replacements at Crowder College
 Representing expenditures originally authorized under the
 provisions of House Bill Section 19.020, an Act of the 98th
 General Assembly, First Regular Session
 From Board of Public Buildings Bond Proceeds Fund (various). \$1,983,872

SECTION 17.025.— 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
 Representing expenditures originally authorized under the
 provisions of House Bill Section 19.025, an Act of the 98th
 General Assembly, First Regular Session

From Board of Public Buildings Bond Proceeds Fund (various). \$1,849,015

SECTION 17.030.— To the Coordinating Board for Higher Education
For repair and renovations including library remodeling and window
replacements at Jefferson College
Representing expenditures originally authorized under the
provisions of House Bill Section 19.030, an Act of the 98th
General Assembly, First Regular Session

From Board of Public Buildings Bond Proceeds Fund (various). \$2,122,144

SECTION 17.035.— 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
Representing expenditures originally authorized under the
provisions of House Bill Section 19.035, an Act of the 98th
General Assembly, First Regular Session

From Board of Public Buildings Bond Proceeds Fund (various). \$3,934,452

SECTION 17.040.— To the Coordinating Board for Higher Education
For repair and renovations including energy efficiency improvements,
interior remodeling, and roof replacements at Mineral Area College
Representing expenditures originally authorized under the
provisions of House Bill Section 19.040, an Act of the 98th
General Assembly, First Regular Session

From Board of Public Buildings Bond Proceeds Fund (various). \$1,810,273

SECTION 17.045.— To the Coordinating Board for Higher Education
For repair and renovations including plumbing upgrades, roof repair, and
window replacements at Moberly Area Community College
Representing expenditures originally authorized under the
provisions of House Bill Section 19.045, an Act of the 98th
General Assembly, First Regular Session

From Board of Public Buildings Bond Proceeds Fund (various). \$2,059,360

SECTION 17.050.— 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
Representing expenditures originally authorized under the
provisions of House Bill Section 19.050, an Act of the 98th
General Assembly, First Regular Session

From Board of Public Buildings Bond Proceeds Fund (various). \$1,518,406

SECTION 17.055.— 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
Representing expenditures originally authorized under the
provisions of House Bill Section 19.055, an Act of the 98th
General Assembly, First Regular Session

From Board of Public Buildings Bond Proceeds Fund (various). \$3,312,940

- SECTION 17.060.**— 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
 Representing expenditures originally authorized under the
 provisions of House Bill Section 19.060, an Act of the 98th
 General Assembly, First Regular Session
 From Board of Public Buildings Bond Proceeds Fund (various). \$2,382,612
- SECTION 17.065.**— 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
 Representing expenditures originally authorized under the
 provisions of House Bill Section 19.065, an Act of the 98th
 General Assembly, First Regular Session
 From Board of Public Buildings Bond Proceeds Fund (various). \$5,245,143
- SECTION 17.070.**— 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
 Representing expenditures originally authorized under the
 provisions of House Bill Section 19.070, an Act of the 98th
 General Assembly, First Regular Session
 From Board of Public Buildings Bond Proceeds Fund (various). \$1,994,724
- SECTION 17.075.**— 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
 Representing expenditures originally authorized under the
 provisions of House Bill Section 19.075, an Act of the 98th
 General Assembly, First Regular Session
 From Board of Public Buildings Bond Proceeds Fund (various). \$1,900,868
- SECTION 17.080.**— To State Technical College of Missouri
 For repair and renovations including foundation and parking lot repairs,
 HVAC system, and door and window replacements
 Representing expenditures originally authorized under the
 provisions of House Bill Section 19.080, an Act of the 98th
 General Assembly, First Regular Session
 From Board of Public Buildings Bond Proceeds Fund (various). \$1,049,282
- SECTION 17.085.**— To the University of Central Missouri
 For repair and renovations including cabinetry, flooring, lighting, support
 infrastructure repair, and exterior renovations
 Representing expenditures originally authorized under the
 provisions of House Bill Section 19.085, an Act of the 98th
 General Assembly, First Regular Session
 From Board of Public Buildings Bond Proceeds Fund (various). \$12,262,520
- SECTION 17.090.**— To Southeast Missouri State University
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For repair and renovations including accessibility and fire safety improvements, electrical, mechanical, plumbing systems, roof, and window replacements
 Representing expenditures originally authorized under the provisions of House Bill Section 19.090, an Act of the 98th General Assembly, First Regular Session
 From Board of Public Buildings Bond Proceeds Fund (various). \$10,082,458

SECTION 17.095.— 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
 Representing expenditures originally authorized under the provisions of House Bill Section 19.095, an Act of the 98th General Assembly, First Regular Session
 From Board of Public Buildings Bond Proceeds Fund (various). \$18,925,377

SECTION 17.100.— To Lincoln University
 For repair and renovations including foundation and exterior masonry repairs, electrical, HVAC, mechanical, plumbing system, and roof replacement
 Representing expenditures originally authorized under the provisions of House Bill Section 19.100, an Act of the 98th General Assembly, First Regular Session
 From Board of Public Buildings Bond Proceeds Fund (various). \$4,020,838

SECTION 17.105.— To Truman State University
 For repair and renovations including accessibility improvements, energy efficient lighting, and HVAC system replacement for Baldwin Hall
 Representing expenditures originally authorized under the provisions of House Bill Section 19.105, an Act of the 98th General Assembly, First Regular Session
 From Board of Public Buildings Bond Proceeds Fund (various). \$9,101,570

SECTION 17.110.— To Northwest Missouri State University
 For repair and renovations including electrical system repairs and window replacements
 Representing expenditures originally authorized under the provisions of House Bill Section 19.110, an Act of the 98th General Assembly, First Regular Session
 From Board of Public Buildings Bond Proceeds Fund (various). \$6,884,126

SECTION 17.115.— 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 and most recently authorized under the provisions of House Bill Section 17.350, an Act of the 98th General Assembly, First Regular Session

From General Revenue Fund (0101) \$1,500,000

SECTION 17.120.— To Missouri Southern State University

For repair and renovations including science laboratory renovations in Reynolds Hall

Representing expenditures originally authorized under the provisions of House Bill Section 19.115, an Act of the 98th General Assembly, First Regular Session

From Board of Public Buildings Bond Proceeds Fund (various). \$5,228,422

SECTION 17.125.— To Missouri Western State University

For repair and renovations including entryway repairs, bathroom renovations, ceiling, floor, fiber optic cable, HVAC system, and window replacements

Representing expenditures originally authorized under the provisions of House Bill Section 19.120, an Act of the 98th General Assembly, First Regular Session

From Board of Public Buildings Bond Proceeds Fund (various). \$4,810,951

SECTION 17.130.— To Harris-Stowe State University

For repair and renovations including hazmat remediation, upgrades to windows, HVAC, electrical systems, plumbing, and finishes for Vashon Center

Representing expenditures originally authorized under the provisions of House Bill Section 19.125, an Act of the 98th General Assembly, First Regular Session

From Board of Public Buildings Bond Proceeds Fund (various). \$2,204,580

SECTION 17.135.— 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 2021.130, an Act of the 97th General Assembly, Second Regular Session and most recently authorized under the provisions of House Bill 17.125, an Act of the 98th General Assembly First Regular Session

From Board of Public Buildings Bond Proceeds Fund (various). \$35,448,032

SECTION 17.140.— 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 2021.035, an Act of the 97th General Assembly, Second Regular Session and most recently authorized under the provisions of House Bill Section 17.126, an Act of the 98th General Assembly, First Regular Session

From General Revenue Fund (0101) \$1,200,000

SECTION 17.145.— 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 and most recently authorized under the provisions of House Bill Section 17.335, an Act of the 98th General Assembly, First Regular Session	
From General Revenue Fund (0101).	\$7,400,000
 SECTION 17.150. — 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 and most recently authorized under the provisions of House Bill Section 17.340, an Act of the 98th General Assembly, First Regular Session	
From General Revenue Fund (0101).	\$10,000,000
 SECTION 17.155. — To the University of Missouri For planning, design, renovation, and construction of an applied learning center at 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 and most recently authorized under the provisions of House Bill Section 17.345, an Act of the 98th General Assembly, First Regular Session	
From General Revenue Fund (0101).	\$10,000,000
 SECTION 17.160. — 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 Representing expenditures originally authorized under the provisions of House Bill Section 19.130, an Act of the 98th General Assembly, First Regular Session	
From Board of Public Buildings Bond Proceeds Fund (various).	\$56,517,740
 SECTION 17.165. — To the Office of Administration For the State Lottery Commission For building repair and electrical replacements at the Missouri Lottery Commission Headquarters Representing expenditures originally authorized under the provisions of House Bill Section 18.005, an Act of the 98th General Assembly, First Regular Session	
From Lottery Enterprise Fund (0657).	\$1,473,719

SECTION 17.170.— 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 and most recently authorized
 under the provisions of House Bill Section 17.135, an Act of the
 98th General Assembly, First Regular Session
 From Facilities Maintenance Reserve Fund (0124)..... \$14,737

SECTION 17.175.— To the Office of Administration
 For the Division of Facilities Management, Design and Construction
 For emergency and unprogrammed requirements at state facilities
 Representing expenditures originally authorized under the
 provisions of House Bill Section 18.015, an Act of the 98th General
 Assembly, First Regular Session
 From Facilities Maintenance Reserve Fund (0124)..... \$10,210,866

SECTION 17.185.— 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 18.020, an Act of the 98th General
 Assembly, First Regular Session
 From Facilities Maintenance Reserve Fund (0124)..... \$862,444

SECTION 17.195.— 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 18.021, an Act of the 98th General
 Assembly, First Regular Session
 From Facilities Maintenance Reserve Fund (0124)..... \$6,729,889

SECTION 17.205.— 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 18.017, an Act of the 98th
 General Assembly, First Regular Session
 From Facilities Maintenance Reserve Fund (0124)..... \$2,552,717

SECTION 17.210.— 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 and most recently
 authorized under the provisions of House Bill Section 17.155, an
 Act of the 98th General Assembly, First Regular Session

From Facilities Maintenance Reserve Fund (0124)	\$4,563,770
From Veterans Commission Capital Improvement Trust Fund (0304)	192,010
From State Highways and Transportation Department Fund (0644)	227,170
From Special Employment Security Fund (0949)	32,906
From Department of Social Services Federal and Other Fund (0610)	63,504
Total	<u>\$5,079,360</u>

SECTION 17.215.— To the Office of Administration

For the Division of Facilities Management, Design and Construction
 For maintenance, repairs and replacements, and improvements at state
 facilities

Representing expenditures originally authorized under the
 provisions of House Bill Section 18.025, an Act of the 98th
 General Assembly, First Regular Session

From Facilities Maintenance Reserve Fund (0124)	\$9,300,726
From Special Employment Security Fund (0949)	400,000
From Department of Social Services Federal and Other Fund (0610)	298,644
From State Highways and Transportation Department Fund (0644)	669,796
From Veterans Commission Capital Improvement Trust Fund (0304)	500,000
Total	<u>\$11,169,166</u>

SECTION 17.230.— To the Office of Administration

For the Division of Facilities Management, Design and Construction
 For statewide life safety improvements at state facilities

Representing expenditures originally authorized under the
 provisions of House Bill Section 18.019, an Act of the 98th
 General Assembly, First Regular Session

From Facilities Maintenance Reserve Fund (0124)	\$2,088,587
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SECTION 17.240.— 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 18.018, an Act of the 98th
 General Assembly, First Regular Session

From Facilities Maintenance Reserve Fund (0124)	\$9,514,671
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SECTION 17.250.— 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 18.016, an Act of the 98th
 General Assembly, First Regular Session

From Facilities Maintenance Reserve Fund (0124)	\$2,552,717
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SECTION 17.260.— To the Office of Administration

For the Division of Facilities Management, Design and Construction
 For security improvements at state facilities

Representing expenditures originally authorized under the
 provisions of House Bill Section 18.022, an Act of the 98th
 General Assembly, First Regular Session

From Facilities Maintenance Reserve Fund (0124). \$1,608,876

SECTION 17.265.— 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 and most recently authorized under the provisions of House Bill Section 17.185, an Act of the 98th General Assembly, First Regular Session

From General Revenue Fund (0101). \$4,780,025

SECTION 17.270.— 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 and most recently authorized under the provisions of House Bill Section 17.190, an Act of the 98th General Assembly, First Regular Session

From Fulton State Hospital Bond Proceeds Fund (various). \$191,281,318

SECTION 17.275.— 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, an Act of the 97th General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section 17.201, an Act of the 98th General Assembly, First Regular Session

From General Revenue (0101). \$346,152

SECTION 17.280.— To the Office of Administration

To provide funding for the reconstruction, replacement, or renovation of, or repair to, any infrastructure damaged by a presidentially declared natural disaster 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, an Act of the 97th General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section 17.202, and Act of the 98th General Assembly, First Regular Session

From Rebuild Damaged Infrastructure Fund (0814). \$8,443,663

SECTION 17.290.— 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

Representing expenditures originally authorized under the provisions of House Bill Section 18.030, an Act of the 98th General Assembly, First Regular Session

From Office of Administration Federal and Other Fund (0135) \$250,000

SECTION 17.295.— 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
 Representing expenditures originally authorized under the
 provisions of House Bill Section 18.035, an Act of the 98th
 General Assembly, First Regular Session

From Grants and Contributions Fund (0723) \$250,000

SECTION 17.300.— 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
 Representing expenditures originally authorized under the
 provisions of House Bill Section 18.040, an Act of the 98th
 General Assembly, First Regular Session

From Office of Administration Revolving Administrative Trust Fund (0505) \$250,000

SECTION 17.305.— To the Office of Administration

For the Division of Facilities Management, Design and Construction
 For repair and renovations at facilities statewide
 Representing expenditures originally authorized under the
 provisions of House Bill Section 19.140, an Act of the 98th
 General Assembly, First Regular Session

From Board of Public Buildings Bond Proceeds Fund (various) \$13,444,468

SECTION 17.310.— To the Office of Administration

For repair and renovations to the State Capitol Building
 Representing expenditures originally authorized under the
 provisions of House Bill Section 19.145, an Act of the 98th
 General Assembly, First Regular Session

From Board of Public Buildings Bond Proceeds Fund (various) \$39,999,917

SECTION 17.315.— To the Office of Administration

For repair and renovations to the State Capitol Annex
 Representing expenditures originally authorized under the
 provisions of House Bill Section 19.150, an Act of the 98th
 General Assembly, First Regular Session

From Board of Public Buildings Bond Proceeds Fund (various) \$34,873,416

SECTION 17.320.— 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
 Representing expenditures originally authorized under the
 provisions of House Bill Section 19.221, an Act of the 98th
 General Assembly, First Regular Session

From Missouri Development Finance Board Bond Proceeds Fund (various) . . \$35,000,000

SECTION 17.325.— To the Office of Administration

For the Department of Agriculture

For repair and renovations at State Fair facilities

Representing expenditures originally authorized under the provisions of House Bill Section 19.155, an Act of the 98th General Assembly, First Regular Session

From Board of Public Buildings Bond Proceeds Fund (various). \$2,876,500

SECTION 17.330.— 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, House Bill Section 17.030, an Act of the 97th General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section 17.215, an Act of the 98th General Assembly, First Regular Session

From State Park Earnings Fund (0415). \$18,100,000

From Department of Natural Resources Federal Fund (0140). 1,900,000

Total. \$20,000,000

SECTION 17.335.— 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 and most recently authorized under the provisions of House Bill Section 17.220, an Act of the 98th General Assembly, First Regular Session

From Parks Sales Tax Fund (0613). \$2,845,045

SECTION 17.340.— 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 and most recently authorized under the provisions of House Bill Section 17.225, an Act of the 98th General Assembly, First Regular Session	
From State Park Earnings Fund (0415)	\$748,322
From Department of Natural Resources Federal Fund (0140)	49,530
Total	<u>\$797,852</u>

SECTION 17.345.— 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 18.045, an Act of the 98th
General Assembly, First Regular Session

From State Park Earnings Fund (0415)	\$12,823,133
From Department of Natural Resources Federal Fund (0140)	1,800,000
From Parks Sales Tax Fund (0613)	12,293,256
From Historic Preservation Revolving Fund (0430)	500,000
Total	<u>\$27,416,389</u>

SECTION 17.350.— 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

Representing expenditures originally authorized under the
provisions of House Bill Section 19.191, an Act of the 98th
General Assembly, First Regular Session

From Board of Public Buildings Bond Proceeds Fund (various)	\$653,720
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SECTION 17.355.— 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

Representing expenditures originally authorized under the
provisions of House Bill Section 19.196, an Act of the 98th
General Assembly, First Regular Session

From Board of Public Buildings Bond Proceeds Fund (various)	\$3,005,070
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SECTION 17.360.— 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

Representing expenditures originally authorized under the
provisions of House Bill Section 19.201, an Act of the 98th
General Assembly, First Regular Session

From Board of Public Buildings Bond Proceeds Fund (various)	\$2,054,654
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SECTION 17.365.— 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
 Representing expenditures originally authorized under the
 provisions of House Bill Section 19.206, an Act of the 98th
 General Assembly, First Regular Session
 From Board of Public Buildings Bond Proceeds Fund (various). \$713,068

SECTION 17.370.— 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
 Representing expenditures originally authorized under the
 provisions of House Bill Section 19.211, an Act of the 98th
 General Assembly, First Regular Session
 From Board of Public Buildings Bond Proceeds Fund (various). \$1,581,992

SECTION 17.375.— 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
 Representing expenditures originally authorized under the
 provisions of House Bill Section 19.216, an Act of the 98th
 General Assembly, First Regular Session
 From Board of Public Buildings Bond Proceeds Fund (various). \$1,991,496

SECTION 17.380.— To the Department of Natural Resources
 For funding expenditures related to surface water improvements
 Representing expenditures originally authorized under the
 provisions of House Bill Section 19.230, an Act of the 98th
 General Assembly, First Regular Session
 From General Revenue Fund (0101). \$500,000

SECTION 17.385.— 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 and most recently
 authorized under the provisions of House Bill Section 17.265, an
 Act of the 98th General Assembly, First Regular Session
 From Conservation Commission Fund (0609). \$14,313,719

SECTION 17.390.— 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 18.050, an Act of the 98th General Assembly, First Regular Session
 From Conservation Commission Fund (0609) \$33,000,000

SECTION 17.395.— 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 and most recently authorized under the provisions of House Bill Section 17.270, an Act of the 98th General Assembly, First Regular Session
 From State Highways and Transportation Department Fund (0644) \$4,387,477

SECTION 17.400.— 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 18.055, an Act of the 98th General Assembly, First Regular Session
 From State Highways and Transportation Department Fund (0644) \$1,661,548

SECTION 17.405.— 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 and most recently authorized under the provisions of House Bill Section 17.280, an Act of the 98th General Assembly, First Regular Session
 From Missouri Veterans Commission Federal Fund (0184) \$7,236,574
 From Veterans Commission Capital Improvement Trust Fund (0304) 12,322,209
 Total \$19,558,783

SECTION 17.410.— 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 and most recently authorized under the provisions of House Bill Section 17.285, an

Act of the 98th 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.	<u>\$1,806,497</u>

SECTION 17.415.— 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 and most recently authorized under the provisions of House Bill Section 17.290, an Act of the 98th General Assembly, First Regular Session

From Missouri Veterans Commission Federal Fund (0184).....	\$1,601,600
From Veterans Commission Capital Improvement Trust Fund (0304).	1,182,060
Total.	<u>\$2,783,660</u>

SECTION 17.420.— 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 and most recently authorized under the provisions of House Bill Section 17.295, an Act of the 98th General Assembly, First Regular Session

From Missouri Veterans Commission Federal Fund (0184).	\$866,304
From Veterans Commission Capital Improvement Trust Fund (0304).	1,881,048
Total.	<u>\$2,747,352</u>

SECTION 17.425.— To the Office of Administration

For the Department of Public Safety

For repairs, replacements, and improvements at state veterans' homes and state veterans' cemeteries

Representing expenditures originally authorized under the provisions of House Bill Section 18.060, an Act of the 98th General Assembly, First Regular Session

From Veterans Commission Capital Improvement Trust Fund (0304).	\$700,168
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SECTION 17.430.— To the Office of Administration

For the Department of Public Safety

For repair and renovations to state veterans' homes

Representing expenditures originally authorized under the provisions of House Bill Section 19.160, an Act of the 98th General Assembly, First Regular Session

From Board of Public Buildings Bond Proceeds Fund (various).	\$14,500,000
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SECTION 17.435.— To the Office of Administration

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 and most recently

authorized under the provisions of House Bill Section 17.305, an
Act of the 98th General Assembly, First Regular Session
From Adjutant General Federal Fund (0190)..... \$10,666,601

SECTION 17.440.— 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 and most recently
authorized under the provisions of House Bill Section 17.310, an
Act of the 98th General Assembly, First Regular Session
From Adjutant General Federal Fund (0190)..... \$2,325,125

SECTION 17.445.— To the Office of Administration
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 18.065, an Act of the 98th
General Assembly, First Regular Session
From Adjutant General Federal Fund (0190)..... \$18,191,096

SECTION 17.450.— To the Office of Administration
For the Department of Corrections
For repair and renovations at facilities statewide
Representing expenditures originally authorized under the
provisions of House Bill Section 19.165, an Act of the 98th
General Assembly, First Regular Session
From Board of Public Buildings Bond Proceeds Fund (various)..... \$13,521,545

SECTION 17.455.— To the Office of Administration
For the Department Mental Health
For repair and renovations at facilities statewide
Representing expenditures originally authorized under the
provisions of House Bill Section 19.170, an Act of the 98th
General Assembly, First Regular Session
From Board of Public Buildings Bond Proceeds Fund (various)..... \$15,006,465

SECTION 17.460.— To the Office of Administration
For the Department of Social Services
For building replacement at the Delmina Woods Youth Center
Representing expenditures originally authorized under the
provisions of House Bill Section 18.070, an Act of the 98th
General Assembly, First Regular Session
From Department of Social Services Educational Improvement Fund (0620)..... \$50,813

SECTION 17.465.— To the Office of Administration
For the Department of Social Services
For repair and renovations at facilities statewide
Representing expenditures originally authorized under the
provisions of House Bill Section 19.175, an Act of the 98th
General Assembly, First Regular Session

From Board of Public Buildings Bond Proceeds Fund (various). \$3,970,367

SECTION 17.466.— 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, and most recently authorized under the provisions of House Bill Section 17.130, an Act of the 98th General Assembly, First Regular Session, and representing expenditures originally authorized under the provisions of House Bill Section 4.520, an Act of the 98th General Assembly, First Regular Session

From General Revenue Fund (0101). \$3,000,000

Bill Totals

General Revenue Fund.	\$40,501,177
Federal Funds.	45,978,850
Other Funds.	705,698,127
Total.	<u>\$792,178,154</u>

Approved June 16, 2016

HB 2018 [SS SCS HCS HB 2018]

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, 2016 and ending June 30, 2017.

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, 2016 and ending June 30, 2017, as follows:

SECTION 18.005. — To the University of Missouri For the Thompson Center for Autism and Neurodevelopmental Disorders	
From General Revenue Fund (0101).	\$5,000,000
SECTION 18.010. — 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	
From General Revenue Fund (0101).	\$7,400,000
SECTION 18.015. — 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 18.020. — To the Office of Administration For the Division of Facilities Management, Design and Construction For emergency and unprogrammed requirements at state facilities	
From Facilities Maintenance Reserve Fund (0124).	\$5,605,000
SECTION 18.021. — To the Office of Administration For the Division of Facilities Management, Design and Construction For statewide plumbing improvements at state facilities	
From Facilities Maintenance Reserve Fund (0124).	\$1,475,000
SECTION 18.022. — To the Office of Administration For the Division of Facilities Management, Design and Construction For statewide electrical improvements at state facilities	
From Facilities Maintenance Reserve Fund (0124).	\$1,475,000
SECTION 18.023. — 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	
From Facilities Maintenance Reserve Fund (0124).	\$5,900,000
SECTION 18.024. — To the Office of Administration For the Division of Facilities Management, Design and Construction For statewide life safety improvements at state facilities	
From Facilities Maintenance Reserve Fund (0124).	\$1,180,000
SECTION 18.025. — 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	
From Facilities Maintenance Reserve Fund (0124).	\$590,000
SECTION 18.026. — To the Office of Administration For the Division of Facilities Management, Design and Construction For the statewide roofing management system at state facilities	

From Facilities Maintenance Reserve Fund (0124) \$4,425,000

SECTION 18.027.— To the Office of Administration

For the Division of Facilities Management, Design and Construction
For security improvements at state facilities

From Facilities Maintenance Reserve Fund (0124) \$1,180,000

SECTION 18.029.— 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 18.030.— To the Office of Administration

For the Division of Facilities Management, Design and Construction
For maintenance, repairs, replacements, appraisals and surveys, and
improvements at state facilities

From Facilities Maintenance Reserve Fund (0124) \$7,139,000

From Veterans Commission Capital Improvement Trust Fund (0304) 500,000

Total \$7,639,000

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

From Facilities Maintenance Reserve Fund (0124) \$531,000

SECTION 18.040.— 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 provided the
purchase does not add more than 20 acres to any existing park site,
installation and replacement of interpretive exhibits, water and
wastewater improvements, maintenance and repair to existing
roadways, parking areas, and trails, restoration, and marketing of
endangered historic properties, and expenditure of recoupment's,
donations, and grants

From Department of Natural Resources Federal Fund (0140) \$1,000,000

From Historic Preservation Revolving Fund (0430) 500,000

From Park Sales Tax Fund (0613) 5,145,000

From State Park Earnings Fund (0415) 2,515,000

Total \$9,160,000

SECTION 18.045.— 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) \$29,328,000

SECTION 18.050.— 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) \$627,639

SECTION 18.055.— 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) \$6,333,412

SECTION 18.060.— To the Office of Administration
For the Department of Public Safety
For the planning, development, design, and site selection of a new state
veterans' home
From General Revenue Fund (0101) \$500,000

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) \$400,000

SECTION 18.075.— To Missouri Southern State University
For planning, design, renovation, and construction of Reynolds Hall on
the Missouri Southern State University campus
From General Revenue Fund (0101) \$5,000,000
From Board of Public Buildings Bond Proceeds Fund (various) 4,371,081
Total \$9,371,081

SECTION 18.080.— To the Department of Natural Resources
For surface water improvements and construction of a water reservoir in
a county of the third classification with a township form of
government and with more than nine thousand but fewer than ten
thousand inhabitants and with a city of the fourth classification
with more than three hundred but fewer than four hundred
inhabitants as the county seat
From General Revenue Fund (0101) \$2,000,000

SECTION 18.085.— To the Department of Natural Resources
For surface water improvements and construction of a water reservoir in
a county of the third classification with more than six thousand but
fewer than seven thousand inhabitants with a city of the fourth
classification with more than one thousand nine hundred but fewer

than two thousand one hundred inhabitants as the county seat
From General Revenue Fund (0101) \$1,700,000

SECTION 18.100.— To the Office of Administration
For purpose of funding a mobile flood wall in a city of the fourth
classification with more than four hundred but fewer than four
hundred fifty inhabitants and located in any county of the third
classification without a township form of government and with
more than eighteen thousand but fewer than twenty thousand
inhabitants and with a city of the fourth classification with more
than five thousand but fewer than six thousand inhabitants as the
county seat
From General Revenue Fund (0101) \$1,000,000

SECTION 18.105.— To Harris-Stowe State University
For planning, design, renovation, and construction of laboratory space on
the Harris-Stowe State University Campus
From General Revenue Fund (0101) \$750,000

SECTION 18.110.— To Lincoln University
For an analysis and evaluation study to determine the best use of the old
St. Mary's Hospital in Jefferson City, Missouri for future
University programs
From General Revenue Fund (0101) \$200,000

SECTION 18.115.— To Northwest Missouri State University
For exterior renovation and construction of the administration building on
the Northwest Missouri State University Campus
From General Revenue Fund (0101) \$1,000,000

SECTION 18.120.— To Missouri State University
For planning, design, and construction of Glass Hall on the Missouri
State University 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
From General Revenue Fund (0101) \$5,000,000

SECTION 18.125.— To the Coordinating Board for Higher Education
For planning, design, and construction of a Student Success Center on the
Metropolitan Community College 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
From General Revenue Fund (0101) \$1,300,000

SECTION 18.130.— To State Technical College of Missouri
For planning, design, and construction of a Health Technology Building
on the State Technical College of Missouri campus
From General Revenue Fund (0101) \$1,000,000

SECTION 18.135.— To the Office of Administration
For a workforce development training center located in a county of the
second classification with more than fifty thousand but fewer than

fifty-eight thousand inhabitants
From General Revenue Fund (0101). \$1,000,000

SECTION 18.140.— To the Coordinating Board for Higher Education
For planning, design, and construction of the Republic Campus of the
Ozarks Technical Community 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
From General Revenue Fund (0101). \$1,000,000

SECTION 18.145.— To Missouri State University
For planning, design, renovation, and accessibility improvements of the
Greenwood Laboratory School, 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
From General Revenue Fund (0101). \$2,000,000

SECTION 18.150.— To Southeast Missouri State University
For planning, design, and renovation of Grauel Hall for the Speech and
Hearing Clinic
From General Revenue Fund (0101). \$2,100,000

SECTION 18.155.— To the University of Missouri
For the purpose of funding a satellite program at Missouri Southern State
University in collaboration with the University of Missouri- Kansas
City School of Dentistry
From General Revenue Fund (0101). \$500,000

SECTION 18.160.— To Truman State University
For planning, design, and renovation of Greenwood School for the Inter-
Professional Autism Clinic
From General Revenue Fund (0101). \$4,500,000

SECTION 18.165.— To Missouri Western State University
For planning, design, and architectural study of Potter 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
From General Revenue Fund (0101). \$150,000

SECTION 18.170.— 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
From General Revenue Fund (0101). \$2,000,000

SECTION 18.175.— To the Department of Economic Development
For the purpose of funding a Youth and Family Outreach and Career
Development Center located in a home rule city with more than

four hundred thousand inhabitants and located in more than one
county
From General Revenue Fund (0101)..... \$2,000,000

Bill Totals

General Revenue Fund.	\$120,500,000
Federal Funds.	21,000,000
Other Funds.	<u>49,720,132</u>
Total.	\$191,220,132

Approved June 16, 2016

HB 1418 [HCS HB 1418]

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 audits of transportation development districts

AN ACT to repeal sections 105.145, 238.222, and 238.272, RSMo, and to enact in lieu thereof three new sections relating to transportation development districts, with penalty provisions.

SECTION

- A. Enacting clause.
- 105.145. Political subdivisions to make annual report of financial transactions to state auditor — state auditor to report violations — collection of fines, exemption.
- 238.222. Powers of board, generally — officers, meetings, expenses — quorum — notification of organization to state auditor.
- 238.272. Audit authorized, when — costs, payment of.

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

SECTION A. ENACTING CLAUSE. — Sections 105.145, 238.222, and 238.272, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 105.145, 238.222, and 238.272, to read as follows:

105.145. POLITICAL SUBDIVISIONS TO MAKE ANNUAL REPORT OF FINANCIAL TRANSACTIONS TO STATE AUDITOR — STATE AUDITOR TO REPORT VIOLATIONS — COLLECTION OF FINES, EXEMPTION. — 1. The following definitions shall be applied to the terms used in this section:

(1) "Governing body", the board, body, or persons in which the powers of a political subdivision as a body corporate, or otherwise, are vested;

(2) "Political subdivision", any agency or unit of this state, except counties and school districts, which now is, or hereafter shall be, authorized to levy taxes or empowered to cause taxes to be levied.

2. The governing body of each political subdivision in the state shall cause to be prepared an annual report of the financial transactions of the political subdivision in such summary form as the state auditor shall prescribe by rule, except that the annual report of political subdivisions whose cash receipts for the reporting period are ten thousand dollars or less shall only be required to contain the cash balance at the beginning of the reporting period, a summary of cash receipts, a summary of cash disbursements and the cash balance at the end of the reporting period.

3. Within such time following the end of the fiscal year as the state auditor shall prescribe by rule, the governing body of each political subdivision shall cause a copy of the annual financial report to be remitted to the state auditor.

4. The state auditor shall immediately on receipt of each financial report acknowledge the receipt of the report.

5. In any fiscal year no member of the governing body of any political subdivision of the state shall receive any compensation or payment of expenses after the end of the time within which the financial statement of the political subdivision is required to be filed with the state auditor and until such time as the notice from the state auditor of the filing of the annual financial report for the fiscal year has been received.

6. The state auditor shall prepare sample forms for financial reports and shall mail the same to the political subdivisions of the state. Failure of the auditor to supply such forms shall not in any way excuse any person from the performance of any duty imposed by this section.

7. All reports or financial statements hereinabove mentioned shall be considered to be public records.

8. The provisions of this section apply to the board of directors of every transportation development district organized under sections 238.200 to 238.275. Any transportation development district that fails to timely submit a copy of the annual financial statement to the state auditor shall be subject to a fine [not to exceed] of five hundred dollars per day.

9. **The state auditor shall report any violation of subsection 8 of this section to the department of revenue. Upon notification from the state auditor's office that a transportation development district failed to timely submit a copy of the annual financial statement, the department of revenue shall notify such district by certified mail that the statement has not been received. Such notice shall clearly set forth the following:**

- (1) **The name of the district;**
- (2) **That the district shall be subject to a fine of five hundred dollars per day if the district does not submit a copy of the annual financial statement to the state auditor's office within thirty days from the postmarked date stamped on the certified mail envelope;**
- (3) **That the fine will be enforced and collected as provided under subsection 10 of this section; and**
- (4) **That the fine will begin accruing on the thirty-first day from the postmarked date stamped on the certified mail envelope and will continue to accrue until the state auditor's office receives a copy of the financial statement.**

In the event a copy of the annual financial statement is received within such thirty-day period, no fine shall accrue or be imposed. The state auditor shall report receipt of the financial statement to the department of revenue within ten business days. Failure of the district to submit the required annual financial statement within such thirty-day period shall cause the fine to be collected as provided under subsection 10 of this section.

10. **The department of revenue may collect the fine authorized under the provisions of subsection 8 of this section by offsetting any sales or use tax distributions due to the district. The director of revenue shall retain two percent for the cost of such collection. The remaining revenues collected from such violations shall be distributed annually to the schools of the county in the same manner that proceeds for all penalties, forfeitures, and fines collected for any breach of the penal laws of the state are distributed.**

11. **Any transportation development district organized under sections 238.200 to 238.275 having gross revenues of less than five thousand dollars in the fiscal year for which the annual financial statement was not timely filed shall not be subject to the fine authorized in this section.**

238.222. POWERS OF BOARD, GENERALLY — OFFICERS, MEETINGS, EXPENSES — QUORUM — NOTIFICATION OF ORGANIZATION TO STATE AUDITOR. — 1. The board shall possess and exercise all of the district's legislative and executive powers.

2. Within thirty days after the election of the initial directors or the selection of the initial directors pursuant to subsection 3 of section 238.220, the board shall meet. The time and place of the first meeting of the board shall be designated by the court that heard the petition upon the court's own initiative or upon the petition of any interested person. At its first meeting and after each election of new board members or the selection of the initial directors pursuant to subsection 3 of section 238.220 the board shall elect a chairman from its members.

3. The board shall appoint an executive director, district secretary, treasurer and such other officers or employees as it deems necessary.

4. At the first meeting, the board, by resolution, shall define the first and subsequent fiscal years of the district, [and] shall adopt a corporate seal, **and shall notify the state auditor as required in subsection 7 of this section.**

5. A simple majority of the board shall constitute a quorum. If a quorum exists, a majority of those voting shall have the authority to act in the name of the board, and approve any board resolution.

6. Each director shall devote such time to the duties of the office as the faithful discharge thereof may require and may be reimbursed for his actual expenditures in the performance of his duties on behalf of the district.

7. Any district which has been previously organized and for which formation was approved prior to August 28, 2016, shall notify the state auditor's office in writing of the date it was organized and provide contact information for the current board of directors by December 31, 2016. Any district organized and formed after August 28, 2016, shall be required to notify the state auditor's office in writing of the date it was organized and provide contact information for the current board of directors within thirty days of the date of the first meeting of the board under the provisions of subsection 2 of this section.

238.272. AUDIT AUTHORIZED, WHEN — COSTS, PAYMENT OF. — 1. The state auditor may audit each district not more than once every three years. The **actual** costs of this audit shall be paid by the district **except that the costs of the audit to the district [and] shall not exceed [the greater of] three percent of the gross revenues received by the [transportation] district. Any audit costs in excess of three percent of the gross revenue received by the district shall be absorbed by the state auditor's office.**

2. For petition audits performed on a district by the state auditor, all expenses incurred in performing the audit including salaries of auditors, examiners, clerks, and other employees of the state auditor shall be paid by the district, and the moneys shall be deposited in the petition audit revolving trust fund under section 29.230. The actual costs of this audit shall be paid by the district except that the costs of the audit to the district shall not exceed three percent of the gross revenues received by the district. Any audit costs in excess of three percent of the gross revenue received by the district shall be absorbed by the state auditor's office.

Approved June 29, 2016

HB 1434 [SCS HCS HBs 1434 & 1600]

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

Establishes additional rules and procedures for certain counties' tax increment financing commission

AN ACT to repeal sections 99.805, 99.820, 99.825, 99.845, and 99.865, RSMo, and to enact in lieu thereof five new sections relating to tax increment financing.

SECTION

- A. Enacting clause.
- 99.805. Definitions.
- 99.820. Municipalities' powers and duties — commission appointment and powers — public disclosure requirements — officials' conflict of interest, prohibited — transparency of records.
- 99.825. Adoption of ordinance for redevelopment, public hearing required — objection procedure — hearing and notices not required, when — restrictions on certain projects.
- 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 — property taxes for sheltered workshops and related services not affected.
- 99.865. Report by municipalities, contents, publication — satisfactory progress of project, procedure to determine — reports by department of revenue required, when, contents, publication on accountability portal — rulemaking authority — department to provide manual, contents — penalty for failure to comply.

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

SECTION A. ENACTING CLAUSE.— Sections 99.805, 99.820, 99.825, 99.845, and 99.865, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 99.805, 99.820, 99.825, 99.845, and 99.865, to read as follows:

99.805. DEFINITIONS.— As used in sections 99.800 to 99.865, unless the context clearly requires otherwise, the following terms shall mean:

(1) "Blighted area", an area which, by reason of the predominance of defective or inadequate street layout, [unsanitary] **insanitary** or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use;

(2) "Collecting officer", the officer of the municipality responsible for receiving and processing payments in lieu of taxes or economic activity taxes from taxpayers or the department of revenue;

(3) "Conservation area", any improved area within the boundaries of a redevelopment area located within the territorial limits of a municipality in which fifty percent or more of the structures in the area have an age of thirty-five years or more. Such an area is not yet a blighted area but is detrimental to the public health, safety, morals, or welfare and may become a blighted area because of any one or more of the following factors: dilapidation; obsolescence; deterioration; illegal use of individual structures; presence of structures below minimum code standards; abandonment; excessive vacancies; overcrowding of structures and community facilities; lack of ventilation, light or sanitary facilities; inadequate utilities; excessive land coverage; deleterious land use or layout; depreciation of physical maintenance; and lack of community planning. A conservation area shall meet at least three of the factors provided in this subdivision for projects approved on or after December 23, 1997;

(4) "Economic activity taxes", the total additional revenue from taxes which are imposed by a municipality and other taxing districts, and which are generated by economic activities within a redevelopment area over the amount of such taxes generated by economic activities within such redevelopment area in the calendar year prior to the adoption of the ordinance designating such a redevelopment area, 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, licenses, fees or special assessments. For redevelopment projects or redevelopment plans approved after December 23, 1997, if a retail establishment relocates within one year from one facility to another facility within the same county and the governing body of the municipality finds that the relocation is a direct beneficiary of tax increment financing, then for purposes of this definition, the economic activity taxes generated by the retail establishment shall equal the total additional revenues from economic activity taxes which are imposed by a municipality or other taxing district over the amount of economic activity taxes generated by the retail establishment in the calendar year prior to its relocation to the redevelopment area;

(5) "Economic development area", any area or portion of an area located within the territorial limits of a municipality, which does not meet the requirements of subdivisions (1) and (3) of this section, and in which the governing body of the municipality finds that redevelopment will not be solely used for development of commercial businesses which unfairly compete in the local economy and is in the public interest because it will:

(a) Discourage commerce, industry or manufacturing from moving their operations to another state; or

(b) Result in increased employment in the municipality; or

(c) Result in preservation or enhancement of the tax base of the municipality;

(6) "Gambling establishment", an excursion gambling boat as defined in section 313.800 and any related business facility including any real property improvements which are directly and

solely related to such business facility, whose sole purpose is to provide goods or services to an excursion gambling boat and whose majority ownership interest is held by a person licensed to conduct gambling games on an excursion gambling boat or licensed to operate an excursion gambling boat as provided in sections 313.800 to 313.850. This subdivision shall be applicable only to a redevelopment area designated by ordinance adopted after December 23, 1997;

(7) "Greenfield area", any vacant, unimproved, or agricultural property that is located wholly outside the incorporated limits of a city, town, or village, or that is substantially surrounded by contiguous properties with agricultural zoning classifications or uses unless said property was annexed into the incorporated limits of a city, town, or village ten years prior to the adoption of the ordinance approving the redevelopment plan for such greenfield area;

(8) "Municipality", a city, village, or incorporated town or any county of this state. For redevelopment areas or projects approved on or after December 23, 1997, "municipality" applies only to cities, villages, incorporated towns or counties established for at least one year prior to such date;

(9) "Obligations", bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by a municipality to carry out a redevelopment project or to refund outstanding obligations;

(10) "Ordinance", an ordinance enacted by the governing body of a city, town, or village or a county or an order of the governing body of a county whose governing body is not authorized to enact ordinances;

(11) "Payment in lieu of taxes", those estimated revenues from real property in the area selected for a redevelopment project, which revenues according to the redevelopment project or plan are to be used for a private use, which taxing districts would have received had a municipality not adopted tax increment allocation financing, and which would result from levies made after the time of the adoption of tax increment allocation financing during the time the current equalized value of real property in the area selected for the redevelopment project exceeds the total initial equalized value of real property in such area until the designation is terminated pursuant to subsection 2 of section 99.850;

(12) "Redevelopment area", an area designated by a municipality, in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as a blighted area, a conservation area, an economic development area, an enterprise zone pursuant to sections 135.200 to 135.256, or a combination thereof, which area includes only those parcels of real property directly and substantially benefitted by the proposed redevelopment project;

(13) "Redevelopment plan", the comprehensive program of a municipality for redevelopment intended by the payment of redevelopment costs to reduce or eliminate those conditions, the existence of which qualified the redevelopment area as a blighted area, conservation area, economic development area, or combination thereof, and to thereby enhance the tax bases of the taxing districts which extend into the redevelopment area. Each redevelopment plan shall conform to the requirements of section 99.810;

(14) "Redevelopment project", any development project within a redevelopment area in furtherance of the objectives of the redevelopment plan; any such redevelopment project shall include a legal description of the area selected for the redevelopment project;

(15) "Redevelopment project costs" include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan or redevelopment project, as applicable. Such costs include, but are not limited to, the following:

(a) Costs of studies, surveys, plans, and specifications;

(b) Professional service costs, including, but not limited to, architectural, engineering, legal, marketing, financial, planning or special services. Except the reasonable costs incurred by the commission established in section 99.820 for the administration of sections 99.800 to 99.865, such costs shall be allowed only as an initial expense which, to be recoverable, shall be included in the costs of a redevelopment plan or project;

- (c) Property assembly costs, including, but not limited to[.];
 - a. Acquisition of land and other property, real or personal, or rights or interests therein[.];
 - b. Demolition of buildings[.]; and
 - c. The clearing and grading of land;
- (d) Costs of rehabilitation, reconstruction, or repair or remodeling of existing buildings and fixtures;
- (e) Initial costs for an economic development area;
- (f) Costs of construction of public works or improvements;
- (g) Financing costs, including, but not limited to, all necessary and incidental expenses related to the issuance of obligations, and which may include payment of interest on any obligations issued pursuant to sections 99.800 to 99.865 accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not more than eighteen months thereafter, and including reasonable reserves related thereto;
- (h) All or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred in furtherance of the objectives of the redevelopment plan and project, to the extent the municipality by written agreement accepts and approves such costs;
- (i) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or are required to be paid by federal or state law;
- (j) Payments in lieu of taxes;
- (16) "Special allocation fund", the fund of a municipality or its commission which contains at least two separate segregated accounts for each redevelopment plan, maintained by the treasurer of the municipality or the treasurer of the commission into which payments in lieu of taxes are deposited in one account, and economic activity taxes and other revenues are deposited in the other account;
- (17) "Taxing districts", any political subdivision of this state having the power to levy taxes;
- (18) "Taxing districts' capital costs", those costs of taxing districts for capital improvements that are found by the municipal governing bodies to be necessary and to directly result from the redevelopment project; and
- (19) "Vacant land", any parcel or combination of parcels of real property not used for industrial, commercial, or residential buildings.

99.820. MUNICIPALITIES' POWERS AND DUTIES — COMMISSION APPOINTMENT AND POWERS — PUBLIC DISCLOSURE REQUIREMENTS — OFFICIALS' CONFLICT OF INTEREST, PROHIBITED — TRANSPARENCY OF RECORDS. — 1. A municipality may:

- (1) By ordinance introduced in the governing body of the municipality within fourteen to ninety days from the completion of the hearing required in section 99.825, approve redevelopment plans and redevelopment projects, and designate redevelopment project areas pursuant to the notice and hearing requirements of sections 99.800 to 99.865. No redevelopment project shall be approved unless a redevelopment plan has been approved and a redevelopment area has been designated prior to or concurrently with the approval of such redevelopment project and the area selected for the redevelopment project shall include only those parcels of real property and improvements thereon directly and substantially benefitted by the proposed redevelopment project improvements;
- (2) Make and enter into all contracts necessary or incidental to the implementation and furtherance of its redevelopment plan or project;
- (3) Pursuant to a redevelopment plan, subject to any constitutional limitations, acquire by purchase, donation, lease or, as part of a redevelopment project, eminent domain, own, convey, lease, mortgage, or dispose of land and other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the municipality or the commission determines is reasonably necessary to achieve the objectives of the redevelopment plan. No conveyance, lease, mortgage,

disposition of land or other property, acquired by the municipality, or agreement relating to the development of the property shall be made except upon the adoption of an ordinance by the governing body of the municipality. Each municipality or its commission shall establish written procedures relating to bids and proposals for implementation of the redevelopment projects. Furthermore, no conveyance, lease, mortgage, or other disposition of land or agreement relating to the development of property shall be made without making public disclosure of the terms of the disposition and all bids and proposals made in response to the municipality's request. Such procedures for obtaining such bids and proposals shall provide reasonable opportunity for any person to submit alternative proposals or bids;

(4) Within a redevelopment area, clear any area by demolition or removal of existing buildings and structures;

(5) Within a redevelopment area, renovate, rehabilitate, or construct any structure or building;

(6) Install, repair, construct, reconstruct, or relocate streets, utilities, and site improvements essential to the preparation of the redevelopment area for use in accordance with a redevelopment plan;

(7) Within a redevelopment area, fix, charge, and collect fees, rents, and other charges for the use of any building or property owned or leased by it or any part thereof, or facility therein;

(8) Accept grants, guarantees, and donations of property, labor, or other things of value from a public or private source for use within a redevelopment area;

(9) Acquire and construct public facilities within a redevelopment area;

(10) Incur redevelopment costs and issue obligations;

(11) Make payment in lieu of taxes, or a portion thereof, to taxing districts;

(12) Disburse surplus funds from the special allocation fund to taxing districts as follows:

(a) Such surplus payments in lieu of taxes shall be distributed to taxing districts within the redevelopment area which impose ad valorem taxes on a basis that is proportional to the current collections of revenue which each taxing district receives from real property in the redevelopment area;

(b) Surplus economic activity taxes shall be distributed to taxing districts in the redevelopment area which impose economic activity taxes, on a basis that is proportional to the amount of such economic activity taxes the taxing district would have received from the redevelopment area had tax increment financing not been adopted;

(c) Surplus revenues, other than payments in lieu of taxes and economic activity taxes, deposited in the special allocation fund, shall be distributed on a basis that is proportional to the total receipt of such other revenues in such account in the year prior to disbursement;

(13) If any member of the governing body of the municipality, a member of a commission established pursuant to subsection 2 or 3 of this section, or an employee or consultant of the municipality, involved in the planning and preparation of a redevelopment plan, or redevelopment project for a redevelopment area or proposed redevelopment area, owns or controls an interest, direct or indirect, in any property included in any redevelopment area, or proposed redevelopment area, which property is designated to be acquired or improved pursuant to a redevelopment project, he or she shall disclose the same in writing to the clerk of the municipality, and shall also so disclose the dates, terms, and conditions of any disposition of any such interest, which disclosures shall be acknowledged by the governing body of the municipality and entered upon the minutes books of the governing body of the municipality. If an individual holds such an interest, then that individual shall refrain from any further official involvement in regard to such redevelopment plan, redevelopment project or redevelopment area, from voting on any matter pertaining to such redevelopment plan, redevelopment project or redevelopment area, or communicating with other members concerning any matter pertaining to that redevelopment plan, redevelopment project or redevelopment area. Furthermore, no such member or employee shall acquire any interest, direct or indirect, in any property in a redevelopment area or proposed redevelopment area after either (a) such individual obtains

knowledge of such plan or project, or (b) first public notice of such plan, project or area pursuant to section 99.830, whichever first occurs;

(14) Charge as a redevelopment cost the reasonable costs incurred by its clerk or other official in administering the redevelopment project. The charge for the clerk's or other official's costs shall be determined by the municipality based on a recommendation from the commission, created pursuant to this section.

2. Prior to adoption of an ordinance approving the designation of a redevelopment area or approving a redevelopment plan or redevelopment project, the municipality shall create a commission of nine persons if the municipality is a county or a city not within a county and not a first class county with a charter form of government with a population in excess of nine hundred thousand, and eleven persons if the municipality is not a county and not in a first class county with a charter form of government having a population of more than nine hundred thousand, and twelve persons if the municipality is located in or is a first class county with a charter form of government having a population of more than nine hundred thousand, to be appointed as follows:

(1) In all municipalities two members shall be appointed by the school boards whose districts are included within the redevelopment plan or redevelopment area. Such members shall be appointed in any manner agreed upon by the affected districts;

(2) In all municipalities one member shall be appointed, in any manner agreed upon by the affected districts, to represent all other districts levying ad valorem taxes within the area selected for a redevelopment project or the redevelopment area, excluding representatives of the governing body of the municipality;

(3) In all municipalities six members shall be appointed by the chief elected officer of the municipality, with the consent of the majority of the governing body of the municipality;

(4) In all municipalities which are not counties and not in a first class county with a charter form of government having a population in excess of nine hundred thousand, two members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(5) In a municipality which is a county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the cities in the county which have tax increment financing districts in a manner in which the cities shall agree;

(6) In a municipality which is located in the first class county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(7) At the option of the members appointed by the municipality, the members who are appointed by the school boards and other taxing districts may serve on the commission for a term to coincide with the length of time a redevelopment project, redevelopment plan or designation of a redevelopment area is considered for approval by the commission, or for a definite term pursuant to this subdivision. If the members representing school districts and other taxing districts are appointed for a term coinciding with the length of time a redevelopment project, plan or area is approved, such term shall terminate upon final approval of the project, plan or designation of the area by the governing body of the municipality. Thereafter the commission shall consist of the six members appointed by the municipality, except that members representing school boards and other taxing districts shall be appointed as provided in this section prior to any amendments to any redevelopment plans, redevelopment projects or designation of a redevelopment area. If any school district or other taxing jurisdiction fails to appoint members of the commission within thirty days of receipt of written notice of a proposed redevelopment plan, redevelopment project or designation of a redevelopment area, the remaining members may proceed to exercise the power of the commission. Of the members first appointed by the municipality, two shall be designated to serve for terms of two years, two shall be designated to

serve for a term of three years and two shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed by the municipality shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments. Members appointed by the county executive or presiding commissioner prior to August 28, 2008, shall continue their service on the commission established in subsection 3 of this section without further appointment unless the county executive or presiding commissioner appoints a new member or members.

3. Beginning August 28, 2008:

(1) In lieu of a commission created under subsection 2 of this section, any city, town, or village in a county with a charter form of government and with more than one million inhabitants, in a county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants, or in a county of the first classification with more than one hundred eighty-five thousand but fewer than two hundred thousand inhabitants shall, prior to adoption of an ordinance approving the designation of a redevelopment area or approving a redevelopment plan or redevelopment project, create a commission consisting of twelve persons to be appointed as follows:

(a) Six members appointed either by the county executive or presiding commissioner; notwithstanding any provision of law to the contrary, no approval by the county's governing body shall be required;

(b) Three members appointed by the cities, towns, or villages in the county which have tax increment financing districts in a manner in which the chief elected officials of such cities, towns, or villages agree;

(c) Two members appointed by the school boards whose districts are included in the county in a manner in which the school boards agree; and

(d) One member to represent all other districts levying ad valorem taxes in the proposed redevelopment area in a manner in which all such districts agree.

No city, town, or village subject to this subsection shall create or maintain a commission under subsection 2 of this section, except as necessary to complete a public hearing for which notice under section 99.830 has been provided prior to August 28, 2008, and to vote or make recommendations relating to redevelopment plans, redevelopment projects, or designation of redevelopment areas, or amendments thereto that were the subject of such public hearing;

(2) Members appointed to the commission created under this subsection, except those six members appointed by either the county executive or presiding commissioner, shall serve on the commission for a term to coincide with the length of time a redevelopment project, redevelopment plan, or designation of a redevelopment area is considered for approval by the commission. The six members appointed by either the county executive or the presiding commissioner shall serve on all such commissions until replaced. The city, town, or village that creates a commission under this subsection shall send notice thereof by certified mail to the county executive or presiding commissioner, to the school districts whose boundaries include any portion of the proposed redevelopment area, and to the other taxing districts whose boundaries include any portion of the proposed redevelopment area. The city, town, or village that creates the commission shall also be solely responsible for notifying all other cities, towns, and villages in the county that have tax increment financing districts and shall exercise all administrative functions of the commission. The school districts receiving notice from the city, town, or village shall be solely responsible for notifying the other school districts within the county of the formation of the commission. If the county, school board, or other taxing district fails to appoint members to the commission within thirty days after the city, town, or village sends the written notice, as provided herein, that it has convened such a commission or within thirty days of the expiration of any such member's term, the remaining duly appointed members of the commission may exercise the full powers of the commission.

4. (1) Any commission created under this section, subject to approval of the governing body of the municipality, may exercise the powers enumerated in sections 99.800 to 99.865,

except final approval of plans, projects and designation of redevelopment areas. The commission shall hold public hearings and provide notice pursuant to sections 99.825 and 99.830.

(2) Any commission created under subsection 2 of this section shall vote on all proposed redevelopment plans, redevelopment projects and designations of redevelopment areas, and amendments thereto, within thirty days following completion of the hearing on any such plan, project or designation and shall make recommendations to the governing body within ninety days of the hearing referred to in section 99.825 concerning the adoption of or amendment to redevelopment plans and redevelopment projects and the designation of redevelopment areas. The requirements of subsection 2 of this section and this subsection shall not apply to redevelopment projects upon which the required hearings have been duly held prior to August 31, 1991.

(3) Any commission created under subsection 3 of this section shall, within fifteen days of the receipt of a redevelopment plan meeting the minimum requirements of section 99.810, as determined by counsel to the city, town, or village creating the commission and a request by the applicable city, town, or village for a public hearing, fix a time and place for the public hearing referred to in section 99.825. The public hearing shall be held no later than seventy-five days from the commission's receipt of such redevelopment plan and request for public hearing. The commission shall vote and make recommendations to the governing body of the city, town, or village requesting the public hearing on all proposed redevelopment plans, redevelopment projects, and designations of redevelopment areas, and amendments thereto within thirty days following the completion of the public hearing. **A recommendation of approval shall only be deemed to occur if a majority of the commissioners voting on such plan, project, designation, or amendment thereto vote for approval. A tied vote shall be considered a recommendation in opposition.** If the commission fails to vote within thirty days following the completion of the public hearing referred to in section 99.825 concerning the proposed redevelopment plan, redevelopment project, or designation of redevelopment area, or amendments thereto, such plan, project, designation, or amendment thereto shall be deemed rejected by the commission.

5. It shall be the policy of the state that each redevelopment plan or project of a municipality be carried out with full transparency to the public. The records of the tax increment financing commission including, but not limited to, commission votes and actions, meeting minutes, summaries of witness testimony, data, and reports submitted to the commission, shall be retained by the governing body of the municipality that created the commission and shall be made available to the public in accordance with chapter 610.

99.825. ADOPTION OF ORDINANCE FOR REDEVELOPMENT, PUBLIC HEARING REQUIRED — OBJECTION PROCEDURE — HEARING AND NOTICES NOT REQUIRED, WHEN — RESTRICTIONS ON CERTAIN PROJECTS. — 1. Prior to the adoption of an ordinance proposing the designation of a redevelopment area, or approving a redevelopment plan or redevelopment project, the commission shall fix a time and place for a public hearing as required in subsection 4 of section 99.820 and notify each taxing district located wholly or partially within the boundaries of the proposed redevelopment area, plan or project. At the public hearing any interested person or affected taxing district may file with the commission written objections to, or comments on, and may be heard orally in respect to, any issues embodied in the notice. The commission 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; provided, if the commission is created under subsection 3 of section 99.820, the hearing shall not be continued for more than thirty days beyond the date on which it is originally opened unless such longer period is requested by the chief elected official of the municipality creating the commission and approved by a majority of the commission. Prior to the conclusion of the hearing, changes may be made in the redevelopment plan, redevelopment project, or

redevelopment area, provided that each affected taxing district is given written notice of such changes at least seven days prior to the conclusion of the hearing. After the public hearing but prior to the adoption of an ordinance approving a redevelopment plan or redevelopment project, or designating a redevelopment area, changes may be made to the redevelopment plan, redevelopment projects or redevelopment areas without a further hearing, if such changes do not enlarge the exterior boundaries of the redevelopment area or areas, and do not substantially affect the general land uses established in the redevelopment plan or substantially change the nature of the redevelopment projects, provided that notice of such changes shall be given by mail to each affected taxing district and by publication in a newspaper of general circulation in the area of the proposed redevelopment not less than ten days prior to the adoption of the changes by ordinance. After the adoption of an ordinance approving a redevelopment plan or redevelopment project, or designating a redevelopment area, no ordinance shall be adopted altering the exterior boundaries, affecting the general land uses established pursuant to the redevelopment plan or changing the nature of the redevelopment project without complying with the procedures provided in this section pertaining to the initial approval of a redevelopment plan or redevelopment project and designation of a redevelopment area. Hearings with regard to a redevelopment project, redevelopment area, or redevelopment plan may be held simultaneously.

2. [Effective January 1, 2008,] If, after concluding the hearing required under this section, the commission makes a recommendation under section 99.820 in opposition to a proposed redevelopment plan, redevelopment project, or designation of a redevelopment area, or any amendments thereto, a municipality desiring to approve such project, plan, designation, or amendments shall do so only upon a two-thirds majority vote of the governing body of such municipality. **For plans, projects, designations, or amendments approved by a municipality over the recommendation in opposition by the commission formed under subsection 3 of section 99.820, the economic activity taxes and payments in lieu of taxes generated by such plan, project, designation, or amendment shall be restricted to paying only those redevelopment project costs contained in subparagraphs b and c of paragraph (c) of subdivision (15) of section 99.805 per redevelopment project.**

3. Tax incremental financing projects within an economic development area shall apply to and fund only the following infrastructure projects: highways, roads, streets, bridges, sewers, traffic control systems and devices, water distribution and supply systems, curbing, sidewalks and any other similar public improvements, but in no case shall it include buildings.

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 — PROPERTY TAXES FOR SHELTERED WORKSHOPS AND RELATED SERVICES NOT AFFECTED. — 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

(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

(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 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;

(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
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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 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.

15. Notwithstanding any other provision of the law to the contrary, the adoption of any tax increment financing authorized under sections 99.800 to 99.865 shall not supersede, alter, or reduce in any way a property tax levied under section 205.971.

99.865. REPORT BY MUNICIPALITIES, CONTENTS, PUBLICATION — SATISFACTORY PROGRESS OF PROJECT, PROCEDURE TO DETERMINE — REPORTS BY DEPARTMENT OF REVENUE REQUIRED, WHEN, CONTENTS, PUBLICATION ON ACCOUNTABILITY PORTAL — RULEMAKING AUTHORITY — DEPARTMENT TO PROVIDE MANUAL, CONTENTS — PENALTY FOR FAILURE TO COMPLY. — 1. **No later than November fifteen of each year**, the governing body of the municipality, or its designee, shall prepare a report concerning the status of each redevelopment plan and redevelopment project **existing as of December thirty-first of the preceding year**, and shall submit a copy of such report to the director of the department of [economic development] **revenue**. The report shall include the following:

- (1) The amount and source of revenue in the special allocation fund;
- (2) The amount and purpose of expenditures from the special allocation fund;
- (3) The amount of any pledge of revenues, including principal and interest on any outstanding bonded indebtedness;
- (4) The original assessed value of the redevelopment project;
- (5) The assessed valuation added to the redevelopment project;
- (6) Payments made in lieu of taxes received and expended;
- (7) The economic activity taxes generated within the redevelopment area in the calendar year prior to the approval of the redevelopment plan, to include a separate entry for the state sales tax revenue base for the redevelopment area or the state income tax withheld by employers on behalf of existing employees in the redevelopment area prior to the redevelopment plan;
- (8) The economic activity taxes generated within the redevelopment area after the approval of the redevelopment plan, to include a separate entry for the increase in state sales tax revenues for the redevelopment area or the increase in state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area;
- (9) Reports on contracts made incident to the implementation and furtherance of a redevelopment plan or project;
- (10) A copy of any redevelopment plan, which shall include the required findings and cost-benefit analysis pursuant to subdivisions (1) to (6) of section 99.810;
- (11) The cost of any property acquired, disposed of, rehabilitated, reconstructed, repaired or remodeled;
- (12) The number of parcels acquired by or through initiation of eminent domain proceedings; and
- (13) Any additional information the municipality deems necessary.

2. Data contained in the report mandated pursuant to the provisions of subsection 1 of this section [and] **shall be made available to the commissioner of administration, who shall publish such reports on the Missouri accountability portal pursuant to section 37.850**. Any information regarding amounts disbursed to municipalities pursuant to the provisions of section 99.845 shall be deemed a public record, as defined in section 610.010. An annual statement showing the payments made in lieu of taxes received and expended in that year, the status of the redevelopment plan and projects therein, amount of outstanding bonded indebtedness and any

additional information the municipality deems necessary shall be published in a newspaper of general circulation in the municipality.

3. Five years after the establishment of a redevelopment plan and every five years thereafter the governing body shall hold a public hearing regarding those redevelopment plans and projects created pursuant to sections 99.800 to 99.865. The purpose of the hearing shall be to determine if the redevelopment project is making satisfactory progress under the proposed time schedule contained within the approved plans for completion of such projects. Notice of such public hearing shall be given in a newspaper of general circulation in the area served by the commission once each week for four weeks immediately prior to the hearing.

4. The director of the department of [economic development] **revenue** shall submit a report to the state auditor, the speaker of the house of representatives, and the president pro tem of the senate no later than February first of each year. The report shall contain a summary of all information received by the director pursuant to **subsection 1** of this section.

5. For the purpose of coordinating all tax increment financing projects using new state revenues, the director of the department of economic development may promulgate rules and regulations to ensure compliance with this section. Such rules and regulations may include methods for enumerating all of the municipalities which have established commissions pursuant to section 99.820. No rule or portion of a rule promulgated under the authority of sections 99.800 to 99.865 shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. All rulemaking authority delegated prior to June 27, 1997, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to June 27, 1997, if such rule complied with the provisions of chapter 536. The provisions of this section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, including the ability to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule, are subsequently held unconstitutional, then the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.

6. The department of economic development shall provide information and technical assistance, as requested by any municipality, on the requirements of sections 99.800 to 99.865. Such information and technical assistance shall be provided in the form of a manual, written in an easy-to-follow manner, and through consultations with departmental staff.

7. [Any municipality which fails] **The department of revenue shall provide notice of any failure to comply with the reporting requirements provided in subsection 1 of this section to the applicable municipality, specifying any required corrections, by certified mail addressed to the municipality's chief elected officer. If such municipality does not satisfy the reporting requirements for which it previously did not comply, as specified in the notice from the department of revenue, within sixty days of the receipt of the notice, the municipality shall be prohibited from [implementing] adopting any new tax increment finance [project] plan for a period of [no less than] five years from [such municipality's failure to comply] the date of the department of revenue's notice. All reports filed pursuant to subsection 1 of this section or in response to a notice from the department of revenue pursuant to this subsection shall be deemed accepted by the department of revenue unless the department of revenue provides the applicable municipality with a written objection thereto, specifying any required corrections, by certified mail addressed to the chief elected officer of the municipality within sixty days of the municipality's submission of such report.**

8. Based upon the information provided in the reports required under the provisions of this section, the state auditor shall make available for public inspection on the auditor's website, a searchable electronic database of such municipal tax increment finance reports. All information contained within such database shall be maintained for a period of no less than ten years from initial posting.

Approved June 29, 2016

HB 1435 [SS HB 1435]

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

Modifies current provisions regarding sales tax refund claims

AN ACT to repeal section 144.190, RSMo, and to enact in lieu thereof one new section relating to sales tax refunds.

SECTION

A. Enacting clause.

144.190. Refund of overpayments — claim for refund — time for making claims — paid to whom — direct pay agreement for certain purchasers — special rules for error corrections — refund not allowed, when — taxes paid more than once, effect of.

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

SECTION A. ENACTING CLAUSE. — Section 144.190, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 144.190, to read as follows:

144.190. REFUND OF OVERPAYMENTS — CLAIM FOR REFUND — TIME FOR MAKING CLAIMS — PAID TO WHOM — DIRECT PAY AGREEMENT FOR CERTAIN PURCHASERS — SPECIAL RULES FOR ERROR CORRECTIONS — REFUND NOT ALLOWED, WHEN — TAXES PAID MORE THAN ONCE, EFFECT OF. — 1. If a tax has been incorrectly computed by reason of a clerical error or mistake on the part of the director of revenue, such fact shall be set forth in the records of the director of revenue, and the amount of the overpayment shall be credited on any taxes then due from the person legally obligated to remit the tax pursuant to sections 144.010 to 144.525, and the balance shall be refunded to the person legally obligated to remit the tax, such person's administrators or executors, as provided for in section 144.200.

2. If any tax, penalty or interest has been paid more than once, or has been erroneously or illegally collected, or has been erroneously or illegally computed, such sum shall be credited on any taxes then due from the person legally obligated to remit the tax pursuant to sections 144.010 to 144.525, and the balance, with interest as determined by section 32.065, shall be refunded to the person legally obligated to remit the tax, but no such credit or refund shall be allowed unless duplicate copies of a claim for refund are filed within three years from date of overpayment.

3. Every claim for refund must be in writing and signed by the applicant, and must state the specific grounds upon which the claim is founded. Any refund or any portion thereof which is erroneously made, and any credit or any portion thereof which is erroneously allowed, may be recovered in any action brought by the director of revenue against the person legally obligated to remit the tax. In the event that a tax has been illegally imposed against a person legally obligated to remit the tax, the director of revenue shall authorize the cancellation of the tax upon the director's record.

4. Notwithstanding the provisions of section 32.057, a purchaser that originally paid sales or use tax to a vendor or seller may submit a refund claim directly to the director of revenue for such sales or use taxes paid to such vendor or seller and remitted to the director, provided no sum shall be refunded more than once, any such claim shall be subject to any offset, defense, or other claim the director otherwise would have against either the purchaser or vendor or seller, and such claim for refund is accompanied by either:

(1) A notarized assignment of rights statement by the vendor or seller to the purchaser allowing the purchaser to seek the refund on behalf of the vendor or seller. An assignment of rights statement shall contain the Missouri sales or use tax registration number of the vendor or seller, a list of the transactions covered by the assignment, the tax periods and location for which

the original sale was reported to the director of revenue by the vendor or seller, and a notarized statement signed by the vendor or seller affirming that the vendor or seller has not received a refund or credit, will not apply for a refund or credit of the tax collected on any transactions covered by the assignment, and authorizes the director to amend the seller's return to reflect the refund; or

(2) In the event the vendor or seller fails or refuses to provide an assignment of rights statement within sixty days from the date of such purchaser's written request to the vendor or seller, or the purchaser is not able to locate the vendor or seller or the vendor or seller is no longer in business, the purchaser may provide the director a notarized statement confirming the efforts that have been made to obtain an assignment of rights from the vendor or seller. Such statement shall contain a list of the transactions covered by the assignment, the tax periods and location for which the original sale was reported to the director of revenue by the vendor or seller.

The director shall not require such vendor, seller, or purchaser to submit amended returns for refund claims submitted under the provisions of this subsection. Notwithstanding the provisions of section 32.057, if the seller is registered with the director for collection and remittance of sales tax, the director shall notify the seller at the seller's last known address of the claim for refund. If the seller objects to the refund within thirty days of the date of the notice, the director shall not pay the refund. If the seller agrees that the refund is warranted or fails to respond within thirty days, the director may issue the refund and amend the seller's return to reflect the refund. For purposes of section 32.069, the refund claim shall not be considered to have been filed until the seller agrees that the refund is warranted or thirty days after the date the director notified the seller and the seller failed to respond.

5. Notwithstanding the provisions of section 32.057, when a vendor files a refund claim on behalf of a purchaser and such refund claim is denied by the director, notice of such denial and the reason for the denial shall be sent by the director to the vendor and each purchaser whose name and address is submitted with the refund claim form filed by the vendor. A purchaser shall be entitled to appeal the denial of the refund claim within sixty days of the date such notice of denial is mailed by the director as provided in section 144.261. The provisions of this subsection shall apply to all refund claims filed after August 28, 2012. The provisions of this subsection allowing a purchaser to appeal the director's decision to deny a refund claim shall also apply to any refund claim denied by the director on or after January 1, 2007, if an appeal of the denial of the refund claim is filed by the purchaser no later than September 28, 2012, and if such claim is based solely on the issue of the exemption of the electronic transmission or delivery of computer software.

6. Notwithstanding the provisions of this section, the director of revenue shall authorize direct-pay agreements to purchasers which have annual purchases in excess of seven hundred fifty thousand dollars pursuant to rules and regulations adopted by the director of revenue. For the purposes of such direct-pay agreements, the taxes authorized pursuant to chapters 66, 67, 70, 92, 94, 162, 190, 238, 321, and 644 shall be remitted based upon the location of the place of business of the purchaser.

7. Special rules applicable to error corrections requested by customers of mobile telecommunications service are as follows:

(1) For purposes of this subsection, the terms "customer", "home service provider", "place of primary use", "electronic database", and "enhanced zip code" shall have the same meanings as defined in the Mobile Telecommunications Sourcing Act incorporated by reference in section 144.013;

(2) Notwithstanding the provisions of this section, if a customer of mobile telecommunications services believes that the amount of tax, the assignment of place of primary use or the taxing jurisdiction included on a billing is erroneous, the customer shall notify the home service provider, in writing, within three years from the date of the billing statement. The

customer shall include in such written notification the street address for the customer's place of primary use, the account name and number for which the customer seeks a correction of the tax assignment, a description of the error asserted by the customer and any other information the home service provider reasonably requires to process the request;

(3) Within sixty days of receiving the customer's notice, the home service provider shall review its records and the electronic database or enhanced zip code to determine the customer's correct taxing jurisdiction. If the home service provider determines that the review shows that the amount of tax, assignment of place of primary use or taxing jurisdiction is in error, the home service provider shall correct the error and, at its election, either refund or credit the amount of tax erroneously collected to the customer for a period of up to three years from the last day of the home service provider's sixty-day review period. If the home service provider determines that the review shows that the amount of tax, the assignment of place of primary use or the taxing jurisdiction is correct, the home service provider shall provide a written explanation of its determination to the customer.

8. For all refund claims submitted to the department of revenue on or after September 1, 2003, notwithstanding any provision of this section to the contrary, if a person legally obligated to remit the tax levied pursuant to sections 144.010 to 144.525 has received a refund of such taxes for a specific issue and submits a subsequent claim for refund of such taxes on the same issue for a tax period beginning on or after the date the original refund check issued to such person, no refund shall be allowed. This subsection shall not apply and a refund shall be allowed if **the refund claim is filed by a purchaser under the provisions of subsection 4 of this section, the refund claim is for use tax remitted by the purchaser, or** an additional refund claim is filed by a person legally obligated to remit the tax due to any of the following:

(1) Receipt of additional information or an exemption certificate from the purchaser of the item at issue;

(2) A decision of a court of competent jurisdiction or the administrative hearing commission; or

(3) Changes in regulations or policy by the department of revenue.

9. Notwithstanding any provision of law to the contrary, the director of revenue shall respond to a request for a binding letter ruling filed in accordance with section 536.021 within sixty days of receipt of such request. If the director of revenue fails to respond to such letter ruling request within sixty days of receipt by the director, the director of revenue shall be barred from pursuing collection of any assessment of sales or use tax with respect to the issue which is the subject of the letter ruling request. For purposes of this subsection, the term "letter ruling" means a written interpretation of law by the director to a specific set of facts provided by a specific taxpayer or his or her agent.

10. If any tax was paid more than once, was incorrectly collected, or was incorrectly computed, such sum shall be credited on any taxes then due from the person legally obligated to remit the tax pursuant to sections 144.010 to 144.510 against any deficiency or tax due discovered through an audit of the person by the department of revenue through adjustment during the same tax filing period for which the audit applied.

Approved June 28, 2016

HB 1443 [HB 1443]

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 Missouri local government employees' retirement system

AN ACT to amend chapter 70, RSMo, by adding thereto one new section relating to the Missouri local government employees' retirement system.

SECTION

- A. Enacting clause.
70.621. Political subdivisions may opt to have LAGERS administer prior non-LAGERS retirement plan, when, procedure.

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

SECTION A. ENACTING CLAUSE.— Chapter 70, RSMo, is amended by adding thereto one new section, to be known as section 70.621, to read as follows:

70.621. POLITICAL SUBDIVISIONS MAY OPT TO HAVE LAGERS ADMINISTER PRIOR NON-LAGERS RETIREMENT PLAN, WHEN, PROCEDURE. — **1.** In the event a political subdivision has a plan in effect for all or part of its employees similar in purpose to the Missouri local government employees' retirement system, and in the further event such a political subdivision is an employer in the system, at the request of the political subdivision the board of the system may, at its sole discretion, enter into an agreement with such an employer whereby the system assumes all duties and responsibilities of operating the employer's prior plan.

2. After making the necessary changes to the statute, city ordinance, city charter, or governing documents of the employer's prior plan and upon receiving a concurring resolution from the board of trustees of the prior plan after a simple majority vote of the active employees of the prior plan, such employer may enter into an agreement with the board of the system to operate the employer's prior plan so long as an election has been made to cover new employees under section 70.630. Upon entering into such agreement, the employer shall irrevocably delegate and cede all operational duties and responsibilities to the system. Upon entering into such an agreement, the board of the system shall become the governing board of the employer's prior plan. The employer's prior plan shall be administered as a frozen prior plan by the system and shall continue to operate under its existing governing documents in all other respects.

3. Where an agreement authorized by this section is entered into by an employer and the system, the employer shall continue to have sole responsibility for the full funding of its prior plan including all related expenses. If any employer fails to make any payment due under the prior plan, the provisions of section 70.735 shall apply.

4. The system shall formulate and adopt rules and regulations for the government of its own proceedings relating to this section and for the administration of this section, as the board may deem necessary.

Approved June 6, 2016

HB 1477 [SS HCS HB 1477]

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

Amends laws relating to elections and political parties

AN ACT to repeal section sections 115.306, 115.603, 115.607, 115.609, 115.611, 115.613, 115.617, 115.619, and 115.621, RSMo, and to enact in lieu thereof ten new sections relating to political parties, with an emergency clause.

SECTION

- A. Enacting clause.
- 115.306. Disqualification as candidate for elective public office, when — filing of affidavit, contents — tax delinquency, effect of.
- 115.603. Committees each established party shall maintain.
- 115.607. County or city committee, eligibility requirements, selection of.
- 115.609. County or city committee members, when elected (St. Louis City and County).
- 115.611. County or city committee members, filing fees.
- 115.613. Committeeman and committeewoman, how selected — tie vote, effect of — if no person elected a vacancy created — single candidate, effect.
- 115.617. Vacancy, how filled.
- 115.619. Composition of legislative, congressional, senatorial, and judicial district committees.
- 115.620. Proxy voting, requirements.
- 115.621. Congressional, legislative, senatorial and judicial district committees to meet and organize, when.
- B. Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Sections 115.306, 115.603, 115.607, 115.609, 115.611, 115.613, 115.617, 115.619, and 115.621, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 115.306, 115.603, 115.607, 115.609, 115.611, 115.613, 115.617, 115.619, 115.620, and 115.621, 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, **except candidates for a county or city committee of a political party**, 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.

115.603. COMMITTEES EACH ESTABLISHED PARTY SHALL MAINTAIN. — Each established political party shall have a state committee, a congressional district committee for each congressional district in the state, a judicial district committee for each circuit judge district in the state not subject to the provisions of article V, section 25 of the state constitution, a senatorial district committee for each senatorial district in the state, a legislative district committee for each legislative district in the state and a county committee for each county in the state, **except any city not within a county which shall have a city committee in lieu of a county committee.**

115.607. COUNTY OR CITY COMMITTEE, ELIGIBILITY REQUIREMENTS, SELECTION OF.
— 1. No person shall be elected or shall serve as a member of a county **or city** committee who is not, for one year next before the person's election, both a registered voter of and a resident of the county **or city not within a county** and the committee district from which the person is elected if such district shall have been so long established, and if not, then of the district or districts from which the same shall have been taken. Except as provided in subsections 2, 3, 4, 5, and 6 of this section, the membership of a county **or city** committee of each established political party shall consist of a man and a woman elected from each **precinct**, township, or ward in the county **or city not within a county**.

2. In each county of the first classification containing the major portion of a city which has over three hundred thousand inhabitants, two members of the committee, a man and a woman, shall be elected from each ward in the city. Any township entirely contained in the city shall have no additional representation on the county committee. The election authority for the county shall, not later than six months after the decennial census has been reported to the President of the United States, divide the most populous township outside the city into eight subdistricts of contiguous and compact territory and as nearly equal in population as practicable. The subdistricts shall be numbered from one upward consecutively, which numbers shall, insofar as practicable, be retained upon reapportionment. Two members of the county committee, a man and a woman, shall be elected from each such subdistrict. Six members of the committee, three men and three women, shall be elected from the second and third most populous townships outside the city. Four members of the committee, two men and two women, shall be elected from the other townships outside the city.

3. In any city which has over three hundred thousand inhabitants, the major portion of which is located in a county with a charter form of government, for the portion of the city located within such county and notwithstanding section 82.110, it shall be the duty of the election authority, not later than six months after the decennial census has been reported to the President of the United States, to divide such cities into not less than twenty-four nor more than twenty-five wards after each decennial census. Wards shall be so divided that the number of inhabitants in any ward shall not exceed any other ward of the city and within the same county, by more than five percent, measured by the number of the inhabitants determined at the preceding decennial census.

4. In each county of the first classification containing a portion, but not the major portion, of a city which has over three hundred thousand inhabitants, ten members of the committee, five men and five women, shall be elected from the district of each state representative wholly contained in the county in the following manner: within six months after each legislative reapportionment, the election authority shall divide each legislative district wholly contained in

the county into five committee districts of contiguous territory as compact and as nearly equal in population as may be; two members of the committee, a man and a woman, shall be elected from each committee district. The election authority shall divide the area of the county located within legislative districts not wholly contained in the county into similar committee districts; two members of the committee, a man and a woman, shall be elected from each committee district.

5. In each city not situated in a county, two members of the committee, a man and a woman, shall be elected from each ward.

6. In all counties with a charter form of government and a population of over nine hundred thousand inhabitants, the county committee persons shall be elected from each township. Within ninety days after August 28, 2002, and within six months after each decennial census has been reported to the President of the United States, the election authority shall divide the county into twenty-eight compact and contiguous townships containing populations as nearly equal in population to each other as is practical.

7. If any election authority has failed to adopt a reapportionment plan by the deadline set forth in this section, the county commission, sitting as a reapportionment commission, shall within sixty days after the deadline, adopt a reapportionment plan. Changes of township, ward, or precinct lines shall not affect the terms of office of incumbent party committee members elected from districts as constituted at the time of their election.

115.609. COUNTY OR CITY COMMITTEE MEMBERS, WHEN ELECTED (ST. LOUIS CITY AND COUNTY). — In each city not situated in a county and in each county which has over nine hundred thousand inhabitants, all members of the county **or city** committee shall be elected at the primary election immediately preceding each gubernatorial election and shall hold office until their successors are elected and qualified. In each other county, all members of the county committee shall be elected at each primary election and shall hold office until their successors are elected and qualified.

115.611. COUNTY OR CITY COMMITTEE MEMBERS, FILING FEES. — 1. Except as provided in subsection 4 of section 115.613, any registered voter of the county **or a city not within a county** may have such voter's name printed on the primary ballot of such voter's party as a candidate for county **or city** committeeman or committeewoman by filing a declaration of candidacy in the office of the county **or city** election authority and by paying any filing fee required by subsection 2 of this section.

2. Before filing such candidate's declaration of candidacy, candidates for county **or city** committeeman or county **or city** committeewoman shall pay to the treasurer of such candidate's party's county **or city** committee, or submit to the county **or city** election authority to be forwarded to the treasurer of such candidate's party's committee, a certain sum of money, as follows:

(1) One hundred dollars if such candidate is a candidate for county **or city** committeeman or committeewoman in any county which has or hereafter has over nine hundred thousand inhabitants or in any city not situated in a county;

(2) Twenty-five dollars if such candidate is a candidate for county committeeman or committeewoman in any county of the first class containing the major portion of a city which has over three hundred thousand inhabitants; **or**

(3) Except as provided in subdivisions (1) and (2) of this subsection, no candidate for county committeeman or committeewoman shall be required to pay a filing fee.

3. Any person who cannot pay the fee to file as a candidate for county **or city** committeeman or committeewoman may have the fee waived by filing a declaration of inability to pay and a petition with the official with whom such candidate files such candidate's declaration of candidacy. The provisions of section 115.357 shall apply to all such declarations and petitions.

4. No person's name shall be printed on any official primary ballot as a candidate for county **or city** committeeman or committeewoman unless the person has filed a declaration of candidacy with the proper election authority not later than 5:00 p.m. on the last Tuesday in March immediately preceding the primary election.

115.613. COMMITTEEMAN AND COMMITTEEWOMAN, HOW SELECTED — TIE VOTE, EFFECT OF — IF NO PERSON ELECTED A VACANCY CREATED — SINGLE CANDIDATE, EFFECT.

— 1. Except as provided in subsection 4 of this section, the qualified man and woman receiving the highest number of votes from each committee district for committeeman and committeewoman of a party shall be members of the county **or city** committee of the party.

2. If two or more qualified persons receive an equal number of votes for county **or city** committeeman or committeewoman of a party and a higher number of votes than any other qualified person from the party, a vacancy shall exist on the county **or city** committee which shall be filled by a majority of the committee in the manner provided in section 115.617.

3. If no qualified person is elected county **or city** committeeman or committeewoman from a committee district for a party, a vacancy shall exist on the county **or city** committee which shall be filled by a majority of the committee in the manner provided in section 115.617.

4. The provisions of this subsection shall apply only in any county **or city** where no filing fee is required for filing a declaration of candidacy for committeeman or committeewoman in a committee district. If only one qualified candidate has filed a declaration of candidacy for committeeman or committeewoman in a committee district for a party prior to the deadline established [by law] **in this chapter**, no election shall be held for committeeman or committeewoman in the committee district for that party and the election authority shall certify the qualified candidate in the same manner and at the same time as candidates elected pursuant to subsection 1 of this section are certified. If no qualified candidate files for committeeman or committeewoman in a committee district for a party, no election shall be held and a vacancy shall exist on the county **or city** committee which shall be filled by a majority of the committee in the manner provided in section 115.617.

115.617. VACANCY, HOW FILLED. — Whenever a member of any county **or city** committee dies, [becomes disabled,] resigns, or ceases to be a registered voter of or a resident of the county **or a city not within a county** or the committee district from which he is elected, a vacancy shall exist on the committee. A majority of the committee shall elect another person to fill the vacancy who, for one year next before his election, shall have been both a registered voter of and a resident of the county **or city** and the committee district. The person selected to fill the vacancy shall serve the remainder of the vacated term.

115.619. COMPOSITION OF LEGISLATIVE, CONGRESSIONAL, SENATORIAL, AND JUDICIAL DISTRICT COMMITTEES.

— 1. [The membership of] A legislative district committee shall consist of [all county committee members within] **the precinct, ward, or township committeeman and committeewoman from such precincts, wards, or townships included in whole or in part of the legislative district**, except as provided in subsections 4 and 5 of this section. In all counties of this state which are wholly contained within a legislative district, or in which there are two or more whole legislative districts, or one whole legislative district and part of another legislative district, or parts of two or more legislative districts,]. There shall be elected from the membership of each legislative district committee a chairman and a vice chairman, one of whom shall be a woman and one of whom shall be a man, and each legislative district at the same time shall elect a secretary and a treasurer, one of whom shall be a woman and one of whom shall be a man, but who may or may not be members of the legislative district committee. Party state committees may provide for voting by proxy and for weighted or fractional voting.

2. [If a legislative district and a county are coextensive, the chairman, vice chairman, secretary and treasurer of the county committee shall be the chairman, vice chairman, secretary and treasurer of the legislative committee.

3. Except as provided in subsections 4 and 5 of this section, the congressional, senatorial or judicial district committee shall consist of the chairman and vice chairman of each of the legislative districts in the congressional, senatorial, or judicial districts and the chairman and vice chairman of each of the county committees within the districts. Party state committees may provide for voting by proxy and may provide for weighted or fractional voting.

4. The congressional, senatorial or judicial district committee of a district coextensive with one county shall be the county committee.

5. The congressional, senatorial or judicial district committee of a district which is composed in whole or in part of a part of a city or part of a county shall consist of the ward or township committeemen and committeewomen from such wards or townships included in whole or in part in such part of a city or part of a county forming the whole or a part of such district. Party state committees may provide for voting by proxy and may provide for weighted or fractional voting.] **The congressional, senatorial, or judicial committee of a district which is composed of:**

- (1) **One or more whole counties; or**
- (2) **One or more whole counties and part of one or more counties;**

shall consist of the county committee chair and vice chair of each county within the district and the committeeman and committeewoman of each legislative district committee within the district.

3. The congressional, senatorial, or judicial committee of a district which consists of:

- (1) **Parts of one or more counties;**
- (2) **Part of a city not within the county;**
- (3) **A whole city not within a county; or**
- (4) **Part of a city not within a county and parts of one or more counties;**

shall consist of the committeemen and committeewomen of the precinct, ward, or township included in whole or in part of the district and the chair and vice chair of each legislative district committee within the district in whole or in part.

115.620. PROXY VOTING, REQUIREMENTS. — Provisions for proxy voting for district committees organized under section 115.621 may be made by a political party. In the event that such provisions are not made, proxy voting shall only be allowed for legislative, congressional, senatorial, and judicial district committee meetings. In any event, a person may only serve as a proxy voter if such person is legally permitted to vote in the district in which the proxy resides.

115.621. CONGRESSIONAL, LEGISLATIVE, SENATORIAL AND JUDICIAL DISTRICT COMMITTEES TO MEET AND ORGANIZE, WHEN. — 1. Notwithstanding any other provision of this section to the contrary, any legislative, senatorial, or judicial district committee that is wholly contained within a county or a city not within a county may choose to meet on the same day as the respective county or city committee. All other committees shall meet as otherwise prescribed in this section.

2. The members of each county committee shall meet at the county seat not earlier than two weeks after each primary election but in no event later than the third Saturday after each primary election, at the discretion of the chairman at the committee. In each city not within a county, the city committee shall meet on the same day at the city hall. In all counties of the first, second, and third classification, the county courthouse shall be made available for such meetings and any other county political party meeting at no

charge to the party committees. In all cities not within a county, the city hall shall be made available for such meetings and any other city political party meeting at no charge to the party committees. At the meeting, each committee shall organize by electing two of its members, a man and a woman, as chair and vice chair, and a man and a woman who may or may not be members of the committee as secretary and treasurer.

3. The members of each congressional district committee shall meet at some place **and time** within the district, to be designated by the current chair of the committee, [on the last Tuesday in August] **not earlier than five weeks** after each primary election **but in no event later than the sixth Saturday after each primary election**. The county courthouse in counties of the first, second and third classification in which the meeting is to take place, as designated by the chair, shall be made available for such meeting and any other congressional district political party committee meeting at no charge to the committee. At the meeting, the committee shall organize by electing one of its members as chair and one of its members as vice chair, one of whom shall be a woman and one of whom shall be a man, and a secretary and a treasurer, one of whom shall be a woman and one of whom shall be a man, who may or may not be members of the committee.

[2.] 4. The members of each legislative district committee shall meet at some place **and date** within the legislative district or within one of the counties in which the legislative district exists, to be designated by the current chair of the committee, [on the third Wednesday] **not earlier than three weeks** after each [August] primary election **but in no event later than the fourth Saturday after each primary election**. The county courthouse in counties of the first, second and third classification in which the meeting is to take place, as designated by the chair, shall be made available for such meeting and any other legislative district political party committee meeting at no charge to the committee. At the meeting, the committee shall organize [pursuant to subsection 1 of section 115.619] **by electing two of its members, a man and a woman, as chair and vice chair, and a man and a woman who may or may not be members of the committee as secretary and treasurer**.

[3.] 5. The members of each senatorial district committee shall meet at some place **and date** within the district, to be designated by the current chair of the committee, if there is one, and if not, by the chair of the congressional district in which the senatorial district is principally located, [on the third Saturday] **not earlier than four weeks** after each [August] primary election **but in no event later than the fifth Saturday after each primary election**. The county courthouse in counties of the first, second and third classification in which the meeting is to take place, as so designated pursuant to this subsection, shall be made available for such meeting and any other senatorial district political party committee meeting at no charge to the committee. At the meeting, the committee shall organize by electing one of its members as chair and one of its members as vice chair, one of whom shall be a woman and one of whom shall be a man, and a secretary and a treasurer, one of whom shall be a woman and one of whom shall be a man, who may or may not be members of the committee.

6. The members of each senatorial district shall also meet at some place within the district, to be designated by the current chair of the committee, if there is one, and if not, by the chair of the congressional district in which the senatorial district is principally located, on the Saturday after [the third Tuesday in November after] each general election. At the meeting, the committee shall proceed to elect two registered voters of the district, one man and one woman, as members of the party's state committee.

[4.] 7. The members of each judicial district may meet at some place **and date** within the judicial district or within one of the counties in which the judicial district exists, to be designated by the current chair of the committee or the chair of the congressional district committee, [on the first Tuesday in September] **not earlier than six weeks** after each primary election[, or at another time designated by the chairmen of the committees] **but in no event later than the seventh Saturday after each primary election**. The county courthouse in counties of the first, second and third classification in which the meeting is to take place, as so designated pursuant

to this subsection, shall be made available for such meeting and any other judicial district political party committee meeting at no charge to the committee. At the meeting, the committee shall organize [pursuant to subsection 1 of section 115.619] **by electing two of its members, a man and a woman, as chair and vice chair, and a man and a woman who may or may not be members of the committee as secretary and treasurer.**

SECTION B. EMERGENCY CLAUSE. — Because of the necessity to effect a smooth transition for political party committee elections after the August primary, 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.

Approved July 7, 2016

HB 1480 [HCS HB 1480]

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

Allows voting machines to be used for the purpose of processing absentee ballots

AN ACT to repeal sections 115.257, 115.291, 115.293, and 115.299, RSMo, and to enact in lieu thereof four new sections relating to absentee ballots, with a delayed effective date.

SECTION

- A. Enacting clause.
- 115.257. Electronic voting machines to be put in order, procedure to be followed — absentee ballots, procedure — on-site storage of voting machines permitted. **Electronic voting machines to be put in order, procedure to be followed.**
- 115.291. Procedure for absentee ballots — declared emergencies, delivery and return of ballots — envelopes, refusal to accept ballot prohibited when. Procedure for absentee ballots — declared emergencies, delivery and return of ballots — envelopes, refusal to accept ballot prohibited when.
- 115.293. Absentee ballots not eligible to be counted, when, procedure. **Absentee ballots not eligible to be counted, when, procedure.**
- 115.299. Absentee ballots, how counted. **Absentee ballots, how counted.**
- B. Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Sections 115.257, 115.291, 115.293, and 115.299, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 115.257, 115.291, 115.293, and 115.299, to read as follows:

115.257. ELECTRONIC VOTING MACHINES TO BE PUT IN ORDER, PROCEDURE TO BE FOLLOWED — ABSENTEE BALLOTS, PROCEDURE — ON-SITE STORAGE OF VOTING MACHINES PERMITTED. ELECTRONIC VOTING MACHINES TO BE PUT IN ORDER, PROCEDURE TO BE FOLLOWED. — 1. In jurisdictions where electronic voting machines are used, the election authority shall cause the voting machines to be put in order, set, adjusted and made ready for voting before they are delivered to polling places.

2. At least five days before preparing electronic voting machines for any election, notice of the time and place of such preparation shall be mailed to each independent candidate and the chairman of the county committee of each established political party named on the ballot. The preparation shall be watched by two observers designated by the election authority, one from each major political party, and shall be open to representatives of the political parties, candidates, the news media and the public.

3. When an electronic voting machine has been examined by such observers and shown to be in good working order, the machine shall be locked against voting. The observers shall certify the vote count on each machine is set at zero.

4. After an electronic voting machine has been properly prepared and locked, its keys shall be retained by the election authority and delivered to the election judges along with the other election supplies.

5. **For the purpose of processing absentee ballots, cast by voters in person in the office of the election authority, the election authority may cause voting machines to be put in order, set, adjusted, tested, and made ready for voting within one business day of the printing of absentee ballots as provided in section 115.281. The election authority shall have the recording counter except for the protective counter on the voting machine set to zero (000). After the voting machines have been made ready for voting, the election authority shall not permit any person to handle any voting machine, except voters while they are voting and others expressly authorized by the election authority. The election authority shall neither be nor permit any other person to be in any position or near any position that enables the authority or person to see how any absentee voter votes or has voted.**

6. Nothing in this section shall prohibit the on-site storage of electronic voting machines and the preparation of the electronic machines for voting, provided the electronic voting machines are put in order, set, adjusted and made ready for voting as provided in subsections 1, 2, 3 [and] , 4, and 5 of this section.

115.291. PROCEDURE FOR ABSENTEE BALLOTS—DECLARED EMERGENCIES, DELIVERY AND RETURN OF BALLOTS — ENVELOPES, REFUSAL TO ACCEPT BALLOT PROHIBITED WHEN. 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 **that is not cast by the voter in person in the office of the election authority** 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 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.

115.293. ABSENTEE BALLOTS NOT ELIGIBLE TO BE COUNTED, WHEN, PROCEDURE. ABSENTEE BALLOTS NOT ELIGIBLE TO BE COUNTED, WHEN, PROCEDURE. — 1. All proper votes on each absentee ballot received by an election authority at or before the time fixed by law for the closing of the polls on election day shall be counted. **Except as provided in section 115.920**, no votes on any absentee ballot received by an election authority after the time fixed by law for the closing of the polls on election day shall be counted.

2. If sufficient evidence is shown to an election authority that any absentee voter has died prior to the opening of the polls on election day, the ballot of the deceased voter shall be rejected **if it is still sealed in the ballot envelope**. Any ballot so rejected, still sealed in its ballot envelope, shall be sealed with the application and any other papers connected therewith in an envelope marked "Rejected ballot of, an absentee voter of voting district". The reason for rejection shall be noted on the envelope, which shall be kept by the election authority with the other ballots from the election until the ballots are destroyed according to law.

115.299. ABSENTEE BALLOTS, HOW COUNTED. ABSENTEE BALLOTS, HOW COUNTED. — 1. To count absentee votes on election day, the election authority shall appoint a sufficient number of teams of election judges comprised of an equal number of judges from each major political party.

2. The teams so appointed shall meet on election day after the time fixed by law for the opening of the polls at a central location designated by the election authority. The election authority shall deliver the absentee ballots to the teams, and shall maintain a record of the delivery. The record shall include the number of ballots delivered to each team and shall include a signed receipt from two judges, one from each major political party. The election authority shall provide each team with a ballot box, tally sheets and statements of returns as are provided to a polling place.

3. Each team shall count votes on all absentee ballots designated by the election authority.

4. **[One] To process absentee ballots in envelopes**, one member of each team, closely observed by another member of the team from a different political party, shall open each envelope and call the voter's name in a clear voice. Without unfolding the ballot, two team members, one from each major political party, shall initial the ballot, and an election judge shall place the ballot, still folded, in a ballot box. No ballot box shall be opened until all of the ballots a team is counting have been placed in the box. The votes shall be tallied and the returns made as provided in sections 115.447 to 115.525 for paper ballots. After the votes on all ballots assigned to a team have been counted, the ballots and ballot envelopes shall be placed on a string and enclosed in sealed containers marked "voted absentee ballots and ballot envelopes from the election held, 20....". All rejected absentee ballots and envelopes shall be enclosed and sealed in a separate container marked "rejected absentee ballots and envelopes from the election held, 20....". On the outside of each voted ballot and rejected ballot container, each member of the team shall write his name, and all such containers shall be returned to the election authority. Upon receipt of the returns and ballots, the election authority shall tabulate the absentee vote along with the votes certified from each polling place in its jurisdiction.

SECTION B. EMERGENCY CLAUSE. — The repeal and reenactment of sections 115.257, 115.291, 115.293, and 115.299 of this act shall become effective on January 1, 2018.

Approved July 7, 2016

HB 1530 [HB 1530]

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 law relating to unemployment compensation benefits

AN ACT to repeal sections 288.380 and 288.381, RSMo, and to enact in lieu thereof two new sections relating to unemployment compensation benefits, with penalty provisions.

SECTION

- A. Enacting clause.
288.380. Void agreements — offenses, penalties — deductions of support obligations and uncollected overissuance of food stamps — offset for overpayment of benefits by other states, when — definitions.
288.381. Collection of benefits paid when claimant later determined ineligible or awarded back pay — violation, damages.

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

SECTION A. ENACTING CLAUSE. — Sections 288.380 and 288.381, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 288.380 and 288.381, to read as follows:

288.380. VOID AGREEMENTS — OFFENSES, PENALTIES — DEDUCTIONS OF SUPPORT OBLIGATIONS AND UNCOLLECTED OVERISSUANCE OF FOOD STAMPS — OFFSET FOR OVERPAYMENT OF BENEFITS BY OTHER STATES, WHEN — DEFINITIONS. — 1. Any agreement by a worker to waive, release, or commute such worker's rights to benefits or any other rights pursuant to this chapter or pursuant to an employment security law of any other state or of the federal government shall be void. Any agreement by a worker to pay all or any portion of any contributions required shall be void. No employer shall directly or indirectly make any deduction from wages to finance the employer's contributions required from him or her, or accept any waiver of any right pursuant to this chapter by any individual in his or her employ.

2. No employing unit or any agent of an employing unit or any other person shall make a false statement or representation knowing it to be false, nor shall knowingly fail to disclose a material fact to prevent or reduce the payment of benefits to any individual, nor to avoid becoming or remaining an employer, nor to avoid or reduce any contribution or other payment required from any employing unit, nor shall willfully fail or refuse to make any contributions or payments nor to furnish any required reports nor to produce or permit the inspection or copying of required records. Each such requirement shall apply regardless of whether it is a requirement of this chapter, of an employment security law of any other state or of the federal government.

3. No person shall make a false statement or representation knowing it to be false or knowingly fail to disclose a material fact, to obtain or increase any benefit or other payment pursuant to this chapter, or under an employment security law of any other state or of the federal government either for himself or herself or for any other person.

4. No person shall without just cause fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda, and other records, if it is in such person's power so to do in obedience to a subpoena of the director, the commission, an appeals tribunal, or any duly authorized representative of any one of them.

5. No individual claiming benefits shall be charged fees of any kind in any proceeding pursuant to this chapter by the division, or by any court or any officer thereof. Any individual claiming benefits in any proceeding before the division or a court may be represented by counsel or other duly authorized agent; but no such counsel or agents shall either charge or receive for such services more than an amount approved by the division.

6. No employee of the division or any person who has obtained any list of applicants for work or of claimants for or recipients of benefits pursuant to this chapter shall use or permit the use of such lists for any political purpose.

7. Any person who shall willfully violate any provision of this chapter, or of an employment security law of any other state or of the federal government or any rule or regulation, the observance of which is required under the terms of any one of such laws, shall upon conviction be deemed guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars nor more than one thousand dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment, and each such violation or each day such violation continues shall be deemed to be a separate offense.

8. In case of contumacy by, or refusal to obey a subpoena issued to, any person, any court of this state within the jurisdiction of which the inquiry is carried on, or within the jurisdiction of which the person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the director, the commission, an appeals tribunal, or any duly authorized representative of any one of them shall have jurisdiction to issue to such person an order requiring such person to appear before the director, the commission, an appeals tribunal or any duly authorized representative of any one of them, there to produce evidence if so ordered or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by the court as a contempt thereof.

9. (1) Any individual or employer who receives or denies unemployment benefits by intentionally misrepresenting, misstating, or failing to disclose any material fact has committed fraud. After the discovery of facts indicating fraud, a deputy shall make a written determination that the individual obtained or denied unemployment benefits by fraud and that the individual must promptly repay the unemployment benefits to the fund. In addition, the deputy shall assess a penalty equal to twenty-five percent of the amount fraudulently obtained or denied. If division records indicate that the individual or employer had a prior established overpayment or record of denial due to fraud, the deputy shall, on the present overpayment or determination, assess a penalty equal to one hundred percent of the amount fraudulently obtained.

(2) Unless the individual or employer within thirty calendar days after notice of such determination of overpayment by fraud is either delivered in person or mailed to the last known address of such individual or employer files an appeal from such determination, it shall be final. Proceedings on the appeal shall be conducted in accordance with section 288.190.

(3) If the individual or employer fails to repay the unemployment benefits and penalty, assessed as a result of the deputy's determination that the individual or employer obtained or denied unemployment benefits by fraud, such sum shall be collectible in the manner provided in [sections 288.160 and 288.170 for the collection of past due contributions] **subsection 14 of this section for the recovery of overpaid unemployment compensation benefits.** If the individual or employer fails to repay the unemployment benefits that the individual or employer denied or obtained by fraud, the division may offset from any future unemployment benefits otherwise payable the amount of the overpayment, or may take such steps as are necessary to effect payment from the individual or employer. Future benefits may not be used to offset the penalty due. Money received in repayment of fraudulently obtained or denied unemployment benefits and penalties shall first be applied to the unemployment benefits overpaid, then to the penalty amount due. [Payments made toward the penalty amount due] **For payments made toward the penalty, an amount equal to fifteen percent of the total amount of benefits fraudulently obtained shall be immediately deposited into the state's unemployment compensation fund upon receipt and the remaining penalty amount shall be credited to the special employment security fund.**

(4) If fraud or evasion on the part of any employer is discovered by the division, the employer will be subject to the fraud provisions of subsection 4 of section 288.160.

(5) The provisions of this subsection shall become effective July 1, 2005.

10. An individual who willfully fails to disclose amounts earned during any week with respect to which benefits are claimed by him or her, willfully fails to disclose or has falsified as

to any fact which would have disqualified him or her or rendered him or her ineligible for benefits during such week, or willfully fails to disclose a material fact or makes a false statement or representation in order to obtain or increase any benefit pursuant to this chapter shall forfeit all of his or her benefit rights, and all of his or her wage credits accrued prior to the date of such failure to disclose or falsification shall be cancelled, and any benefits which might otherwise have become payable to him or her subsequent to such date based upon such wage credits shall be forfeited; except that, the division may, upon good cause shown, modify such reduction of benefits and cancellation of wage credits. It shall be presumed that such failure or falsification was willful in any case in which an individual signs and certifies a claim for benefits and fails to disclose or falsifies as to any fact relative to such claim.

11. (1) Any assignment, pledge, or encumbrance of any rights to benefits which are or may become due or payable pursuant to this chapter shall be void; and such rights to benefits shall be exempt from levy, execution, attachment, or any other remedy whatsoever provided for the collection of debt; and benefits received by any individual, so long as they are not mingled with other funds of the recipient, shall be exempt from any remedy whatsoever for the collection of all debts except debts incurred for necessities furnished to such individual or the individual's spouse or dependents during the time such individual was unemployed. Any waiver of any exemption provided for in this subsection shall be void; except that this section shall not apply to:

(a) Support obligations, as defined pursuant to paragraph (g) of subdivision (2) of this subsection, which are being enforced by a state or local support enforcement agency against any individual claiming unemployment compensation pursuant to this chapter; or

(b) Uncollected overissuances (as defined in Section 13(c)(1) of the Food Stamp Act of 1977) of food stamp coupons;

(2) (a) An individual filing a new claim for unemployment compensation shall, at the time of filing such claim, disclose whether or not the individual owes support obligations, as defined pursuant to paragraph (g) of this subdivision or owes uncollected overissuances of food stamp coupons (as defined in Section 13(c)(1) of the Food Stamp Act of 1977). If any such individual discloses that he or she owes support obligations or uncollected overissuances of food stamp coupons, and is determined to be eligible for unemployment compensation, the division shall notify the state or local support enforcement agency enforcing the support obligation or the state food stamp agency to which the uncollected food stamp overissuance is owed that such individual has been determined to be eligible for unemployment compensation;

(b) The division shall deduct and withhold from any unemployment compensation payable to an individual who owes support obligations as defined pursuant to paragraph (g) of this subdivision or who owes uncollected food stamp overissuances:

a. The amount specified by the individual to the division to be deducted and withheld pursuant to this paragraph if neither subparagraph b. nor subparagraph c. of this paragraph is applicable; or

b. The amount, if any, determined pursuant to an agreement submitted to the division pursuant to Section 454(20)(B)(i) of the Social Security Act by the state or local support enforcement agency, unless subparagraph c. of this paragraph is applicable; or the amount (if any) determined pursuant to an agreement submitted to the state food stamp agency pursuant to Section 13(c)(3)(a) of the Food Stamp Act of 1977; or

c. Any amount otherwise required to be so deducted and withheld from such unemployment compensation pursuant to properly served legal process, as that term is defined in Section 459(i) of the Social Security Act; or any amount otherwise required to be deducted and withheld from the unemployment compensation pursuant to Section 13(c)(3)(b) of the Food Stamp Act of 1977;

(c) Any amount deducted and withheld pursuant to paragraph (b) of this subdivision shall be paid by the division to the appropriate state or local support enforcement agency or state food stamp agency;

(d) Any amount deducted and withheld pursuant to paragraph (b) of this subdivision shall, for all purposes, be treated as if it were paid to the individual as unemployment compensation and paid by such individual to the state or local support enforcement agency in satisfaction of the individual's support obligations or to the state food stamp agency to which the uncollected overissuance is owed as repayment of the individual's uncollected overissuance;

(e) For purposes of paragraphs (a), (b), (c), and (d) of this subdivision, the term "unemployment compensation" means any compensation payable pursuant to this chapter, including amounts payable by the division pursuant to an agreement pursuant to any federal law providing for compensation, assistance, or allowances with respect to unemployment;

(f) Deductions will be made pursuant to this section only if appropriate arrangements have been made for reimbursement by the state or local support enforcement agency, or the state food stamp agency, for the administrative costs incurred by the division pursuant to this section which are attributable to support obligations being enforced by the state or local support enforcement agency or which are attributable to uncollected overissuances of food stamp coupons;

(g) The term "support obligations" is defined for purposes of this subsection as including only obligations which are being enforced pursuant to a plan described in Section 454 of the Social Security Act which has been approved by the Secretary of Health and Human Services pursuant to Part D of Title IV of the Social Security Act;

(h) The term "state or local support enforcement agency", as used in this subsection, means any agency of a state, or political subdivision thereof, operating pursuant to a plan described in paragraph (g) of this subdivision;

(i) The term "state food stamp agency" as used in this subsection means any agency of a state, or political subdivision thereof, operating pursuant to a plan described in the Food Stamp Act of 1977;

(j) The director may prescribe the procedures to be followed and the form and contents of any documents required in carrying out the provisions of this subsection;

(k) The division shall comply with the following priority when deducting and withholding amounts from any unemployment compensation payable to an individual:

a. Before withholding any amount for child support obligations or uncollected overissuances of food stamp coupons, the division shall first deduct and withhold from any unemployment compensation payable to an individual the amount, as determined by the division, owed pursuant to subsection 12 or 13 of this section;

b. If, after deductions are made pursuant to subparagraph a. of this paragraph, an individual has remaining unemployment compensation amounts due and owing, and the individual owes support obligations or uncollected overissuances of food stamp coupons, the division shall first deduct and withhold any remaining unemployment compensation amounts for application to child support obligations owed by the individual;

c. If, after deductions are made pursuant to subparagraphs a. and b. of this paragraph, an individual has remaining unemployment compensation amounts due and owing, and the individual owes uncollected overissuances of food stamp coupons, the division shall deduct and withhold any remaining unemployment compensation amounts for application to uncollected overissuances of food stamp coupons owed by the individual.

12. Any person who, by reason of the nondisclosure or misrepresentation by such person or by another of a material fact, has received any sum as benefits pursuant to this chapter while any conditions for the receipt of benefits imposed by this chapter were not fulfilled in such person's case, or while he or she was disqualified from receiving benefits, shall, in the discretion of the division, either be liable to have such sums deducted from any future benefits payable to such person pursuant to this chapter or shall be liable to repay to the division for the unemployment compensation fund a sum equal to the amounts so received by him or her. **The division may recover such sums in accordance with the provisions of subsection 14 of this section.**

13. Any person who, by reason of any error or omission or because of a lack of knowledge of material fact on the part of the division, has received any sum of benefits pursuant to this chapter while any conditions for the receipt of benefits imposed by this chapter were not fulfilled in such person's case, or while such person was disqualified from receiving benefits, shall after an opportunity for a fair hearing pursuant to subsection 2 of section 288.190, **in the discretion of the division, either be liable to have such sums deducted from any further benefits payable to such person pursuant to this chapter[, provided that] or be liable to repay to the division for the unemployment compensation fund a sum equal to the amounts so received by him or her. The division may recover such sums in accordance with the provisions of subsection 14 of this section.** However, the division may elect not to process such possible overpayments where the amount of same is not over twenty percent of the maximum state weekly benefit amount in effect at the time the error or omission was discovered.

14. Recovering overpaid unemployment compensation benefits shall be pursued by the division against any person receiving such overpaid unemployment compensation benefits through billing, setoffs against state and federal tax refunds to the extent permitted by federal law, intercepts of lottery winnings under section 313.321, and collection efforts as provided for in sections 288.160, 288.170, and 288.175.

15. Any person who has received any sum as benefits under the laws of another state, or under any unemployment benefit program of the United States administered by another state while any conditions for the receipt of benefits imposed by the law of such other state were not fulfilled in his or her case, shall after an opportunity for a fair hearing pursuant to subsection 2 of section 288.190 have such sums deducted from any further benefits payable to such person pursuant to this chapter, but only if there exists between this state and such other state a reciprocal agreement under which such entity agrees to recover benefit overpayments, in like fashion, on behalf of this state.

288.381. COLLECTION OF BENEFITS PAID WHEN CLAIMANT LATER DETERMINED INELIGIBLE OR AWARDED BACK PAY — VIOLATION, DAMAGES. — 1. The provisions of subsection [6] 8 of section 288.070 notwithstanding, benefits paid to a claimant pursuant to subsection [5] 7 of section 288.070 to which the claimant was not entitled based on a subsequent determination, redetermination or decision which has become final, shall be collectible by the division as provided in subsections 12 and 13 of section 288.380.

2. Notwithstanding any other provision of law to the contrary, when a claimant who has been separated from his employment receives benefits under this chapter and subsequently receives a back pay award pursuant to action by a governmental agency, court of competent jurisdiction or as a result of arbitration proceedings, for a period of time during which no services were performed, the division shall establish an overpayment equal to the lesser of the amount of the back pay award or the benefits paid to the claimant which were attributable to the period covered by the back pay award. After the claimant has been provided an opportunity for a fair hearing under the provision of section 288.190, the employer shall withhold from the employee's back pay award the amount of benefits so received and shall pay such amount to the division and separately designate such amount.

3. For the purposes of subsection 2 of this section, the division shall provide the employer with the amount of benefits paid to the claimant.

4. Any individual, company, association, corporation, partnership, bureau, agency or the agent or employee of the foregoing who interferes with, obstructs, or otherwise causes an employer to fail to comply with the provisions of subsection 2 of this section shall be liable for damages in the amount of three times the amount owed by the employer to the division. The division shall proceed to collect such damages under the provisions of sections 288.160 and 288.170.

HB 1534 [HB 1534]

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 expiration date on various federal reimbursement allowances for two years

AN ACT to repeal sections 190.839, 198.439, 208.437, 208.480, 338.550, and 633.401, RSMo, and to enact in lieu thereof six new sections relating to reimbursement allowance taxes.

SECTION

- A. Enacting clause.
- 190.839. Expiration date.
- 198.439. Expiration date.
- 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.
- 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, 208.437, 208.480, 338.550, and 633.401, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 190.839, 198.439, 208.437, 208.480, 338.550, and 633.401, to read as follows:

190.839. EXPIRATION DATE. — Sections 190.800 to 190.839 shall expire on September 30, [2016] **2018**.

198.439. EXPIRATION DATE. — Sections 198.401 to 198.436 shall expire on September 30, [2016] **2018**.

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, [2016] **2018**.

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, [2016] **2018**.

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, [2016] **2018**.

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, [2016] **2018**.

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, [2016] **2018**.

Approved June 8, 2016

HB 1550 [SS#2 SCS HCS HB 1550]

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 every child custody judgment must include a written statement notifying the parties that if a provision of the judgment is violated, the injured party may file a family access motion

AN ACT to repeal sections 452.310, 452.340, 452.375, 452.400, 452.556, 454.849, and 454.1728 RSMo, and to enact in lieu thereof seven new sections relating to child custody orders, with existing penalty provisions.

SECTION

- A. Enacting clause.
- 452.310. Petition, contents — service, how — rules to apply — defenses abolished — parenting plans submitted, when, content, exception.
- 452.340. Child support, how allocated — factors to be considered — abatement or termination of support, when — support after age eighteen, when — public policy of state — payments may be made directly to child, when — child support guidelines, rebuttable presumption, use of guidelines, when — retroactivity — obligation terminated, how.
- 452.375. Custody — definitions — factors determining custody — prohibited, when — public policy of state — custody options — findings required, when — parent plan required — access to records — joint custody not to preclude child support — support, how determined — domestic violence or abuse, specific findings.
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- 452.400. Visitation rights, awarded when — history of domestic violence, consideration of — prohibited, when — modification of, when — supervised visitation defined — noncompliance with order, effect of — family access motions, procedure, penalty for violation — attorney fees and costs assessed, when.
- 452.556. Handbook, contents, availability.
- 454.849. Effective date of repeal of act.
- 454.1728. Effective date.

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

SECTION A. ENACTING CLAUSE. — Sections 452.310, 452.340, 452.375, 452.400, 452.556, 454.849, and 454.1728, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 452.310, 452.340, 452.375, 452.400, 452.556, 454.849, and 454.1728, to read as follows:

452.310. PETITION, CONTENTS — SERVICE, HOW — RULES TO APPLY — DEFENSES ABOLISHED — PARENTING PLANS SUBMITTED, WHEN, CONTENT, EXCEPTION. — 1. In any proceeding commenced pursuant to this chapter, the petition, a motion to modify, a motion for a family access order and a motion for contempt shall be verified. The petition in a proceeding for dissolution of marriage shall allege that the marriage is irretrievably broken and that therefore there remains no reasonable likelihood that the marriage can be preserved. The petition in a proceeding for legal separation shall allege that the marriage is not irretrievably broken and that therefore there remains a reasonable likelihood that the marriage can be preserved.

2. The petition in a proceeding for dissolution of marriage or legal separation shall set forth:

- (1) The residence of each party, including the county, and the length of residence of each party in this state and in the county of residence;
- (2) The date of the marriage and the place at which it is registered;
- (3) The date on which the parties separated;
- (4) The name, age, and address of each child, and the parent with whom each child has primarily resided for the sixty days immediately preceding the filing of the petition for dissolution of marriage or legal separation;
- (5) Whether the wife is pregnant;
- (6) The last four digits of the Social Security number of the petitioner, respondent and each child;
- (7) Any arrangements as to the custody and support of the children and the maintenance of each party; and
- (8) The relief sought.

3. Upon the filing of the petition in a proceeding for dissolution of marriage or legal separation, each child shall immediately be subject to the jurisdiction of the court in which the proceeding is commenced, unless a proceeding involving allegations of abuse or neglect of the child is pending in juvenile court. Until permitted by order of the court, neither parent shall remove any child from the jurisdiction of the court or from any parent with whom the child has primarily resided for the sixty days immediately preceding the filing of a petition for dissolution of marriage or legal separation.

4. The mere fact that one parent has actual possession of the child at the time of filing shall not create a preference in favor of such parent in any judicial determination regarding custody of the child.

5. The respondent shall be served in the manner provided by the rules of the supreme court and applicable court rules and, to avoid an interlocutory judgment of default, shall file a verified answer within thirty days of the date of service which shall not only admit or deny the allegations of the petition, but shall also set forth:

- (1) The last four digits of the Social Security number of the petitioner, respondent and each child;
- (2) Any arrangements as to the custody and support of the child and the maintenance of each party; and

- (3) The relief sought.
6. Previously existing defenses to divorce and legal separation, including but not limited to condonation, connivance, collusion, recrimination, insanity, and lapse of time, are abolished.
7. The full Social Security number of each party and each child and the date of birth of each child shall be provided in the manner required under section 509.520.
8. The petitioner and respondent shall submit a proposed parenting plan, either individually or jointly, within thirty days after service of process or the filing of the entry of appearance, whichever event first occurs of a motion to modify or a petition involving custody or visitation issues. The proposed parenting plan shall set forth the arrangements that the party believes to be in the best interest of the minor children and shall include but not be limited to:
- (1) A specific written schedule detailing the custody, visitation and residential time for each child with each party including:
 - (a) Major holidays stating which holidays a party has each year;
 - (b) School holidays for school-age children;
 - (c) The child's birthday, Mother's Day and Father's Day;
 - (d) Weekday and weekend schedules and for school-age children how the winter, spring, summer and other vacations from school will be spent;
 - (e) The times and places for transfer of the child between the parties in connection with the residential schedule;
 - (f) A plan for sharing transportation duties associated with the residential schedule;
 - (g) Appropriate times for telephone access;
 - (h) Suggested procedures for notifying the other party when a party requests a temporary variation from the residential schedule;
 - (i) Any suggested restrictions or limitations on access to a party and the reasons such restrictions are requested;
 - (2) A specific written plan regarding legal custody which details how the decision-making rights and responsibilities will be shared between the parties including the following:
 - (a) Educational decisions and methods of communicating information from the school to both parties;
 - (b) Medical, dental and health care decisions including how health care providers will be selected and a method of communicating medical conditions of the child and how emergency care will be handled;
 - (c) Extracurricular activities, including a method for determining which activities the child will participate in when those activities involve time during which each party is the custodian;
 - (d) Child care providers, including how such providers will be selected;
 - (e) Communication procedures including access to telephone numbers as appropriate;
 - (f) A dispute resolution procedure for those matters on which the parties disagree or in interpreting the parenting plan;
 - (g) If a party suggests no shared decision-making, a statement of the reasons for such a request;
 - (3) How the expenses of the child, including child care, educational and extraordinary expenses as defined in the child support guidelines established by the supreme court, will be paid including:
 - (a) The suggested amount of child support to be paid by each party;
 - (b) The party who will maintain or provide health insurance for the child and how the medical, dental, vision, psychological and other health care expenses of the child not paid by insurance will be paid by the parties;
 - (c) The payment of educational expenses, if any;
 - (d) The payment of extraordinary expenses of the child, if any;
 - (e) Child care expenses, if any;
 - (f) Transportation expenses, if any.
9. If the proposed parenting plans of the parties differ and the parties cannot resolve the differences or if any party fails to file a proposed parenting plan, upon motion of either party and

an opportunity for the parties to be heard, the court shall enter a temporary order containing a parenting plan setting forth the arrangements specified in subsection 8 of this section which will remain in effect until further order of the court. The temporary order entered by the court shall not create a preference for the court in its adjudication of final custody, child support or visitation.

10. [Within one hundred twenty days after August 28, 1998,] The Missouri supreme court shall have [in effect] guidelines for a parenting plan [form] which may be used by the parties pursuant to this section in any dissolution of marriage, legal separation or modification proceeding involving issues of custody and visitation relating to the child. **Parenting plan guidelines shall be made available on the office of state courts administrator's website.**

11. The filing of a parenting plan for any child over the age of eighteen for whom custody, visitation, or support is being established or modified by a court of competent jurisdiction is not required. Nothing in this section shall be construed as precluding the filing of a parenting plan upon agreement of the parties or if ordered to do so by the court for any child over the age of eighteen for whom custody, visitation, or support is being established or modified by a court of competent jurisdiction.

452.340. CHILD SUPPORT, HOW ALLOCATED — FACTORS TO BE CONSIDERED — ABATEMENT OR TERMINATION OF SUPPORT, WHEN — SUPPORT AFTER AGE EIGHTEEN, WHEN — PUBLIC POLICY OF STATE — PAYMENTS MAY BE MADE DIRECTLY TO CHILD, WHEN — CHILD SUPPORT GUIDELINES, REBUTTABLE PRESUMPTION, USE OF GUIDELINES, WHEN — RETROACTIVITY — OBLIGATION TERMINATED, HOW. — 1. In a proceeding for dissolution of marriage, legal separation or child support, the court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable or necessary for the support of the child, including an award retroactive to the date of filing the petition, without regard to marital misconduct, after considering all relevant factors including:

- (1) The financial needs and resources of the child;
- (2) The financial resources and needs of the parents;
- (3) The standard of living the child would have enjoyed had the marriage not been dissolved;
- (4) The physical and emotional condition of the child, and the child's educational needs;
- (5) The child's physical and legal custody arrangements, including the amount of time the child spends with each parent and the reasonable expenses associated with the custody or visitation arrangements; and
- (6) The reasonable work-related child care expenses of each parent.

2. The obligation of the parent ordered to make support payments shall abate, in whole or in part, for such periods of time in excess of thirty consecutive days that the other parent has voluntarily relinquished physical custody of a child to the parent ordered to pay child support, notwithstanding any periods of visitation or temporary physical and legal or physical or legal custody pursuant to a judgment of dissolution or legal separation or any modification thereof. In a IV-D case, the family support division may determine the amount of the abatement pursuant to this subsection for any child support order and shall record the amount of abatement in the automated child support system record established pursuant to chapter 454. If the case is not a IV-D case and upon court order, the circuit clerk shall record the amount of abatement in the automated child support system record established in chapter 454.

3. Unless the circumstances of the child manifestly dictate otherwise and the court specifically so provides, the obligation of a parent to make child support payments shall terminate when the child:

- (1) Dies;
- (2) Marries;
- (3) Enters active duty in the military;
- (4) Becomes self-supporting, provided that the custodial parent has relinquished the child from parental control by express or implied consent;

- (5) Reaches age eighteen, unless the provisions of subsection 4 or 5 of this section apply;
or
(6) Reaches age twenty-one, unless the provisions of the child support order specifically extend the parental support order past the child's twenty-first birthday for reasons provided by subsection 4 of this section.

4. If the child is physically or mentally incapacitated from supporting himself and insolvent and unmarried, the court may extend the parental support obligation past the child's eighteenth birthday.

5. If when a child reaches age eighteen, the child is enrolled in and attending a secondary school program of instruction, the parental support obligation shall continue, if the child continues to attend and progresses toward completion of said program, until the child completes such program or reaches age twenty-one, whichever first occurs. If the child is enrolled in an institution of vocational or higher education not later than October first following graduation from a secondary school or completion of a graduation equivalence degree program and so long as the child enrolls for and completes at least twelve hours of credit each semester, not including the summer semester, at an institution of vocational or higher education and achieves grades sufficient to reenroll at such institution, the parental support obligation shall continue until the child completes his or her education, or until the child reaches the age of twenty-one, whichever first occurs. To remain eligible for such continued parental support, at the beginning of each semester the child shall submit to each parent a transcript or similar official document provided by the institution of vocational or higher education which includes the courses the child is enrolled in and has completed for each term, the grades and credits received for each such course, and an official document from the institution listing the courses which the child is enrolled in for the upcoming term and the number of credits for each such course. When enrolled in at least twelve credit hours, if the child receives failing grades in half or more of his or her courseload in any one semester, payment of child support may be terminated and shall not be eligible for reinstatement. Upon request for notification of the child's grades by the noncustodial parent, the child shall produce the required documents to the noncustodial parent within thirty days of receipt of grades from the education institution. If the child fails to produce the required documents, payment of child support may terminate without the accrual of any child support arrearage and shall not be eligible for reinstatement. If the circumstances of the child manifestly dictate, the court may waive the October first deadline for enrollment required by this subsection. If the child is enrolled in such an institution, the child or parent obligated to pay support may petition the court to amend the order to direct the obligated parent to make the payments directly to the child. As used in this section, an "institution of vocational education" means any postsecondary training or schooling for which the student is assessed a fee and attends classes regularly. "Higher education" means any community college, college, or university at which the child attends classes regularly. A child who has been diagnosed with a developmental disability, as defined in section 630.005, or whose physical disability or diagnosed health problem limits the child's ability to carry the number of credit hours prescribed in this subsection, shall remain eligible for child support so long as such child is enrolled in and attending an institution of vocational or higher education, and the child continues to meet the other requirements of this subsection. A child who is employed at least fifteen hours per week during the semester may take as few as nine credit hours per semester and remain eligible for child support so long as all other requirements of this subsection are complied with.

6. The court shall consider ordering a parent to waive the right to claim the tax dependency exemption for a child enrolled in an institution of vocational or higher education in favor of the other parent if the application of state and federal tax laws and eligibility for financial aid will make an award of the exemption to the other parent appropriate.

7. The general assembly finds and declares that it is the public policy of this state that frequent, continuing and meaningful contact with both parents after the parents have separated or dissolved their marriage is in the best interest of the child except for cases where the court

specifically finds that such contact is not in the best interest of the child. In order to effectuate this public policy, a court with jurisdiction shall enforce visitation, custody and child support orders in the same manner. A court with jurisdiction may abate, in whole or in part, any past or future obligation of support and may transfer the physical and legal or physical or legal custody of one or more children if it finds that a parent has, without good cause, failed to provide visitation or physical and legal or physical or legal custody to the other parent pursuant to the terms of a judgment of dissolution, legal separation or modifications thereof. The court shall also award, if requested and for good cause shown, reasonable expenses, attorney's fees and court costs incurred by the prevailing party.

8. The Missouri supreme court shall have in effect a rule establishing guidelines by which any award of child support shall be made in any judicial or administrative proceeding. Said guidelines shall contain specific, descriptive and numeric criteria which will result in a computation of the support obligation. The guidelines shall address how the amount of child support shall be calculated when an award of joint physical custody results in the child or children spending equal or substantially equal time with both parents and the directions and comments and any tabular representations of the directions and comments for completion of the child support guidelines and a subsequent form developed to reflect the guidelines shall reflect the ability to obtain up to a fifty percent adjustment or credit below the basic child support amount for joint physical custody or visitation as described in subsection 11 of this section. The Missouri supreme court shall publish child support guidelines and specifically list and explain the relevant factors and assumptions that were used to calculate the child support guidelines. Any rule made pursuant to this subsection shall be reviewed by the promulgating body not less than once every four years to ensure that its application results in the determination of appropriate child support award amounts.

9. There shall be a rebuttable presumption, in any judicial or administrative proceeding for the award of child support, that the amount of the award which would result from the application of the guidelines established pursuant to subsection 8 of this section is the correct amount of child support to be awarded. A written finding or specific finding on the record in a judicial or administrative proceeding that the application of the guidelines would be unjust or inappropriate in a particular case, after considering all relevant factors, including the factors set out in subsection 1 of this section, [is] **shall be** required [if requested by a party] and shall be sufficient to rebut the presumption in the case. The written finding or specific finding on the record shall detail the specific relevant factors that required a deviation from the application of the guidelines.

10. Pursuant to this or any other chapter, when a court determines the amount owed by a parent for support provided to a child by another person, other than a parent, prior to the date of filing of a petition requesting support, or when the director of the family support division establishes the amount of state debt due pursuant to subdivision (2) of subsection 1 of section 454.465, the court or director shall use the guidelines established pursuant to subsection 8 of this section. The amount of child support resulting from the application of the guidelines shall be applied retroactively for a period prior to the establishment of a support order and the length of the period of retroactivity shall be left to the discretion of the court or director. There shall be a rebuttable presumption that the amount resulting from application of the guidelines under subsection 8 of this section constitutes the amount owed by the parent for the period prior to the date of the filing of the petition for support or the period for which state debt is being established. In applying the guidelines to determine a retroactive support amount, when information as to average monthly income is available, the court or director may use the average monthly income of the noncustodial parent, as averaged over the period of retroactivity, in determining the amount of presumed child support owed for the period of retroactivity. The court or director may enter a different amount in a particular case upon finding, after consideration of all relevant factors, including the factors set out in subsection 1 of this section, that there is sufficient cause to rebut the presumed amount.

11. The court may award child support in an amount that provides up to a fifty percent adjustment below the basic child support amount authorized by the child support guidelines described under subsection 8 of this section for custody awards of joint physical custody where the child or children spend equal or substantially equal time with both parents.

12. The obligation of a parent to make child support payments may be terminated as follows:

(1) Provided that the state case registry or child support order contains the child's date of birth, the obligation shall be deemed terminated without further judicial or administrative process when the child reaches age twenty-one if the child support order does not specifically require payment of child support beyond age twenty-one for reasons provided by subsection 4 of this section;

(2) The obligation shall be deemed terminated without further judicial or administrative process when the parent receiving child support furnishes a sworn statement or affidavit notifying the obligor parent of the child's emancipation in accordance with the requirements of subsection 4 of section 452.370, and a copy of such sworn statement or affidavit is filed with the court which entered the order establishing the child support obligation, or the family support division for an order entered under section 454.470;

(3) The obligation shall be deemed terminated without further judicial or administrative process when the parent paying child support files a sworn statement or affidavit with the court which entered the order establishing the child support obligation, or the family support division for an order entered under section 454.470, stating that the child is emancipated and reciting the factual basis for such statement; which statement or affidavit is served by the court or division, as applicable, on the child support obligee; and which is either acknowledged and affirmed by the child support obligee in writing, or which is not responded to in writing within thirty days of receipt by the child support obligee;

(4) The obligation shall be terminated as provided by this subdivision by the court which entered the order establishing the child support obligation, or the family support division for an order entered under section 454.470, when the parent paying child support files a sworn statement or affidavit with the court which entered the order establishing the child support obligation, or the family support division, as applicable, stating that the child is emancipated and reciting the factual basis for such statement; and which statement or affidavit is served by the court or division, as applicable, on the child support obligee. If the obligee denies the statement or affidavit, the court or division shall thereupon treat the sworn statement or affidavit as a request for hearing and shall proceed to hear and adjudicate such request for hearing as provided by law; provided that the court may require the payment of a deposit as security for court costs and any accrued court costs, as provided by law, in relation to such request for hearing. When the division receives a request for hearing, the hearing shall be held in the manner provided by section 454.475.

13. The court may enter a judgment terminating child support pursuant to subdivisions (1) to (3) of subsection 12 of this section without necessity of a court appearance by either party. The clerk of the court shall mail a copy of a judgment terminating child support entered pursuant to subsection 12 of this section on both the obligor and obligee parents. The supreme court may promulgate uniform forms for sworn statements and affidavits to terminate orders of child support obligations for use pursuant to subsection 12 of this section and subsection 4 of section 452.370.

452.375. CUSTODY — DEFINITIONS — FACTORS DETERMINING CUSTODY — PROHIBITED, WHEN — PUBLIC POLICY OF STATE — CUSTODY OPTIONS — FINDINGS REQUIRED, WHEN — PARENT PLAN REQUIRED — ACCESS TO RECORDS — JOINT CUSTODY NOT TO PRECLUDE CHILD SUPPORT — SUPPORT, HOW DETERMINED — DOMESTIC VIOLENCE OR ABUSE, SPECIFIC FINDINGS. — 1. As used in this chapter, unless the context clearly indicates otherwise:

(1) "Custody" means joint legal custody, sole legal custody, joint physical custody or sole physical custody or any combination thereof;

(2) "Joint legal custody" means that the parents share the decision-making rights, responsibilities, and authority relating to the health, education and welfare of the child, and, unless allocated, apportioned, or decreed, the parents shall confer with one another in the exercise of decision-making rights, responsibilities, and authority;

(3) "Joint physical custody" means an order awarding each of the parents significant, but not necessarily equal, periods of time during which a child resides with or is under the care and supervision of each of the parents. Joint physical custody shall be shared by the parents in such a way as to assure the child of frequent, continuing and meaningful contact with both parents;

(4) "Third-party custody" means a third party designated as a legal and physical custodian pursuant to subdivision (5) of subsection 5 of this section.

2. The court shall determine custody in accordance with the best interests of the child. [The court] **When the parties have not reached an agreement on all issues related to custody, the court shall consider all relevant factors [including] and enter written findings of fact and conclusions of law, including, but not limited to, the following:**

(1) The wishes of the child's parents as to custody and the proposed parenting plan submitted by both parties;

(2) The needs of the child for a frequent, continuing and meaningful relationship with both parents and the ability and willingness of parents to actively perform their functions as mother and father for the needs of the child;

(3) The interaction and interrelationship of the child with parents, siblings, and any other person who may significantly affect the child's best interests;

(4) Which parent is more likely to allow the child frequent, continuing and meaningful contact with the other parent;

(5) The child's adjustment to the child's home, school, and community;

(6) The mental and physical health of all individuals involved, including any history of abuse of any individuals involved. If the court finds that a pattern of domestic violence as defined in section 455.010 has occurred, and, if the court also finds that awarding custody to the abusive parent is in the best interest of the child, then the court shall enter written findings of fact and conclusions of law. Custody and visitation rights shall be ordered in a manner that best protects the child and any other child or children for whom the parent has custodial or visitation rights, and the parent or other family or household member who is the victim of domestic violence from any further harm;

(7) The intention of either parent to relocate the principal residence of the child; and

(8) The wishes of a child as to the child's custodian. The fact that a parent sends his or her child or children to a home school, as defined in section 167.031, shall not be the sole factor that a court considers in determining custody of such child or children.

3. (1) In any court proceedings relating to custody of a child, the court shall not award custody or unsupervised visitation of a child to a parent if such parent or any person residing with such parent has been found guilty of, or pled guilty to, any of the following offenses when a child was the victim:

(a) A felony violation of section 566.030, 566.032, 566.040, 566.060, 566.062, 566.064, 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111, 566.151, 566.203, 566.206, 566.209, 566.212, or 566.215;

(b) A violation of section 568.020;

(c) A violation of subdivision (2) of subsection 1 of section 568.060;

(d) A violation of section 568.065;

(e) A violation of section 568.080;

(f) A violation of section 568.090; or

(g) A violation of section 568.175.

(2) For all other violations of offenses in chapters 566 and 568 not specifically listed in subdivision (1) of this subsection or for a violation of an offense committed in another state when a child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri, the court may exercise its discretion in awarding custody or visitation of a child to a parent if such parent or any person residing with such parent has been found guilty of, or pled guilty to, any such offense.

4. The general assembly finds and declares that it is the public policy of this state that frequent, continuing and meaningful contact with both parents after the parents have separated or dissolved their marriage is in the best interest of the child, except for cases where the court specifically finds that such contact is not in the best interest of the child, and that it is the public policy of this state to encourage parents to participate in decisions affecting the health, education and welfare of their children, and to resolve disputes involving their children amicably through alternative dispute resolution. In order to effectuate these policies, the court shall determine the custody arrangement which will best assure both parents participate in such decisions and have frequent, continuing and meaningful contact with their children so long as it is in the best interests of the child.

5. Prior to awarding the appropriate custody arrangement in the best interest of the child, the court shall consider each of the following as follows:

(1) Joint physical and joint legal custody to both parents, which shall not be denied solely for the reason that one parent opposes a joint physical and joint legal custody award. The residence of one of the parents shall be designated as the address of the child for mailing and educational purposes;

(2) Joint physical custody with one party granted sole legal custody. The residence of one of the parents shall be designated as the address of the child for mailing and educational purposes;

(3) Joint legal custody with one party granted sole physical custody;

(4) Sole custody to either parent; or

(5) Third-party custody or visitation:

(a) When the court finds that each parent is unfit, unsuitable, or unable to be a custodian, or the welfare of the child requires, and it is in the best interests of the child, then custody, temporary custody or visitation may be awarded to any other person or persons deemed by the court to be suitable and able to provide an adequate and stable environment for the child. Before the court awards custody, temporary custody or visitation to a third person under this subdivision, the court shall make that person a party to the action;

(b) Under the provisions of this subsection, any person may petition the court to intervene as a party in interest at any time as provided by supreme court rule.

6. If the parties have not agreed to a custodial arrangement, or the court determines such arrangement is not in the best interest of the child, the court shall include a written finding in the judgment or order based on the public policy in subsection 4 of this section and each of the factors listed in subdivisions (1) to (8) of subsection 2 of this section detailing the specific relevant factors that made a particular arrangement in the best interest of the child. If a proposed custodial arrangement is rejected by the court, the court shall include a written finding in the judgment or order detailing the specific relevant factors resulting in the rejection of such arrangement.

7. Upon a finding by the court that either parent has refused to exchange information with the other parent, which shall include but not be limited to information concerning the health, education and welfare of the child, the court shall order the parent to comply immediately and to pay the prevailing party a sum equal to the prevailing party's cost associated with obtaining the requested information, which shall include but not be limited to reasonable attorney's fees and court costs.

8. As between the parents of a child, no preference may be given to either parent in the awarding of custody because of that parent's age, sex, or financial status, nor because of the age

or sex of the child. **The court shall not presume that a parent, solely because of his or her sex, is more qualified than the other parent to act as a joint or sole legal or physical custodian for the child.**

9. Any judgment providing for custody shall include a specific written parenting plan setting forth the terms of such parenting plan arrangements specified in subsection [7] 8 of section 452.310. Such plan may be a parenting plan submitted by the parties pursuant to section 452.310 or, in the absence thereof, a plan determined by the court, but in all cases, the custody plan approved and ordered by the court shall be in the court's discretion and shall be in the best interest of the child.

10. After August 28, 2016, every court order establishing or modifying custody or visitation shall include the following language: "In the event of noncompliance with this order, the aggrieved party may file a verified motion for contempt. If custody, visitation, or third-party custody is denied or interfered with by a parent or third party without good cause, the aggrieved person may file a family access motion with the court stating the specific facts that constitute a violation of the custody provisions of the judgment of dissolution, legal separation, or judgment of paternity. The circuit clerk will provide the aggrieved party with an explanation of the procedures for filing a family access motion and a simple form for use in filing the family access motion. A family access motion does not require the assistance of legal counsel to prepare and file."

11. No court shall adopt any local rule, form, or practice requiring a standardized or default parenting plan for interim, temporary, or permanent orders or judgments. Notwithstanding any other provision to the contrary, a court may enter an interim order in a proceeding under this chapter, provided that the interim order shall not contain any provisions about child custody or a parenting schedule or plan without first providing the parties with notice and a hearing, unless the parties otherwise agree.

[10.] **12.** Unless a parent has been denied custody rights pursuant to this section or visitation rights under section 452.400, both parents shall have access to records and information pertaining to a minor child, including, but not limited to, medical, dental, and school records. If the parent without custody has been granted restricted or supervised visitation because the court has found that the parent with custody or any child has been the victim of domestic violence, as defined in section 455.010, by the parent without custody, the court may order that the reports and records made available pursuant to this subsection not include the address of the parent with custody or the child. Unless a parent has been denied custody rights pursuant to this section or visitation rights under section 452.400, any judgment of dissolution or other applicable court order shall specifically allow both parents access to such records and reports.

[11.] **13.** Except as otherwise precluded by state or federal law, if any individual, professional, public or private institution or organization denies access or fails to provide or disclose any and all records and information, including, but not limited to, past and present dental, medical and school records pertaining to a minor child, to either parent upon the written request of such parent, the court shall, upon its finding that the individual, professional, public or private institution or organization denied such request without good cause, order that party to comply immediately with such request and to pay to the prevailing party all costs incurred, including, but not limited to, attorney's fees and court costs associated with obtaining the requested information.

[12.] **14.** An award of joint custody does not preclude an award of child support pursuant to section 452.340 and applicable supreme court rules. The court shall consider the factors contained in section 452.340 and applicable supreme court rules in determining an amount reasonable or necessary for the support of the child.

[13.] **15.** If the court finds that domestic violence or abuse, as defined in section 455.010 has occurred, the court shall make specific findings of fact to show that the custody or visitation arrangement ordered by the court best protects the child and the parent or other family or household member who is the victim of domestic violence, as defined in section

455.010, and any other children for whom such parent has custodial or visitation rights from any further harm.

452.400. VISITATION RIGHTS, AWARDED WHEN — HISTORY OF DOMESTIC VIOLENCE, CONSIDERATION OF — PROHIBITED, WHEN — MODIFICATION OF, WHEN — SUPERVISED VISITATION DEFINED — NONCOMPLIANCE WITH ORDER, EFFECT OF — FAMILY ACCESS MOTIONS, PROCEDURE, PENALTY FOR VIOLATION — ATTORNEY FEES AND COSTS ASSESSED, WHEN. — 1. (1) A parent not granted custody of the child is entitled to reasonable visitation rights unless the court finds, after a hearing, that visitation would endanger the child's physical health or impair his or her emotional development. The court shall enter an order specifically detailing the visitation rights of the parent without physical custody rights to the child and any other children for whom such parent has custodial or visitation rights. In determining the granting of visitation rights, the court shall consider evidence of domestic violence. If the court finds that domestic violence has occurred, the court may find that granting visitation to the abusive party is in the best interests of the child.

(2) (a) The court shall not grant visitation to the parent not granted custody if such parent or any person residing with such parent has been found guilty of or pled guilty to any of the following offenses when a child was the victim:

a. A felony violation of section 566.030, 566.032, 566.040, 566.060, 566.062, 566.064, 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111, 566.151, 566.203, 566.206, 566.209, 566.212, or 566.215;

b. A violation of section 568.020;

c. A violation of subdivision (2) of subsection 1 of section 568.060;

d. A violation of section 568.065;

e. A violation of section 568.080;

f. A violation of section 568.090; or

g. A violation of section 568.175.

(b) For all other violations of offenses in chapters 566 and 568 not specifically listed in paragraph (a) of this subdivision or for a violation of an offense committed in another state when a child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri, the court may exercise its discretion in granting visitation to a parent not granted custody if such parent or any person residing with such parent has been found guilty of, or pled guilty to, any such offense.

(3) The court shall consider the parent's history of inflicting, or tendency to inflict, physical harm, bodily injury, assault, or the fear of physical harm, bodily injury, or assault on other persons and shall grant visitation in a manner that best protects the child and the parent or other family or household member who is the victim of domestic violence, and any other children for whom the parent has custodial or visitation rights from any further harm.

(4) The court, if requested by a party, shall make specific findings of fact to show that the visitation arrangements made by the court best protect the child or the parent or other family or household member who is the victim of domestic violence, or any other child for whom the parent has custodial or visitation rights from any further harm.

2. (1) The court may modify an order granting or denying visitation rights whenever modification would serve the best interests of the child, but the court shall not restrict a parent's visitation rights unless it finds that the visitation would endanger the child's physical health or impair his or her emotional development.

(2) (a) In any proceeding modifying visitation rights, the court shall not grant unsupervised visitation to a parent if the parent or any person residing with such parent has been found guilty of or pled guilty to any of the following offenses when a child was the victim:

a. A felony violation of section 566.030, 566.032, 566.040, 566.060, 566.062, 566.064, 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111, 566.151, 566.203, 566.206, 566.209, 566.212, or 566.215;

- b. A violation of section 568.020;
- c. A violation of subdivision (2) of subsection 1 of section 568.060;
- d. A violation of section 568.065;
- e. A violation of section 568.080;
- f. A violation of section 568.090; or
- g. A violation of section 568.175.

(b) For all other violations of offenses in chapters 566 and 568 not specifically listed in paragraph (a) of this subdivision or for a violation of an offense committed in another state when a child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri, the division may exercise its discretion regarding the placement of a child taken into the custody of the state in which a parent or any person residing in the home has been found guilty of, or pled guilty to, any such offense.

(3) When a court restricts a parent's visitation rights or when a court orders supervised visitation because of allegations of abuse or domestic violence, a showing of proof of treatment and rehabilitation shall be made to the court before unsupervised visitation may be ordered. "Supervised visitation", as used in this section, is visitation which takes place in the presence of a responsible adult appointed by the court for the protection of the child.

3. The court shall mandate compliance with its order by all parties to the action, including parents, children and third parties. In the event of noncompliance, the aggrieved person may file a verified motion for contempt. If custody, visitation or third-party custody is denied or interfered with by a parent or third party without good cause, the aggrieved person may file a family access motion with the court stating the specific facts which constitute a violation of the judgment of dissolution, legal separation or judgment of paternity. The state courts administrator shall develop a simple form for pro se motions to the aggrieved person, which shall be provided to the person by the circuit clerk. Clerks, under the supervision of a circuit clerk, shall explain to aggrieved parties the procedures for filing the form. Notice of the fact that clerks will provide such assistance shall be conspicuously posted in the clerk's offices. The location of the office where the family access motion may be filed shall be conspicuously posted in the court building. The performance of duties described in this section shall not constitute the practice of law as defined in section 484.010. Such form for pro se motions shall not require the assistance of legal counsel to prepare and file. The cost of filing the motion shall be the standard court costs otherwise due for instituting a civil action in the circuit court.

4. Within five court days after the filing of the family access motion pursuant to subsection 3 of this section, the clerk of the court shall issue a summons pursuant to applicable state law, and applicable local or supreme court rules. A copy of the motion shall be personally served upon the respondent by personal process server as provided by law or by any sheriff. Such service shall be served at the earliest time and shall take priority over service in other civil actions, except those of an emergency nature or those filed pursuant to chapter 455. The motion shall contain the following statement in boldface type: "PURSUANT TO SECTION 452.400, RSMO, YOU ARE REQUIRED TO RESPOND TO THE CIRCUIT CLERK WITHIN TEN DAYS OF THE DATE OF SERVICE. FAILURE TO RESPOND TO THE CIRCUIT CLERK MAY RESULT IN THE FOLLOWING:

- (1) AN ORDER FOR A COMPENSATORY PERIOD OF CUSTODY, VISITATION OR THIRD-PARTY CUSTODY AT A TIME CONVENIENT FOR THE AGGRIEVED PARTY NOT LESS THAN THE PERIOD OF TIME DENIED;
- (2) PARTICIPATION BY THE VIOLATOR IN COUNSELING TO EDUCATE THE VIOLATOR ABOUT THE IMPORTANCE OF PROVIDING THE CHILD WITH A CONTINUING AND MEANINGFUL RELATIONSHIP WITH BOTH PARENTS;
- (3) ASSESSMENT OF A FINE OF UP TO FIVE HUNDRED DOLLARS AGAINST THE VIOLATOR;

- (4) REQUIRING THE VIOLATOR TO POST BOND OR SECURITY TO ENSURE FUTURE COMPLIANCE WITH THE COURT'S ORDERS;
- (5) ORDERING THE VIOLATOR TO PAY THE COST OF COUNSELING TO REESTABLISH THE PARENT-CHILD RELATIONSHIP BETWEEN THE AGGRIEVED PARTY AND THE CHILD; AND
- (6) A JUDGMENT IN AN AMOUNT NOT LESS THAN THE REASONABLE EXPENSES, INCLUDING ATTORNEY'S FEES AND COURT COSTS ACTUALLY INCURRED BY THE AGGRIEVED PARTY AS A RESULT OF THE DENIAL OF CUSTODY, VISITATION OR THIRD-PARTY CUSTODY."

5. If an alternative dispute resolution program is available pursuant to section 452.372, the clerk shall also provide information to all parties on the availability of any such services, and within fourteen days of the date of service, the court may schedule alternative dispute resolution.

6. Upon a finding by the court pursuant to a motion for a family access order or a motion for contempt that its order for custody, visitation or third-party custody has not been complied with, without good cause, the court shall order a remedy, which may include, but not be limited to:

- (1) A compensatory period of visitation, custody or third-party custody at a time convenient for the aggrieved party not less than the period of time denied;
- (2) Participation by the violator in counseling to educate the violator about the importance of providing the child with a continuing and meaningful relationship with both parents;
- (3) Assessment of a fine of up to five hundred dollars against the violator payable to the aggrieved party;
- (4) Requiring the violator to post bond or security to ensure future compliance with the court's access orders; and
- (5) Ordering the violator to pay the cost of counseling to reestablish the parent-child relationship between the aggrieved party and the child.

7. **The court shall consider, in a proceeding to enforce or modify a permanent custody or visitation order or judgment, a party's violation, without good cause, of a provision of the parenting plan, for the purpose of determining that party's ability and willingness to allow the child frequent and meaningful contact with the other party.**

8. The reasonable expenses incurred as a result of denial or interference with custody or visitation, including attorney's fees and costs of a proceeding to enforce visitation rights, custody or third-party custody, shall be assessed, if requested and for good cause, against the parent or party who unreasonably denies or interferes with visitation, custody or third-party custody. In addition, the court may utilize any and all powers relating to contempt conferred on it by law or rule of the Missouri supreme court.

[8.] 9. Final disposition of a motion for a family access order filed pursuant to this section shall take place not more than sixty days after the service of such motion, unless waived by the parties or determined to be in the best interest of the child. Final disposition shall not include appellate review.

[9.] 10. Motions filed pursuant to this section shall not be deemed an independent civil action from the original action pursuant to which the judgment or order sought to be enforced was entered.

452.556. HANDBOOK, CONTENTS, AVAILABILITY. — 1. The state courts administrator shall create a handbook or be responsible for the approval of a handbook outlining the following:

- (1) **Guidelines as to what is included in a parenting plan in order to maximize to the highest degree the amount of time the child may spend with each parent;**
- (2) The benefits of the parties agreeing to a parenting plan which outlines education, custody and cooperation between parents;
- (3) The benefits of alternative dispute resolution;

- (4) The pro se family access motion for enforcement of custody or temporary physical custody;
- (5) The underlying assumptions for supreme court rules relating to child support; and
- (6) A party's duties and responsibilities pursuant to section 452.377, including the possible consequences of not complying with section 452.377.

The handbooks shall be distributed to each court and shall be available in an alternative format, including Braille, large print, or electronic or audio format upon request by a person with a disability, as defined by the federal Americans with Disabilities Act. **The handbook shall be made readily available and easily accessible online and upon request by a party.**

2. [Each court shall provide a copy of the handbook developed pursuant to subsection 1 of this section to each party in a dissolution or legal separation action filed pursuant to section 452.310, or any proceeding in modification thereof, where minor children are involved, or may] **In a dissolution or legal separation action filed pursuant to section 452.310, or any proceeding in modification thereof, where minor children are involved, petitioner's counsel shall provide the petitioner with a copy of the handbook developed pursuant to subsection 1 of this section at the time the petition is filed and [direct that] provide a copy of the handbook to be served along with the petition and summons upon the respondent. If the petitioner is unrepresented by counsel at the time the petition is filed, the court shall provide the petitioner with a copy of the handbook and direct that a copy of the handbook be served along with the petition and summons upon the respondent.**

3. The court shall make the handbook available to interested state agencies and members of the public.

454.849. EFFECTIVE DATE OF REPEAL OF ACT. — The repeal of sections 454.850 to 454.999 shall become effective upon the [United States filing its instrument of ratification of The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, adopted at The Hague Conference on Private International Law on November 23, 2007] **effective date of this act.**

454.1728. EFFECTIVE DATE. — Sections 454.1500 to 454.1728 shall become effective upon the [United States filing its instrument of ratification of The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, adopted at The Hague Conference on Private International Law on November 23, 2007] **effective date of this act.**

Approved July 1, 2016

HB 1559 [HB 1559]

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 first as "Lucile Bluford Day" in Missouri in honor of the civil rights activist and journalist

AN ACT to amend chapter 9, RSMo, by adding thereto one new section relating to Lucile Bluford Day.

SECTION

- A. Enacting clause.
 - 9.043. July 1, Lucile Bluford 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 9.043, to read as follows:

9.043. JULY 1, LUCILE BLUFORD DAY. — **July first is hereby designated as "Lucile Bluford Day" in the state of Missouri. The citizens of this state are encouraged to appropriately observe the day in honor of Lucile Bluford, a journalist and civil rights activist who successfully sued to end segregation in the University of Missouri journalism program and whose long and distinguished career at The Kansas City Call contributed to it becoming one of the largest and most important black newspapers in the nation.**

Approved July 14, 2016

HB 1561 [SS SCS HCS HB 1561]

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 distribution of sales taxes among certain areas of St. Louis County

AN ACT to repeal sections 66.620 and 182.802, RSMo, and to enact in lieu thereof two new sections relating to local sales taxes.

SECTION

- A. Enacting clause.
 66.620. County sales tax trust fund created — tax revenue, how distributed — boundary changes, effect.
 182.802. Public libraries, sales tax authorized — ballot language — definitions (Butler, Ripley, Wayne, Stoddard, New Madrid, Dunklin, Pemiscot, and Saline, and Cedar counties)

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

SECTION A. ENACTING CLAUSE. — Sections 66.620 and 182.802, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 66.620 and 182.802, to read as follows:

66.620. COUNTY SALES TAX TRUST FUND CREATED — TAX REVENUE, HOW DISTRIBUTED — BOUNDARY CHANGES, EFFECT. — 1. All county sales taxes collected by the director of revenue under sections 66.600 to 66.630 on behalf of any county, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which is hereby created, to be known as the "County Sales Tax Trust Fund". The moneys in the county sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county imposing a county sales tax, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county which levied the tax; such funds shall be deposited with the [county] treasurer of the county and all expenditures of funds arising from the county sales tax trust fund shall be by an appropriation act to be enacted by the legislative council of the county, and to the cities, towns and villages

located wholly or partly within the county which levied the tax in the manner as set forth in sections 66.600 to 66.630.

2. In any county not adopting an additional sales tax and alternate distribution system as provided in section 67.581, for the purposes of distributing the county sales tax, the county shall be divided into two groups, "Group A" and "Group B". Group A shall consist of all cities, towns and villages which are located wholly or partly within the county which levied the tax and which had a city sales tax in effect under the provisions of sections 94.500 to 94.550 on the day prior to the adoption of the county sales tax ordinance, except that beginning January 1, 1980, group A shall consist of all cities, towns and villages which are located wholly or partly within the county which levied the tax and which had a city sales tax approved by the voters of such city under the provisions of sections 94.500 to 94.550 on the day prior to the effective date of the county sales tax. For the purposes of determining the location of consummation of sales for distribution of funds to cities, towns and villages in group A, the boundaries of any such city, town or village shall be the boundary of that city, town or village as it existed on March 19, 1984. Group B shall consist of all cities, towns and villages which are located wholly or partly within the county which levied the tax and which did not have a city sales tax in effect under the provisions of sections 94.500 to 94.550 on the day prior to the adoption of the county sales tax ordinance, and shall also include all unincorporated areas of the county which levied the tax; except that, beginning January 1, 1980, group B shall consist of all cities, towns and villages which are located wholly or partly within the county which levied the tax and which did not have a city sales tax approved by the voters of such city under the provisions of sections 94.500 to 94.550 on the day prior to the effective date of the county sales tax and shall also include all unincorporated areas of the county which levied the tax.

3. Until January 1, 1994, the director of revenue shall distribute to the cities, towns and villages in group A the taxes based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087. Except for distribution governed by section 66.630, after deducting the distribution to the cities, towns and villages in group A, the director of revenue shall distribute the remaining funds in the county sales tax trust fund to the cities, towns and villages and the county in group B as follows: To the county which levied the tax, a percentage of the distributable revenue equal to the percentage ratio that the population of the unincorporated areas of the county bears to the total population of group B; and to each city, town or village in group B located wholly within the taxing county, a percentage of the distributable revenue equal to the percentage ratio that the population of such city, town or village bears to the total population of group B; and to each city, town or village located partly within the taxing county, a percentage of the distributable revenue equal to the percentage ratio that the population of that part of the city, town or village located within the taxing county bears to the total population of group B.

4. From [and after] January 1, 1994, **until December 31, 2016**, the director of revenue shall distribute to the cities, towns and villages in group A a portion of the taxes based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087 in accordance with the formula described in this subsection **and in subsection 6**. After deducting the distribution to the cities, towns and villages in group A, the director of revenue shall distribute funds in the county sales tax trust fund to the cities, towns and villages and the county in group B as follows: To the county which levied the tax, ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated since April 1, 1993, multiplied by the total of all sales tax revenues countywide, and a percentage of the remaining distributable revenue equal to the percentage ratio that the population of unincorporated areas of the county bears to the total population of group B; and to each city, town or village in group B located wholly within the taxing county, a percentage of the remaining distributable revenue equal to the percentage ratio that the population of such city, town or village bears to the total population of group B; and to each city, town or village located partly within the taxing county, a percentage of the remaining distributable revenue equal to the

percentage ratio that the population of that part of the city, town or village located within the taxing county bears to the total population of group B.

5. (1) From and after January 1, 2017, in each year in which the total revenues from the county sales tax collected under sections 66.600 to 66.630 in the previous calendar year is less than or equal to the amount of such revenues which were collected in the calendar year 2014, the director of revenue shall distribute to the cities, towns, and villages in group A and the cities, towns, and villages, and the county in group B, the amounts required to be distributed under the formula described in subsection 4 and in subsection 6 of this section. From and after January 1, 2017, in each year in which the total revenues from the county sales tax collected under sections 66.600 to 66.630 in the previous calendar year is greater than the amount of such revenues which were collected in the calendar year 2014, the director of revenue shall distribute to the cities, towns, and villages in group A a portion of the taxes based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087, in accordance with the formula described in this subsection and in subsection 6. After deducting the distribution to the cities, towns, and villages in group A, the director of revenue shall, subject to the limitation described in subdivision (2) of this subsection, distribute funds in the county sales tax trust fund to the cities, towns, and villages, and the county in group B as follows: to the county which levied the tax, ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated since April 1, 1993, multiplied by the total of all sales tax revenues countywide, and a percentage of the remaining distributable revenue equal to the percentage ratio that the population of unincorporated areas of the county bears to the total population of group B as adjusted such that no city, town, or village in group B shall receive a distribution that is less than fifty percent of the amount of taxes generated within such city, town, or village based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087; and to each city, town, or village in group B located wholly within the taxing county, a percentage of the remaining distributable revenue equal to the percentage ratio that the population of such city, town, or village bears to the total population of group B, as adjusted such that no city, town, or village in group B shall receive a distribution that is less than fifty percent of the amount of taxes generated within such city, town, or village based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087; and to each city, town, or village located partly within the taxing county, a percentage of the remaining distributable revenue equal to the percentage ratio that the population of that part of the city, town, or village located within the taxing county bears to the total population of group B, as adjusted such that no city, town, or village in group B shall receive a distribution that is less than fifty percent of the amount of taxes generated within such city, town, or village based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087.

(2) For purposes of making any adjustment required by this subsection, the director of revenue shall, prior to any distribution to the county or to each city, town, or village in group B located wholly or partly within the taxing county, identify each city, town, or village in group B located wholly or partly within the taxing county that would receive a distribution that is less than fifty percent of the amount of taxes generated within such city, town, or village based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087 if no adjustments were made and calculate the difference between the amount that the distribution to each such city, town, or village would have been without any adjustment and the amount that equals fifty percent of the amount of taxes generated within such city, town, or village based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087. Thereafter, the director of revenue shall determine the amount of any adjustment under this subsection as follows:

(a) If the aggregate amount of the difference calculated in accordance with this subsection is less than or equal to the aggregate increase in the remaining distributable revenue for the applicable period in the current calendar year over the remaining distributable revenue for the corresponding period in the calendar year 2014, the director of revenue shall deduct the amount of such difference from the remaining distributable revenue and distribute an allocable portion of the amount of such difference to each city, town, or village that would otherwise have received a distribution that is less than fifty percent of the amount of taxes generated within such city, town, or village based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087 if no adjustment were made, such that each such city, town, or village receives a distribution that is equal to fifty percent of the amount of taxes generated within such city, town, or village based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087;

(b) If, however, the aggregate amount of the difference calculated in accordance with this subsection is greater than the aggregate increase in the remaining distributable revenue for the applicable period in the current calendar year over the remaining distributable revenue for the corresponding period in the calendar year 2014, the director of revenue shall deduct from the remaining distributable revenue an amount equal to the difference between the remaining distributable revenue for the applicable period in the current calendar year and the remaining distributable revenue for the corresponding period in the calendar year 2014 and distribute an allocable portion of the amount of such difference to each city, town, or village that would otherwise have received a distribution that is less than fifty percent of the amount of taxes generated within such city, town, or village based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087 if no adjustment were made, such that each such city, town, or village receives a distribution that includes an adjustment that is proportionate to the amount of the adjustment that would otherwise have been made if such adjustment were calculated in accordance with paragraph (a) of this subsection;

(c) After determining the amount of the adjustment and making the allocation in accordance with paragraph (a) or (b) of this subsection, as applicable, the director of revenue shall thereafter distribute the remaining distributable revenue, as adjusted, to the county and to each city, town, or village in group B located wholly or partly within the taxing county in the manner provided in this subsection.

(3) For purposes of this subsection, if a city, town, or village is partly in group A and partly in group B, the director of revenue shall calculate fifty percent of the amount of taxes generated within such city, town, or village based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087 by multiplying fifty percent by the amount of all county sales taxes collected by the director of revenue under sections 66.600 to 66.630, less one percent for cost of collection, that are generated within such city, town, or village based on the location in which the sales were deemed consummated under section 66.630 and subsection 12 of section 32.087, regardless of whether such taxes are deemed consummated in group A or group B.

6. (1) For purposes of administering the distribution formula of [subsection] subsections 4 and 5 of this section, the revenues arising each year from sales occurring within each group A city, town or village shall be distributed as follows: Until such revenues reach the adjusted county average, as hereinafter defined, there shall be distributed to the city, town or village all of such revenues reduced by the percentage which is equal to ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993; and once revenues exceed the adjusted county average, total revenues shall be shared in accordance with the redistribution formula as defined in this subsection.

(2) For purposes of this subsection, the "adjusted county average" is the per capita countywide average of all sales tax distributions during the prior calendar year reduced by the percentage which is equal to ten percent multiplied by the percentage of the population of

unincorporated county which has been annexed or incorporated after April 1, 1993; the "redistribution formula" is as follows: During 1994, each group A city, town and village shall receive that portion of the revenues arising from sales occurring within the municipality that remains after deducting therefrom an amount equal to the cumulative sales tax revenues arising from sales within the municipality multiplied by the percentage which is the sum of ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993, and the percentage, if greater than zero, equal to the product of 8.5 multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the total of cumulative per capita sales taxes arising from sales within the municipality less the adjusted county average. During 1995, each group A city, town and village shall receive that portion of the revenues arising from sales occurring within the municipality that remains after deducting therefrom an amount equal to the cumulative sales tax revenues arising from sales within the municipality multiplied by the percentage which is the sum of ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993, and the percentage, if greater than zero, equal to the product of seventeen multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the total of cumulative per capita sales taxes arising from sales within the municipality less the adjusted county average. From January 1, 1996, until January 1, 2000, each group A city, town and village shall receive that portion of the revenues arising from sales occurring within the municipality that remains after deducting therefrom an amount equal to the cumulative sales tax revenues arising from sales within the municipality multiplied by the percentage which is the sum of ten percent multiplied by the percentage of the population of unincorporated county which has been annexed or incorporated after April 1, 1993, and the percentage, if greater than zero, equal to the product of 25.5 multiplied by the logarithm (to base 10) of the product of 0.035 multiplied by the total of cumulative per capita sales taxes arising from sales within the municipality less the adjusted county average. From and after January 1, 2000, the distribution formula covering the period from January 1, 1996, until January 1, 2000, shall continue to apply, except that the percentage computed for sales arising within the municipalities shall be not less than 7.5 percent for municipalities within which sales tax revenues exceed the adjusted county average, nor less than 12.5 percent for municipalities within which sales tax revenues exceed the adjusted county average by at least twenty-five percent.

(3) For purposes of applying the redistribution formula to a municipality which is partly within the county levying the tax, the distribution shall be calculated alternately for the municipality as a whole, except that the factor for annexed portion of the county shall not be applied to the portion of the municipality which is not within the county levying the tax, and for the portion of the municipality within the county levying the tax. Whichever calculation results in the larger distribution to the municipality shall be used.

(4) Notwithstanding any other provision of this section, the fifty percent of additional sales taxes as described in section 99.845 arising from economic activities within the area of a redevelopment project established after July 12, 1990, pursuant to sections 99.800 to 99.865, while tax increment financing remains in effect shall be deducted from all calculations of countywide sales taxes, shall be distributed directly to the municipality involved, and shall be disregarded in calculating the amounts distributed or distributable to the municipality. Further, any 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 incremental sales tax revenues to the special allocation fund of a tax increment financing project while tax increment financing remains in effect shall continue to be in full force and effect and the sales taxes so appropriated shall be deducted from all calculations of countywide sales taxes, shall be distributed directly to the municipality involved, and shall be disregarded in calculating the amounts distributed or distributable to the municipality. In addition, and notwithstanding any other provision of this chapter to the contrary, economic development funds shall be distributed in full to the municipality in which the sales producing them were deemed consummated.

Additionally, economic development funds shall be deducted from all calculations of countywide sales taxes and shall be disregarded in calculating the amounts distributed or distributable to the municipality. As used in this subdivision, the term "economic development funds" means the amount of sales tax revenue generated in any fiscal year by projects authorized pursuant to chapter 99 or chapter 100 in connection with which such sales tax revenue was pledged as security for, or was guaranteed by a developer to be sufficient to pay, outstanding obligations under any agreement authorized by chapter 100, entered into or adopted prior to September 1, 1993, between a municipality and another public body. The cumulative amount of economic development funds allowed under this provision shall not exceed the total amount necessary to amortize the obligations involved.

[6.] 7. If the qualified voters of any city, town or village vote to change or alter its boundaries by annexing any unincorporated territory included in group B or if the qualified voters of one or more city, town or village in group A and the qualified voters of one or more city, town or village in group B vote to consolidate, the area annexed or the area consolidated which had been a part of group B shall remain a part of group B after annexation or consolidation. After the effective date of the annexation or consolidation, the annexing or consolidated city, town or village shall receive a percentage of the group B distributable revenue equal to the percentage ratio that the population of the annexed or consolidated area bears to the total population of group B and such annexed area shall not be classified as unincorporated area for determination of the percentage allocable to the county. If the qualified voters of any two or more cities, towns or villages in group A each vote to consolidate such cities, towns or villages, then such consolidated cities, towns or villages shall remain a part of group A. For the purpose of sections 66.600 to 66.630, population shall be as determined by the last federal decennial census or the latest census that determines the total population of the county and all political subdivisions therein. For the purpose of calculating the adjustment based on the percentage of unincorporated county population which is annexed after April 1, 1993, the accumulated percentage immediately before each census shall be used as the new percentage base after such census. After any annexation, incorporation or other municipal boundary change affecting the unincorporated area of the county, the chief elected official of the county shall certify the new population of the unincorporated area of the county and the percentage of the population which has been annexed or incorporated since April 1, 1993, to the director of revenue. After the adoption of the county sales tax ordinance, any city, town or village in group A may by adoption of an ordinance by its governing body cease to be a part of group A and become a part of group B. Within ten days after the adoption of the ordinance transferring the city, town or village from one group to the other, the clerk of the transferring city, town or village shall forward to the director of revenue, by registered mail, a certified copy of the ordinance. Distribution to such city as a part of its former group shall cease and as a part of its new group shall begin on the first day of January of the year following notification to the director of revenue, provided such notification is received by the director of revenue on or before the first day of July of the year in which the transferring ordinance is adopted. If such notification is received by the director of revenue after the first day of July of the year in which the transferring ordinance is adopted, then distribution to such city as a part of its former group shall cease and as a part of its new group shall begin the first day of July of the year following such notification to the director of revenue. Once a group A city, town or village becomes a part of group B, such city may not transfer back to group A.

[7.] 8. If any city, town or village shall hereafter change or alter its boundaries, the city clerk of the municipality shall forward to the director of revenue, by registered mail, a certified copy of the ordinance adding or detaching territory from the municipality. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map of the municipality clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the tax imposed by sections 66.600 to 66.630 shall be redistributed and allocated in accordance with the provisions of this section on the effective date of the change of the municipal boundary so that the proper percentage of group B distributable revenue is allocated

to the municipality in proportion to any annexed territory. If any area of the unincorporated county elects to incorporate subsequent to the effective date of the county sales tax as set forth in sections 66.600 to 66.630, the newly incorporated municipality shall remain a part of group B. The city clerk of such newly incorporated municipality shall forward to the director of revenue, by registered mail, a certified copy of the incorporation election returns and a map of the municipality clearly showing the boundaries thereof. The certified copy of the incorporation election returns shall reflect the effective date of the incorporation. Upon receipt of the incorporation election returns and map, the tax imposed by sections 66.600 to 66.630 shall be distributed and allocated in accordance with the provisions of this section on the effective date of the incorporation.

[8.] 9. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue 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 county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

[9.] 10. Except as modified in sections 66.600 to 66.630, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under sections 66.600 to 66.630.

182.802. PUBLIC LIBRARIES, SALES TAX AUTHORIZED — BALLOT LANGUAGE — DEFINITIONS (BUTLER, RIPLEY, WAYNE, STODDARD, NEW MADRID, DUNKLIN, PEMISCOT, AND SALINE, AND CEDAR COUNTIES) — 1. (1) Any public library district located in any of the following counties may impose a tax as provided in this section:

(a) At least partially within any county of the third classification without a township form of government and with more than forty thousand eight hundred but fewer than forty thousand nine hundred inhabitants;

(b) Any county of the third classification without a township form of government and with more than thirteen thousand five hundred but fewer than thirteen thousand six hundred inhabitants;

(c) Any county of the third classification without a township form of government and with more than thirteen thousand two hundred but fewer than thirteen thousand three hundred inhabitants;

(d) Any county of the third classification with a township form of government and with more than twenty-nine thousand seven hundred but fewer than twenty-nine thousand eight hundred inhabitants;

(e) Any county of the second classification with more than nineteen thousand seven hundred but fewer than nineteen thousand eight hundred inhabitants;

(f) Any county of the third classification with a township form of government and with more than thirty-three thousand one hundred but fewer than thirty-three thousand two hundred inhabitants;

(g) Any county of the third classification without a township form of government and with more than eighteen thousand but fewer than twenty thousand inhabitants and with a city of the third classification with more than six thousand but fewer than seven thousand inhabitants as the county seat;

(h) Any county of the fourth classification with more than twenty thousand but fewer than thirty thousand inhabitants; **or**

(i) Any county of the third classification with more than thirteen thousand nine hundred but fewer than fourteen thousand inhabitants.

(2) Any public library district listed in subdivision (1) of this subsection may, by a majority vote of its board of directors, impose a tax not to exceed one-half of one cent on all retail sales subject to taxation under sections 144.010 to 144.525 for the purpose of funding the operation and maintenance of public libraries within the boundaries of such library district. The tax authorized by this subsection shall be in addition to all other taxes allowed by law. No tax under this subsection shall become effective unless the board of directors submits to the voters of the district, at a county or state general, primary or special election, a proposal to authorize the tax, and such tax shall become effective only after the majority of the voters voting on such tax approve such tax.

2. In the event the district seeks to impose a sales tax under this subsection, the question shall be submitted in substantially the following form:

Shall a cent sales tax be levied on all retail sales within the district for the purpose of providing funding for library district?

YES

NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall become effective. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors shall have no power to impose the tax unless and until another proposal to authorize the tax is submitted to the voters of the district and such proposal is approved by a majority of the qualified voters voting thereon. The provisions of sections 32.085 and 32.087 shall apply to any tax approved under this subsection.

3. As used in this section, "qualified voters" or "voters" means any individuals residing within the district who are eligible to be registered voters and who have registered to vote under chapter 115, or, if no individuals are eligible and registered to vote reside within the proposed district, all of the owners of real property located within the proposed district who have unanimately petitioned for or consented to the adoption of an ordinance by the governing body imposing a tax authorized in this section. If the owner of the property within the proposed district is a political subdivision or corporation of the state, the governing body of such political subdivision or corporation shall be considered the owner for purposes of this section.

4. For purposes of this section the term "public library district" shall mean any city library district, county library district, city-county library district, municipal library district, consolidated library district, or urban library district.

Approved July 1, 2016

HB 1562 [HCS HB 1562]

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 crime of sexual trafficking to include advertising a child participating in a commercial sexual act

AN ACT to repeal sections 566.210, 566.211, 566.212, 566.213, 589.660, 589.663, and 595.226, RSMo, section 565.225 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 565.225 as enacted by senate bills nos. 818 & 795, ninety-fourth general assembly, second regular session, section 566.209 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 566.209 as enacted by house bill no. 214, ninety-sixth general assembly, first regular

session, and to enact in lieu thereof eleven new sections relating to victims of crime offenses, with penalty provisions.

SECTION

- A. Enacting clause.
- 510.035. Child victims of sexual offenses, video and aural recordings or photographs not subject to disclosure without court order — disclosure permitted, when.
- 545.950. Child victim of sexual offense, video and aural recordings and photographs, defendant not to copy or distribute without court order.
- 565.225. Beginning January 1, 2017 — Stalking, first degree, penalty.
- 565.225. Until December 31, 2016 — Crime of stalking — definitions — penalties.
- 566.209. Beginning January 1, 2017 — Trafficking for the purpose of sexual exploitation — penalty.
- 566.209. Until December 31, 2016 — Trafficking for the purpose of sexual exploitation — penalty.
- 566.210. Beginning January 1, 2017 — Sexual trafficking of a child, first degree, penalty.
- 566.211. Beginning January 1, 2017 — Sexual trafficking of a child, second degree, penalty.
- 566.212. Until December 31, 2016 — Sexual trafficking of a child — penalty.
- 566.213. Until December 31, 2016 — Sexual trafficking of a child under age twelve — affirmative defense not allowed, when — penalty.
- 589.660. Definitions.
- 589.663. Program created, purpose, procedures
- 595.226. Beginning January 1, 2017 — Identifiable information in court records to be redacted, when — access to information permitted, when — disclosure of identifying information regarding defendant, when.

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

SECTION A. ENACTING CLAUSE. — Sections 566.210, 566.211, 566.212, 566.213, 589.660, 589.663, and 595.226, RSMo, section 565.225 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 565.225 as enacted by senate bills nos. 818 & 795, ninety-fourth general assembly, second regular session, section 566.209 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 566.209 as enacted by house bill no. 214, ninety-sixth general assembly, first regular session, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 510.035, 545.950, 565.225, 566.209, 566.210, 566.211, 566.212, 566.213, 589.660, 589.663, and 595.226, to read as follows:

510.035. CHILD VICTIMS OF SEXUAL OFFENSES, VIDEO AND AURAL RECORDINGS OR PHOTOGRAPHS NOT SUBJECT TO DISCLOSURE WITHOUT COURT ORDER — DISCLOSURE PERMITTED, WHEN. — **1. Except as provided in subsection 2 of this section, any visual or aural recordings or photographs of a minor who is alleged to be the victim of an offense under chapter 566 created by or in the possession of a child assessment center, health care provider, or multidisciplinary team member shall not be copied or distributed to any person or entity, unless required by supreme court rule 25.03 or if a court orders such copying or distribution upon a showing of good cause after notice and a hearing and after considering the safety and privacy interests of any victim.**

2. The following persons or entities may access or share any copies of visual or aural recordings or photographs as described in subsection 1 of this section for the following purposes:

(1) Multidisciplinary team members as part of an investigation, as well as for the provision of protective or preventive social services for minors and their families. For purposes of this section, multidisciplinary team members shall consist of representatives of law enforcement, the children's division, the prosecuting attorney, the child assessment center, the juvenile office, and the health care provider;

(2) Department of social services employees and their legal counsel as part of the provision of child protection as described in section 210.109, as well as for use in administrative proceedings as established by department regulations or through the administrative hearing commission as provided under section 621.075;

(3) Department of mental health employees and their legal counsel as part of an investigation conducted under section 630.167, as well as for use in administrative proceedings as established by department regulations or through the administrative hearing commission as provided under section 621.075;

(4) The office of child advocate as part of a review under section 37.710;

(5) The child abuse and neglect review board as part of a review under sections 210.152 and 210.153; and

(6) The attorney general as part of a legal proceeding.

3. If a court orders the copying or distribution of visual or aural recordings or photographs as described in subsection 1 of this section, the order shall:

(1) Be limited solely to the use of the recordings or photographs for the purposes of a pending court proceeding or in preparation for a pending court proceeding;

(2) Prohibit further copying, reproduction, or distribution of the recordings or photographs; and

(3) Require, upon the final disposition of the case, the return of all copies to the health care provider, child assessment center or multidisciplinary team member that originally had possession of the recordings or photographs, or provide an affidavit to the health care provider, child assessment center, or multidisciplinary team member that originally had possession of the recordings or photographs certifying that all copies have been destroyed.

4. Nothing in this section shall prohibit multidisciplinary team members from exercising discretion to grant access to viewing, but not copying, the visual or aural recordings or photographs.

545.950. CHILD VICTIM OF SEXUAL OFFENSE, VIDEO AND AURAL RECORDINGS AND PHOTOGRAPHS, DEFENDANT NOT TO COPY OR DISTRIBUTE WITHOUT COURT ORDER. — 1. Except as provided by subsection 2 of this section, the defendant, the defendant's attorney, or an investigator, expert, consulting legal counsel, or other agent of the defendant's attorney shall not copy or distribute to a third party any visual or aural recordings or photographs of a minor who is alleged to be the victim of an offense under chapter 566 created by or in the possession of a child assessment center, health care provider, or multidisciplinary team member unless a court orders the copying or distribution upon a showing of good cause after notice and a hearing and after considering the safety and privacy interests of any victim.

2. The defendant's attorney or an investigator, expert, consulting legal counsel, or agent for the defendant's attorney may allow a defendant, witness, or prospective witness to view the information provided under this section, but shall not allow such person to have copies of the information provided.

3. If a court orders the copying or distribution of visual or aural recordings or photographs as described in subsection 1 of this section, the order shall:

(1) Be limited solely to the use of the recordings or photographs for the purposes of a pending court proceeding or in preparation for a pending court proceeding;

(2) Prohibit further copying, reproduction, or distribution of the recordings or photographs; and

(3) Require, upon the final disposition of the case, the return of all copies to the health care provider, child assessment center, or multidisciplinary team member that originally had possession of the recordings or photographs, or provide an affidavit to the health care provider, child assessment center, or multidisciplinary team member that originally had possession of the recordings or photographs certifying that all copies have been destroyed.

565.225. BEGINNING JANUARY 1, 2017 — STALKING, FIRST DEGREE, PENALTY. — 1. As used in this section and section 565.227, the term "disturbs" shall mean to engage in a course of conduct directed at a specific person that serves no legitimate purpose and that would cause

a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed.

2. A person commits the offense of stalking in the first degree if he or she purposely, through his or her course of conduct, disturbs or follows with the intent of disturbing another person and:

(1) Makes a threat communicated with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety, the safety of his or her family or household member, or the safety of domestic animals or livestock as defined in section 276.606 kept at such person's residence or on such person's property. The threat shall be against the life of, or a threat to cause physical injury to, or the kidnapping of the person, the person's family or household members, or the person's domestic animals or livestock as defined in section 276.606 kept at such person's residence or on such person's property; or

(2) At least one of the acts constituting the course of conduct is in violation of an order of protection and the person has received actual notice of such order; or

(3) At least one of the actions constituting the course of conduct is in violation of a condition of probation, parole, pretrial release, or release on bond pending appeal; or

(4) At any time during the course of conduct, the other person is seventeen years of age or younger and the person disturbing the other person is twenty-one years of age or older; or

(5) He or she has previously been found guilty of domestic assault, violation of an order of protection, or any other crime where the other person was the victim; or

(6) At any time during the course of conduct, the other person is a participant of the address confidentiality program under sections 589.660 to 589.681, and the person disturbing the other person knowingly accesses or attempts to access the address of the other person.

3. Any law enforcement officer may arrest, without a warrant, any person he or she has probable cause to believe has violated the provisions of this section.

4. This section shall not apply to activities of federal, state, county, or municipal law enforcement officers conducting investigations of any violation of federal, state, county, or municipal law.

5. The offense of stalking in the first degree is a class E felony, unless the defendant has previously been found guilty of a violation of this section or section 565.227, or any offense committed in another jurisdiction which, if committed in this state, would be chargeable or indictable as a violation of any offense listed in this section or section 565.227, in which case stalking in the first degree is a class D felony.

565.225. UNTIL DECEMBER 31, 2016 — CRIME OF STALKING — DEFINITIONS — PENALTIES.— 1. As used in this section, the following terms shall mean:

(1) "Course of conduct", a pattern of conduct composed of two or more acts, which may include communication by any means, over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of course of conduct. Such constitutionally protected activity includes picketing or other organized protests;

(2) "Credible threat", a threat communicated with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety, or the safety of his or her family, or household members or domestic animals or livestock as defined in section 276.606 kept at such person's residence or on such person's property. The threat must be against the life of, or a threat to cause physical injury to, or the kidnapping of, the person, the person's family, or the person's household members or domestic animals or livestock as defined in section 276.606 kept at such person's residence or on such person's property;

(3) "Harasses", to engage in a course of conduct directed at a specific person that serves no legitimate purpose, that would cause a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed.

2. A person commits the crime of stalking if he or she purposely, through his or her course of conduct, harasses or follows with the intent of harassing another person.

3. A person commits the crime of aggravated stalking if he or she purposely, through his or her course of conduct, harasses or follows with the intent of harassing another person, and:

(1) Makes a credible threat; or

(2) At least one of the acts constituting the course of conduct is in violation of an order of protection and the person has received actual notice of such order; or

(3) At least one of the actions constituting the course of conduct is in violation of a condition of probation, parole, pretrial release, or release on bond pending appeal; or

(4) At any time during the course of conduct, the other person is seventeen years of age or younger and the person harassing the other person is twenty-one years of age or older; or

(5) He or she has previously pleaded guilty to or been found guilty of domestic assault, violation of an order of protection, or any other crime where the other person was the victim; or

(6) At any time during the course of conduct, the other person is a participant of the address confidentiality program under sections 589.660 to 589.681, and the person harassing the other person knowingly accesses or attempts to access the address of the other person.

4. The crime of stalking shall be a class A misdemeanor unless the person has previously pleaded guilty to or been found guilty of a violation of this section, or of any offense committed in violation of any county or municipal ordinance in any state, any state law, any federal law, or any military law which, if committed in this state, would be chargeable or indictable as a violation of any offense listed in this section, in which case stalking shall be a class D felony.

5. The crime of aggravated stalking shall be a class D felony unless the person has previously pleaded guilty to or been found guilty of a violation of this section, or of any offense committed in violation of any county or municipal ordinance in any state, any state law, any federal law, or any military law which, if committed in this state, would be chargeable or indictable as a violation of any offense listed in this section, aggravated stalking shall be a class C felony.

6. Any law enforcement officer may arrest, without a warrant, any person he or she has probable cause to believe has violated the provisions of this section.

7. This section shall not apply to activities of federal, state, county, or municipal law enforcement officers conducting investigations of violation of federal, state, county, or municipal law.

566.209. BEGINNING JANUARY 1, 2017—TRAFFICKING FOR THE PURPOSE OF SEXUAL EXPLOITATION—PENALTY. — 1. A person commits the crime of trafficking for the purposes of sexual exploitation if a person knowingly recruits, entices, harbors, transports, provides, **advertises the availability of** or obtains by any means, including but not limited to through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm, another person for the use or employment of such person in a **commercial sex act**, sexual conduct, a sexual performance, or the production of explicit sexual material as defined in section 573.010, without his or her consent, or benefits, financially or by receiving anything of value, from participation in such activities.

2. The crime of trafficking for the purposes of sexual exploitation is a felony punishable by imprisonment for a term of years not less than five years and not more than twenty years and a fine not to exceed two hundred fifty thousand dollars. If a violation of this section was effected by force, abduction, or coercion, the crime of trafficking for the purposes of sexual exploitation is a felony punishable by imprisonment for a term of years not less than ten years or life and a fine not to exceed two hundred fifty thousand dollars.

566.209. UNTIL DECEMBER 31, 2016—TRAFFICKING FOR THE PURPOSE OF SEXUAL EXPLOITATION—PENALTY. — 1. A person commits the offense of trafficking for the purposes

of sexual exploitation if he or she knowingly recruits, entices, harbors, transports, provides, **advertises the availability of** or obtains by any means, including but not limited to through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm, another person for the use or employment of such person in **a commercial sex act**, sexual conduct, a sexual performance, or the production of explicit sexual material as defined in section 573.010, without his or her consent, or benefits, financially or by receiving anything of value, from participation in such activities.

2. The offense of trafficking for the purposes of sexual exploitation is a felony punishable by imprisonment for a term of years not less than five years and not more than twenty years and a fine not to exceed two hundred fifty thousand dollars. If a violation of this section was effected by force, abduction, or coercion, the offense of trafficking for the purposes of sexual exploitation is a felony punishable by imprisonment for a term of years not less than ten years or life and a fine not to exceed two hundred fifty thousand dollars.

566.210. BEGINNING JANUARY 1, 2017 — SEXUAL TRAFFICKING OF A CHILD, FIRST DEGREE, PENALTY. — 1. A person commits the offense of sexual trafficking of a child in the first degree if he or she knowingly:

(1) Recruits, entices, harbors, transports, provides, or obtains by any means, including but not limited to through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm, a person under the age of twelve to participate in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010, or benefits, financially or by receiving anything of value, from participation in such activities; [or]

(2) Causes a person under the age of twelve to engage in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010; **or**

(3) **Advertises the availability of a person under the age of twelve to participate in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010.**

2. It shall not be a defense that the defendant believed that the person was twelve years of age or older.

3. The offense of sexual trafficking of a child in the first degree is a felony for which the authorized term of imprisonment is life imprisonment without eligibility for probation or parole until the offender has served not less than twenty-five years of such sentence. Subsection 4 of section 558.019 shall not apply to the sentence of a person who has been found guilty of sexual trafficking of a child less than twelve years of age, and "life imprisonment" shall mean imprisonment for the duration of a person's natural life for the purposes of this section.

566.211. BEGINNING JANUARY 1, 2017 — SEXUAL TRAFFICKING OF A CHILD, SECOND DEGREE, PENALTY. — 1. A person commits the offense of sexual trafficking of a child in the second degree if he or she knowingly:

(1) Recruits, entices, harbors, transports, provides, or obtains by any means, including but not limited to through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm, a person under the age of eighteen to participate in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010, or benefits, financially or by receiving anything of value, from participation in such activities; [or]

(2) Causes a person under the age of eighteen to engage in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010; **or**

(3) **Advertises the availability of a person under the age of eighteen to participate in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010.**

2. It shall not be a defense that the defendant believed that the person was eighteen years of age or older.

3. The offense sexual trafficking of a child in the second degree is a felony punishable by imprisonment for a term of years not less than ten years or life and a fine not to exceed two hundred fifty thousand dollars if the child is under the age of eighteen. If a violation of this section was effected by force, abduction, or coercion, the crime of sexual trafficking of a child shall be a felony for which the authorized term of imprisonment is life imprisonment without eligibility for probation or parole until the defendant has served not less than twenty-five years of such sentence.

566.212. UNTIL DECEMBER 31, 2016—SEXUAL TRAFFICKING OF A CHILD—PENALTY.

— 1. A person commits the crime of sexual trafficking of a child if the individual knowingly:

(1) Recruits, entices, harbors, transports, provides, or obtains by any means, including but not limited to through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm, a person under the age of eighteen to participate in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010, or benefits, financially or by receiving anything of value, from participation in such activities; [or]

(2) Causes a person under the age of eighteen to engage in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010; or

(3) Advertises the availability of a person under the age of eighteen to participate in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010.

2. It shall not be a defense that the defendant believed that the person was eighteen years of age or older.

3. Sexual trafficking of a child is a felony punishable by imprisonment for a term of years not less than ten years or life and a fine not to exceed two hundred fifty thousand dollars if the child is under the age of eighteen. If a violation of this section was effected by force, abduction, or coercion, the crime of sexual trafficking of a child shall be a felony for which the authorized term of imprisonment is life imprisonment without eligibility for probation or parole until the defendant has served not less than twenty-five years of such sentence.

566.213. UNTIL DECEMBER 31, 2016—SEXUAL TRAFFICKING OF A CHILD UNDER AGE TWELVE — AFFIRMATIVE DEFENSE NOT ALLOWED, WHEN — PENALTY. — 1. A person commits the crime of sexual trafficking of a child under the age of twelve if the individual knowingly:

(1) Recruits, entices, harbors, transports, provides, or obtains by any means, including but not limited to through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm, a person under the age of twelve to participate in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010, or benefits, financially or by receiving anything of value, from participation in such activities; [or]

(2) Causes a person under the age of twelve to engage in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010; or

(3) Advertises the availability of a person under the age of twelve to participate in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010.

2. It shall not be a defense that the defendant believed that the person was twelve years of age or older.

3. Sexual trafficking of a child less than twelve years of age shall be a felony for which the authorized term of imprisonment is life imprisonment without eligibility for probation or parole until the defendant has served not less than twenty-five years of such sentence. Subsection 4 of

section 558.019 shall not apply to the sentence of a person who has pleaded guilty to or been found guilty of sexual trafficking of a child less than twelve years of age, and "life imprisonment" shall mean imprisonment for the duration of a person's natural life for the purposes of this section.

589.660. DEFINITIONS. — As used in sections 589.660 to 589.681, the following terms mean:

- (1) "Address", a residential street address, school address, or work address of a person, as specified on the person's application to be a program participant;
- (2) "Application assistant", an employee of a state or local agency, or of a nonprofit program that provides counseling, referral, shelter, or other specialized service to victims of domestic violence, rape, sexual assault, **human trafficking**, or stalking, who has been designated by the respective agency or program, and who has been trained and registered by the secretary of state to assist individuals in the completion of program participation applications;
- (3) "Designated address", the address assigned to a program participant by the secretary;
- (4) "Mailing address", an address that is recognized for delivery by the United States Postal Service;
- (5) "Program", the address confidentiality program established in section 589.663;
- (6) "Program participant", a person certified by the secretary of state as eligible to participate in the address confidentiality program;
- (7) "Secretary", the secretary of state.

589.663. PROGRAM CREATED, PURPOSE, PROCEDURES — There is created in the office of the secretary of state a program to be known as the "Address Confidentiality Program" to protect victims of domestic violence, rape, sexual assault, **human trafficking**, or stalking by authorizing the use of designated addresses for such victims and their minor children. The program shall be administered by the secretary under the following application and certification procedures:

- (1) An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person may apply to the secretary to have a designated address assigned by the secretary to serve as the person's address or the address of the minor or incapacitated person;
- (2) The secretary may approve an application only if it is filed with the office of the secretary in the manner established by rule and on a form prescribed by the secretary. A completed application shall contain:
 - (a) The application preparation date, the applicant's signature, and the signature and registration number of the application assistant who assisted the applicant in applying to be a program participant;
 - (b) A designation of the secretary as agent for purposes of service of process and for receipt of first-class mail, legal documents, and certified mail;
 - (c) A sworn statement by the applicant that the applicant has good reason to believe that he or she:
 - a. Is a victim of domestic violence, rape, sexual assault, **human trafficking**, or stalking; and
 - b. Fears further violent acts from his or her assailant;
 - (d) The mailing address where the applicant may be contacted by the secretary or a designee and the telephone number or numbers where the applicant may be called by the secretary or the secretary's designee; and
 - (e) One or more addresses that the applicant requests not be disclosed for the reason that disclosure will jeopardize the applicant's safety or increase the risk of violence to the applicant or members of the applicant's household;

(3) Upon receipt of a properly completed application, the secretary may certify the applicant as a program participant. A program participant is certified for four years following the date of initial certification unless the certification is withdrawn or cancelled before that date. The secretary shall send notification of lapsing certification and a reapplication form to a program participant at least four weeks prior to the expiration of the program participant's certification;

(4) The secretary shall forward first class mail, legal documents, and certified mail to the appropriate program participants.

595.226. BEGINNING JANUARY 1, 2017 — IDENTIFIABLE INFORMATION IN COURT RECORDS TO BE REDACTED, WHEN — ACCESS TO INFORMATION PERMITTED, WHEN — DISCLOSURE OF IDENTIFYING INFORMATION REGARDING DEFENDANT, WHEN. — 1. After August 28, 2007, any information contained in any court record, whether written or published on the internet, **including any visual or aural recordings** that could be used to identify or locate any victim of an offense under chapter 566 or a victim of domestic assault or stalking shall be closed and redacted from such record prior to disclosure to the public. Identifying information shall include the name, home or temporary address, telephone number, Social Security number, place of employment, or physical characteristics, **including an unobstructed visual image of the victim's face or body.**

2. If the court determines that a person or entity who is requesting identifying information of a victim has a legitimate interest in obtaining such information, the court may allow access to the information, but only if the court determines that disclosure to the person or entity would not compromise the welfare or safety of such victim, and only after providing reasonable notice to the victim and after allowing the victim the right to respond to such request.

3. Notwithstanding the provisions of subsection 1 of this section, the judge presiding over a case under chapter 566, or a case of domestic assault or stalking shall have the discretion to publicly disclose identifying information regarding the defendant which could be used to identify or locate the victim of the crime. The victim may provide a statement to the court regarding whether he or she desires such information to remain closed. When making the decision to disclose such information, the judge shall consider the welfare and safety of the victim and any statement to the court received from the victim regarding the disclosure.

Approved June 22, 2016

HB 1565 [HB 1565]

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 MO HealthNet asset limits for disabled persons

AN ACT to repeal section 208.010, RSMo, and to enact in lieu thereof one new section relating to public assistance.

SECTION

A. Enacting clause.

208.010. Eligibility for public assistance, how determined — ineligibility for benefits, when — allowable exclusions — prevention of spousal impoverishments, division of assets, community spouse defined — burial lots defined — diversion of institutionalized spouse's income.

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

SECTION A. ENACTING CLAUSE. — Section 208.010, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 208.010, to read as follows:

208.010. ELIGIBILITY FOR PUBLIC ASSISTANCE, HOW DETERMINED — INELIGIBILITY FOR BENEFITS, WHEN — ALLOWABLE EXCLUSIONS — PREVENTION OF SPOUSAL IMPOVERISHMENTS, DIVISION OF ASSETS, COMMUNITY SPOUSE DEFINED — BURIAL LOTS DEFINED — DIVERSION OF INSTITUTIONALIZED SPOUSE'S INCOME. — 1. In determining the eligibility of a claimant for public assistance pursuant to this law, it shall be the duty of the family support division to consider and take into account all facts and circumstances surrounding the claimant, including his or her living conditions, earning capacity, income and resources, from whatever source received, and if from all the facts and circumstances the claimant is not found to be in need, assistance shall be denied. In determining the need of a claimant, the costs of providing medical treatment which may be furnished pursuant to sections 208.151 to 208.158 shall be disregarded. The amount of benefits, when added to all other income, resources, support, and maintenance shall provide such persons with reasonable subsistence compatible with decency and health in accordance with the standards developed by the family support division; provided, when a husband and wife are living together, the combined income and resources of both shall be considered in determining the eligibility of either or both. "Living together" for the purpose of this chapter is defined as including a husband and wife separated for the purpose of obtaining medical care or nursing home care, except that the income of a husband or wife separated for such purpose shall be considered in determining the eligibility of his or her spouse, only to the extent that such income exceeds the amount necessary to meet the needs (as defined by rule or regulation of the division) of such husband or wife living separately. In determining the need of a claimant in federally aided programs there shall be disregarded such amounts per month of earned income in making such determination as shall be required for federal participation by the provisions of the federal Social Security Act (42 U.S.C.A. 301, et seq.), or any amendments thereto. When federal law or regulations require the exemption of other income or resources, the family support division may provide by rule or regulation the amount of income or resources to be disregarded.

2. Benefits shall not be payable to any claimant who:

(1) Has or whose spouse with whom he or she is living has, prior to July 1, 1989, given away or sold a resource within the time and in the manner specified in this subdivision. In determining the resources of an individual, unless prohibited by federal statutes or regulations, there shall be included (but subject to the exclusions pursuant to subdivisions (4) and (5) of this subsection, and subsection 5 of this section) any resource or interest therein owned by such individual or spouse within the twenty-four months preceding the initial investigation, or at any time during which benefits are being drawn, if such individual or spouse gave away or sold such resource or interest within such period of time at less than fair market value of such resource or interest for the purpose of establishing eligibility for benefits, including but not limited to benefits based on December, 1973, eligibility requirements, as follows:

(a) Any transaction described in this subdivision shall be presumed to have been for the purpose of establishing eligibility for benefits or assistance pursuant to this chapter unless such individual furnishes convincing evidence to establish that the transaction was exclusively for some other purpose;

(b) The resource shall be considered in determining eligibility from the date of the transfer for the number of months the uncompensated value of the disposed of resource is divisible by the average monthly grant paid or average Medicaid payment in the state at the time of the investigation to an individual or on his or her behalf under the program for which benefits are claimed, provided that:

a. When the uncompensated value is twelve thousand dollars or less, the resource shall not be used in determining eligibility for more than twenty-four months; or

b. When the uncompensated value exceeds twelve thousand dollars, the resource shall not be used in determining eligibility for more than sixty months;

(2) The provisions of subdivision (1) of this subsection shall not apply to a transfer, other than a transfer to claimant's spouse, made prior to March 26, 1981, when the claimant furnishes

convincing evidence that the uncompensated value of the disposed of resource or any part thereof is no longer possessed or owned by the person to whom the resource was transferred;

(3) Has received, or whose spouse with whom he or she is living has received, benefits to which he or she was not entitled through misrepresentation or nondisclosure of material facts or failure to report any change in status or correct information with respect to property or income as required by section 208.210. A claimant ineligible pursuant to this subsection shall be ineligible for such period of time from the date of discovery as the family support division may deem proper; or in the case of overpayment of benefits, future benefits may be decreased, suspended or entirely withdrawn for such period of time as the division may deem proper;

(4) Owns or possesses resources in the sum of one thousand dollars or more; provided, however, that if such person is married and living with spouse, he or she, or they, individually or jointly, may own resources not to exceed two thousand dollars; and provided further, that in the case of a temporary assistance for needy families claimant, **a MO HealthNet blind claimant, a MO HealthNet aged claimant, or a MO HealthNet permanent and total disability claimant**, the provision of this subsection shall not apply;

(5) Prior to October 1, 1989, owns or possesses property of any kind or character, excluding amounts placed in an irrevocable prearranged funeral or burial contract under chapter 436, or has an interest in property, of which he or she is the record or beneficial owner, the value of such property, as determined by the family support division, less encumbrances of record, exceeds twenty-nine thousand dollars, or if married and actually living together with husband or wife, if the value of his or her property, or the value of his or her interest in property, together with that of such husband and wife, exceeds such amount;

(6) In the case of temporary assistance for needy families, if the parent, stepparent, and child or children in the home owns or possesses property of any kind or character, or has an interest in property for which he or she is a record or beneficial owner, the value of such property, as determined by the family support division and as allowed by federal law or regulation, less encumbrances of record, exceeds one thousand dollars, excluding the home occupied by the claimant, amounts placed in an irrevocable prearranged funeral or burial contract under chapter 436, one automobile which shall not exceed a value set forth by federal law or regulation and for a period not to exceed six months, such other real property which the family is making a good-faith effort to sell, if the family agrees in writing with the family support division to sell such property and from the net proceeds of the sale repay the amount of assistance received during such period. If the property has not been sold within six months, or if eligibility terminates for any other reason, the entire amount of assistance paid during such period shall be a debt due the state;

(7) **In the case of MO HealthNet blind claimants, MO HealthNet aged claimants, and MO HealthNet permanent and total disability claimants, starting in fiscal year 2018, owns or possesses resources not to exceed two thousand dollars; provided, however, that if such person is married and living with spouse, he or she, or they, individually or jointly, may own resources not to exceed four thousand dollars except for medical savings accounts and independent living accounts as defined and limited under subsection 3 of section 208.146. These resource limits shall be increased annually by one thousand dollars and two thousand dollars respectively until the sum of resources reach the amount of five thousand dollars and ten thousand dollars respectively by fiscal year 2021. Beginning in fiscal year 2022 and each successive fiscal year thereafter, the division shall measure the cost-of-living percentage increase, if any, as of the preceding July over the level as of July of the immediately preceding year of the Consumer Price Index for All Urban Consumers or successor index published by the U.S. Department of Labor or its successor agency, and the sum of resources allowed under this subdivision shall be modified accordingly to reflect any increases in the cost-of-living, with the amount of the resource limit rounded to the nearest five cents;**

(8) Is an inmate of a public institution, except as a patient in a public medical institution.

3. In determining eligibility and the amount of benefits to be granted pursuant to federally aided programs, the income and resources of a relative or other person living in the home shall be taken into account to the extent the income, resources, support and maintenance are allowed by federal law or regulation to be considered.

4. In determining eligibility and the amount of benefits to be granted pursuant to federally aided programs, the value of burial lots or any amounts placed in an irrevocable prearranged funeral or burial contract under chapter 436 shall not be taken into account or considered an asset of the burial lot owner or the beneficiary of an irrevocable prearranged funeral or funeral contract. For purposes of this section, "burial lots" means any burial space as defined in section 214.270 and any memorial, monument, marker, tombstone or letter marking a burial space. If the beneficiary, as defined in chapter 436, of an irrevocable prearranged funeral or burial contract receives any public assistance benefits pursuant to this chapter and if the purchaser of such contract or his or her successors in interest transfer, amend, or take any other such actions regarding the contract so that any person will be entitled to a refund, such refund shall be paid to the state of Missouri with any amount in excess of the public assistance benefits provided under this chapter to be refunded by the state of Missouri to the purchaser or his or her successors. In determining eligibility and the amount of benefits to be granted under federally aided programs, the value of any life insurance policy where a seller or provider is made the beneficiary or where the life insurance policy is assigned to a seller or provider, either being in consideration for an irrevocable prearranged funeral contract under chapter 436, shall not be taken into account or considered an asset of the beneficiary of the irrevocable prearranged funeral contract. In addition, the value of any funds, up to nine thousand nine hundred ninety-nine dollars, placed into an irrevocable personal funeral trust account, where the trustee of the irrevocable personal funeral trust account is a state or federally chartered financial institution authorized to exercise trust powers in the state of Missouri, shall not be taken into account or considered an asset of the person whose funds are so deposited if such funds are restricted to be used only for the burial, funeral, preparation of the body, or other final disposition of the person whose funds were deposited into said personal funeral trust account. No person or entity shall charge more than ten percent of the total amount deposited into a personal funeral trust in order to create or set up said personal funeral trust, and any fees charged for the maintenance of such a personal funeral trust shall not exceed three percent of the trust assets annually. Trustees may commingle funds from two or more such personal funeral trust accounts so long as accurate books and records are kept as to the value, deposits, and disbursements of each individual depositor's funds and trustees are to use the prudent investor standard as to the investment of any funds placed into a personal funeral trust. If the person whose funds are deposited into the personal funeral trust account receives any public assistance benefits pursuant to this chapter and any funds in the personal funeral trust account are, for any reason, not spent on the burial, funeral, preparation of the body, or other final disposition of the person whose funds were deposited into the trust account, such funds shall be paid to the state of Missouri with any amount in excess of the public assistance benefits provided under this chapter to be refunded by the state of Missouri to the person who received public assistance benefits or his or her successors. No contract with any cemetery, funeral establishment, or any provider or seller shall be required in regards to funds placed into a personal funeral trust account as set out in this subsection.

5. In determining the total property owned pursuant to subdivision (5) of subsection 2 of this section, or resources, of any person claiming or for whom public assistance is claimed, there shall be disregarded any life insurance policy, or prearranged funeral or burial contract, or any two or more policies or contracts, or any combination of policies and contracts, which provides for the payment of one thousand five hundred dollars or less upon the death of any of the following:

- (1) A claimant or person for whom benefits are claimed; or

(2) The spouse of a claimant or person for whom benefits are claimed with whom he or she is living. If the value of such policies exceeds one thousand five hundred dollars, then the total value of such policies may be considered in determining resources; except that, in the case of temporary assistance for needy families, there shall be disregarded any prearranged funeral or burial contract, or any two or more contracts, which provides for the payment of one thousand five hundred dollars or less per family member.

6. Beginning September 30, 1989, when determining the eligibility of institutionalized spouses, as defined in 42 U.S.C. Section 1396r-5, for medical assistance benefits as provided for in section 208.151 and 42 U.S.C. Sections 1396a, et seq., the family support division shall comply with the provisions of the federal statutes and regulations. As necessary, the division shall by rule or regulation implement the federal law and regulations which shall include but not be limited to the establishment of income and resource standards and limitations. The division shall require:

(1) That at the beginning of a period of continuous institutionalization that is expected to last for thirty days or more, the institutionalized spouse, or the community spouse, may request an assessment by the family support division of total countable resources owned by either or both spouses;

(2) That the assessed resources of the institutionalized spouse and the community spouse may be allocated so that each receives an equal share;

(3) That upon an initial eligibility determination, if the community spouse's share does not equal at least twelve thousand dollars, the institutionalized spouse may transfer to the community spouse a resource allowance to increase the community spouse's share to twelve thousand dollars;

(4) That in the determination of initial eligibility of the institutionalized spouse, no resources attributed to the community spouse shall be used in determining the eligibility of the institutionalized spouse, except to the extent that the resources attributed to the community spouse do exceed the community spouse's resource allowance as defined in 42 U.S.C. Section 1396r-5;

(5) That beginning in January, 1990, the amount specified in subdivision (3) of this subsection shall be increased by the percentage increase in the Consumer Price Index for All Urban Consumers between September, 1988, and the September before the calendar year involved; and

(6) That beginning the month after initial eligibility for the institutionalized spouse is determined, the resources of the community spouse shall not be considered available to the institutionalized spouse during that continuous period of institutionalization.

7. Beginning July 1, 1989, institutionalized individuals shall be ineligible for the periods required and for the reasons specified in 42 U.S.C. Section 1396p.

8. The hearings required by 42 U.S.C. Section 1396r-5 shall be conducted pursuant to the provisions of section 208.080.

9. Beginning October 1, 1989, when determining eligibility for assistance pursuant to this chapter there shall be disregarded unless otherwise provided by federal or state statutes the home of the applicant or recipient when the home is providing shelter to the applicant or recipient, or his or her spouse or dependent child. The family support division shall establish by rule or regulation in conformance with applicable federal statutes and regulations a definition of the home and when the home shall be considered a resource that shall be considered in determining eligibility.

10. Reimbursement for services provided by an enrolled Medicaid provider to a recipient who is duly entitled to Title XIX Medicaid and Title XVIII Medicare Part B, Supplementary Medical Insurance (SMI) shall include payment in full of deductible and coinsurance amounts as determined due pursuant to the applicable provisions of federal regulations pertaining to Title XVIII Medicare Part B, except for hospital outpatient services or the applicable Title XIX cost sharing.

11. A "community spouse" is defined as being the noninstitutionalized spouse.

12. An institutionalized spouse applying for Medicaid and having a spouse living in the community shall be required, to the maximum extent permitted by law, to divert income to such community spouse to raise the community spouse's income to the level of the minimum monthly needs allowance, as described in 42 U.S.C. Section 1396r-5. Such diversion of income shall occur before the community spouse is allowed to retain assets in excess of the community spouse protected amount described in 42 U.S.C. Section 1396r-5.

Approved June 9, 2016

HB 1568 [HB 1568]

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

Allows physicians to prescribe naloxone to any individual to administer, in good faith, to another individual suffering from an opiate-induced drug overdose

AN ACT to amend chapters 195 and 338, RSMo, by adding thereto two new sections relating to dispensing opioid antagonist drugs.

SECTION

A. Enacting clause.

195.206. Opioid antagonist, sale and dispensing of by pharmacists, possession of — administration of, contacting emergency personnel — immunity from liability, when.

338.205. Opioid antagonist, storage and dispensing of without a license, when.

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

SECTION A. ENACTING CLAUSE. — Chapters 195 and 338, RSMo, are amended by adding thereto two new sections, to be known as sections 195.206 and 338.205, to read as follows:

195.206. OPIOID ANTAGONIST, SALE AND DISPENSING OF BY PHARMACISTS, POSSESSION OF — ADMINISTRATION OF, CONTACTING EMERGENCY PERSONNEL — IMMUNITY FROM LIABILITY, WHEN. — 1. As used in this section, the following terms shall mean:

(1) "Emergency opioid antagonist", naloxone hydrochloride that blocks the effects of an opioid overdose that is administered in a manner approved by the United States Food and Drug Administration or any accepted medical practice method of administering;

(2) "Opioid-related drug overdose", a condition including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, or death resulting from the consumption or use of an opioid or other substance with which an opioid was combined or a condition that a layperson would reasonably believe to be an opioid-related drug overdose that requires medical assistance.

2. Notwithstanding any other law or regulation to the contrary, any licensed pharmacist in Missouri may sell and dispense an opioid antagonist under physician protocol.

3. A licensed pharmacist who, acting in good faith and with reasonable care, sells or dispenses an opioid antagonist and appropriate device to administer the drug, and the protocol physician, shall not be subject to any criminal or civil liability or any professional disciplinary action for prescribing or dispensing the opioid antagonist or any outcome resulting from the administration of the opioid antagonist.

4. Notwithstanding any other law or regulation to the contrary, it shall be permissible for any person to possess an opioid antagonist.

5. Any person who administers an opioid antagonist to another person shall, immediately after administering the drug, contact emergency personnel. Any person who, acting in good faith and with reasonable care, administers an opioid antagonist to another person whom the person believes to be suffering an opioid-related overdose shall be immune from criminal prosecution, disciplinary actions from his or her professional licensing board, and civil liability due to the administration of the opioid antagonist.

338.205. OPIOID ANTAGONIST, STORAGE AND DISPENSING OF WITHOUT A LICENSE, WHEN. — 1. Notwithstanding any other law or regulation to the contrary, any person or organization acting under a standing order issued by a health care professional who is otherwise authorized to prescribe an opioid antagonist may store an opioid antagonist without being subject to the licensing and permitting requirements of this chapter and may dispense an opioid antagonist if the person does not collect a fee or compensation for dispensing the opioid antagonist.

2. As used in this section, the term "emergency opioid antagonist" means naloxone hydrochloride that blocks the effects of an opioid overdose that is administered in a manner approved by the United States Food and Drug Administration, or any accepted medical practice of administering.

Approved June 21, 2016

HB 1577 [SCS HB 1577]

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 commission on capitol security infrastructure

AN ACT to repeal section 8.010, RSMo, and to enact in lieu thereof two new sections relating to the oversight of public buildings located in the seat of government.

SECTION

- A. Enacting clause.
- 8.010. Board of public buildings created — members — powers and duties.
- 8.173. Joint committee on Capitol security created, members, duties, meetings.

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

SECTION A. ENACTING CLAUSE. — Section 8.010, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 8.010 and 8.173, to read as follows:

8.010. BOARD OF PUBLIC BUILDINGS CREATED — MEMBERS — POWERS AND DUTIES. — 1. The governor, attorney general and lieutenant governor constitute the board of public buildings. The governor is chairman and the lieutenant governor, secretary. The speaker of the house of representatives and the president pro tempore of the senate shall serve as ex officio members of the board but shall not have the power to vote. The board shall constitute a body corporate and politic. The board has general supervision and charge of the public property of the state at the seat of government, **including the building located at 105 West Capitol Avenue in Jefferson City**, and other duties imposed on it by law.

2. The commissioner of administration shall provide staff support to the board.

8.173. JOINT COMMITTEE ON CAPITOL SECURITY CREATED, MEMBERS, DUTIES, MEETINGS.—1. There is hereby created a "Joint Committee on Capitol Security".

2. The committee shall be composed of the president pro tempore of the senate and the speaker of the house of representatives, or general assembly employees of their choosing. In addition, the president pro tempore shall appoint two senators, one each from the majority and minority party; and the speaker of the house of representatives shall appoint two representatives, one each from the majority and minority party. The appointment of each member shall continue, at the pleasure of the appointing authority, during the member's term of office. The committee shall select a chairperson and a vice-chairperson, one of whom shall be a member of the senate and one shall be a member of the house of representatives. The member of the committee serving as chairperson shall alternate between members of the house and senate every two years after the committee's organization. A majority of the members shall constitute a quorum.

3. The committee shall take official testimony and make recommendations on the general supervision and security of the Missouri state capitol building, the state capitol parking garages, and any other state-owned buildings adjacent to or in the immediate vicinity of the state capitol building that house any offices of the general assembly or its staff. The committee may close their meetings under chapter 610 due to security concerns. The reports of this committee shall not be considered a public record under chapter 610 but may be released to such persons or entities that the committee, in its discretion, believes should receive such reports.

4. The committee shall meet at such times as the chairperson deems necessary to administer the duties bestowed upon it under this section, but shall meet at least annually.

5. The committee shall be staffed by legislative personnel as is deemed necessary to assist the committee in the performance of its duties.

6. The members of the committee shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

Approved July 14, 2016

HB 1582 [SCS HB 1582]

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 withholding tax filing requirements for certain small businesses

AN ACT to repeal sections 143.221 and 143.591, RSMo, and to enact in lieu thereof two new sections relating to withholding tax returns.

SECTION

- A. Enacting clause.
- 143.221. Employer's return and payment of tax withheld.
- 143.591. Information returns.

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

SECTION A. ENACTING CLAUSE.—Sections 143.221 and 143.591, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 143.221 and 143.591, to read as follows:

143.221. EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD. — 1. Every employer required to deduct and withhold tax under sections 143.011 to 143.996 shall, for each calendar quarter, on or before the last day of the month following the close of such calendar quarter, file a withholding return as prescribed by the director of revenue and pay over to the director of revenue or to a depository designated by the director of revenue the taxes so required to be deducted and withheld.

2. Where the aggregate amount required to be deducted and withheld by any employer exceeds fifty dollars for at least two of the preceding twelve months, the director, by regulation, may require a monthly return. The due dates of the monthly return and the monthly payment or deposit for the first two months of each quarter shall be by the fifteenth day of the succeeding month. The due dates of the monthly return and the monthly payment or deposit for the last month of each quarter shall be by the last day of the succeeding month. The director may increase the amount required for making a monthly employer withholding payment and return to more than fifty dollars or decrease such required amount, however, the decreased amount shall not be less than fifty dollars.

3. Where the aggregate amount required to be deducted and withheld by any employer is less than [twenty] **one hundred** dollars in each of the four preceding quarters, **and to the extent the employer does not meet the requirements in subsection 2 of this section for filing a withholding return on a monthly basis**, the employer shall file a withholding return for a calendar year. The director, by regulation, may also allow other employers to file annual returns. The return shall be filed and the taxes if any paid on or before January thirty-first of the succeeding year. The director may increase the amount required for making an annual employer withholding payment and return to more than [twenty] **one hundred** dollars or decrease such required amount, however, the decreased amount shall not be less than [twenty] **one hundred** dollars.

4. If the director of revenue finds that the collection of taxes required to be deducted and withheld by an employer may be jeopardized by delay, he may require the employer to pay over the tax or make a return at any time. A lien outstanding with regard to any tax administered by the director shall be a sufficient basis for this action.

143.591. INFORMATION RETURNS. — The director of revenue may prescribe regulations and instructions requiring returns of information to be made and filed on or before February twenty-eighth of each year by any person making payment or crediting in any calendar year the amounts of one thousand two hundred dollars or more (one hundred dollars or more in the case of interest or dividends) to any person who may be subject to the tax imposed under sections 143.011 to 143.996. Such returns may be required of any person, including lessees or mortgagors of real or personal property, fiduciaries, employers, and all officers and employees of this state, or of any municipal corporation or political subdivision of this state, having the control, receipt, custody, disposal or payment of dividends, interest, rents, salaries, wages, premiums, annuities, compensations, remunerations, emoluments or other fixed or determinable gains, profits, or income, except interest coupons payable to bearer. A duplicate of the statement as to tax withheld on wages, required to be furnished by an employer to an employee, shall constitute the return of information required to be made under this section with respect to such wages. Such return shall not be required unless the person is required to file a return or report containing the same or similar information to the United States Internal Revenue Service. **Beginning January 1, 2018, such returns for tax withheld on wages paid in the previous tax year submitted by an employer with at least two hundred fifty employees shall be submitted electronically by January thirty-first. Such returns shall be submitted using the same file specifications for filing forms electronically with the Social Security Administration. If an employer is granted a waiver of the federal requirement to file electronically by the Internal Revenue Service, the filing of a copy of the approved waiver**

with the director shall automatically waive the requirement to file electronically with the director.

Approved June 28, 2016

HB 1583 [SCS HCS HB 1583]

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 bullying in schools and establishes specific components that a district must include in its antibullying policy

AN ACT to repeal section 160.775, RSMo, and to enact in lieu thereof three new sections relating to student safety.

SECTION

- A. Enacting clause.
- 160.775. Antibullying policy required — definition — content, requirements.
- 170.047. Youth suicide awareness and prevention, training for educators — guidelines — rulemaking authority.
- 170.048. Youth suicide awareness and prevention policy, requirements — model policy, feedback.

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

SECTION A. ENACTING CLAUSE. — Section 160.775, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 160.775, 170.047, and 170.048, to read as follows:

160.775. ANTIBULLYING POLICY REQUIRED — DEFINITION — CONTENT, REQUIREMENTS. — 1. Every district shall adopt an antibullying policy by September 1, 2007.

2. "Bullying" means intimidation, **unwanted aggressive behavior**, or harassment that is **repetitive or is substantially likely to be repeated and** causes a reasonable student to fear for his or her physical safety or property; **substantially interferes with the educational performance, opportunities, or benefits of any student without exception; or substantially disrupts the orderly operation of the school.** Bullying may consist of physical actions, including gestures, or oral, cyberbullying, electronic, or written communication, and any threat of retaliation for reporting of such acts. **Bullying of students is prohibited on school property, at any school function, or on a school bus. "Cyberbullying" means bullying as defined in this subsection through the transmission of a communication including, but not limited to, a message, text, sound, or image by means of an electronic device including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager.**

3. Each district's antibullying policy shall be founded on the assumption that all students need a safe learning environment. Policies shall treat **all** students equally and shall not contain specific lists of protected classes of students who are to receive special treatment. Policies may include age-appropriate differences for schools based on the grade levels at the school. Each such policy shall contain a statement of the consequences of bullying.

4. Each district's antibullying policy shall **be included in the student handbook and shall require, at a minimum, the following components:**

(1) A statement prohibiting bullying, defined no less inclusively than in subsection 2 of this section;

(2) A statement requiring district employees to report any instance of bullying of which the employee has firsthand knowledge[. The district policy shall address training of employees

in the requirements of the district policy]. The policy shall require a district employee who witnesses an incident of bullying to report the incident to the district's designated individual at the school within two school days of the employee witnessing the incident;

(3) A procedure for reporting an act of bullying. The policy shall also include a statement requiring that the district designate an individual at each school in the district to receive reports of incidents of bullying. Such individual shall be a district employee who is teacher level staff or above;

(4) A procedure for prompt investigation of reports of violations and complaints, identifying one or more employees responsible for the investigation including, at a minimum, the following requirements:

(a) Within two school days of a report of an incident of bullying being received, the school principal, or his or her designee, shall initiate an investigation of the incident;

(b) The school principal may appoint other school staff to assist with the investigation; and

(c) The investigation shall be completed within ten school days from the date of the written report unless good cause exists to extend the investigation;

(5) A statement that prohibits reprisal or retaliation against any person who reports an act of bullying and the consequence and appropriate remedial action for a person who engages in reprisal or retaliation;

(6) A statement of how the policy is to be publicized; and

(7) A process for discussing the district's antibullying policy with students and training school employees and volunteers who have significant contact with students in the requirements of the policy, including, at a minimum, the following statements:

(a) The school district shall provide information and appropriate training to the school district staff who have significant contact with students regarding the policy;

(b) The school district shall give annual notice of the policy to students, parents or guardians, and staff;

(c) The school district shall provide education and information to students regarding bullying, including information regarding the school district policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to address bullying, including student peer-to-peer initiatives to provide accountability and policy enforcement for those found to have engaged in bullying, reprisal, or retaliation against any person who reports an act of bullying;

(d) The administration of the school district shall instruct its school counselors, school social workers, licensed social workers, mental health professionals, and school psychologists to educate students who are victims of bullying on techniques for students to overcome bullying's negative effects. Such techniques shall include, but not be limited to, cultivating the student's self-worth and self-esteem; teaching the student to defend himself or herself assertively and effectively; helping the student develop social skills; or encouraging the student to develop an internal locus of control. The provisions of this paragraph shall not be construed to contradict or limit any other provision of this section; and

(e) The administration of the school district shall implement programs and other initiatives to address bullying, to respond to such conduct in a manner that does not stigmatize the victim, and to make resources or referrals available to victims of bullying.

5. Notwithstanding any other provision of law to the contrary, any school district shall have jurisdiction to prohibit cyberbullying that originates on a school's campus or at a district activity if the electronic communication was made using the school's technological resources, if there is a sufficient nexus to the educational environment, or if the electronic communication was made on the school's campus or at a district activity using the student's own personal technological resources. The school district may discipline any student for such cyberbullying to the greatest extent allowed by law.

6. Each district shall review its antibullying policy and revise it as needed. The district's school board shall receive input from school personnel, students, and administrators when reviewing and revising the policy.

170.047. YOUTH SUICIDE AWARENESS AND PREVENTION, TRAINING FOR EDUCATORS —GUIDELINES—RULEMAKING AUTHORITY. — 1. Beginning in the 2017-2018 school year, any licensed educator may annually complete up to two hours of training or professional development in youth suicide awareness and prevention as part of the professional development hours required for state board of education certification.

2. The department of elementary and secondary education shall develop guidelines suitable for training or professional development in youth suicide awareness and prevention. The department shall develop materials that may be used for such training or professional development.

3. For purposes of this section, the term "licensed educator" shall refer to any teacher with a certificate of license to teach issued by the state board of education or any other educator or administrator required to maintain a professional license issued by the state board of education.

4. The department of elementary and secondary education may promulgate rules and regulations to implement this section.

5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void.

170.048. YOUTH SUICIDE AWARENESS AND PREVENTION POLICY, REQUIREMENTS — MODEL POLICY, FEEDBACK. — 1. By July 1, 2018, each district shall adopt a policy for youth suicide awareness and prevention, including plans for how the district will provide for the training and education of its district employees.

2. Each district's policy shall address, but not be limited to, the following:

- (1) Strategies that can help identify students who are at possible risk of suicide;
- (2) Strategies and protocols for helping students at possible risk of suicide; and
- (3) Protocols for responding to a suicide death.

3. By July 1, 2017, the department of elementary and secondary education shall develop a model policy that districts may adopt. When developing the model policy, the department shall cooperate, consult with, and seek input from organizations that have expertise in youth suicide awareness and prevention. By July 1, 2021, and at least every three years thereafter, the department shall request information and seek feedback from districts on their experience with the policy for youth suicide awareness and prevention. The department shall review this information and may use it to adapt the department's model policy. The department shall post any information on its website that it has received from districts that it deems relevant. The department shall not post any confidential information or any information that personally identifies any student or school employee.

Approved June 3, 2016

HB 1593 [HB 1593]

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 proceedings against defaulting collectors

AN ACT to repeal section 139.250, RSMo, and to enact in lieu thereof one new section relating to payments due by collectors.

SECTION

A. Enacting clause.

139.250. Failure to make payment — forfeiture — proceedings against defaulting collector.

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

SECTION A. ENACTING CLAUSE. — Section 139.250, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 139.250, to read as follows:

139.250. FAILURE TO MAKE PAYMENT — FORFEITURE — PROCEEDINGS AGAINST DEFAULTING COLLECTOR. — 1. If any collector or [ex officio] collector-**treasurer** fails to make payment of the amount due from him **or her** on settlement, or in the time and manner prescribed by law, he **or she** and his **or her** sureties shall be liable to pay, as a penalty, ten percent a month on the amount wrongfully withheld, to be computed from the time the amount ought to have been paid until actual payment. This section shall apply to all revenue collections made by him **or her**, whether for state, county, city, town, district or school taxes, general or special, **except that this section shall not apply to any collections related to taxes paid under protest or as part of a disputed assessment.**

2. In case of refusal, notice may be served upon the collector or [ex officio] collector-**treasurer** in default and his **or her** sureties, informing them that a motion will be made to the circuit court of the county for a judgment against the collector and his **or her** sureties, for all sums of money due from him **or her** to the state or county, as the case may be, at time of making the motion, together with the penalty aforesaid.

3. The circuit courts of this state may hear and determine all such motions and proceedings.

4. The judgments rendered by the court under the provisions of this section shall have the same force and effect and be enforced in the same manner that other judgments in the circuit courts of this state are enforced.

5. Proceedings under this section shall be in the state or county, as the case may be. The notice may be served by any sheriff, coroner, or other person who would be a competent witness, and shall be served at least five days before the motion is made. The court may compel the production of all books, papers, records and other documents in the possession of the collector or others, to be used as evidence in the cause.

Approved June 6, 2016

HB 1599 [SCS HCS HB 1599]

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 an adopted person to obtain a copy of his or her original birth certificate

AN ACT to repeal sections 193.125 and 453.080, RSMo, and to enact in lieu thereof three new sections relating to birth certificates.

SECTION

- A. Enacting clause.
- 193.125. Missouri adoptee rights act — adoption — new birth certificate, when — reports — duties — inspection of certain records by court order only.
- 193.128. Citation of law — original birth certificate, adopted person may obtain, when — procedure, fee — contact preference form — medical history request — rulemaking authority.
- 453.080. Hearing — decree — contact or exchange of identifying information between adopted person and birth or adoptive parent not to be denied, when — contact preference form.

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

SECTION A. ENACTING CLAUSE. — Sections 193.125 and 453.080, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 193.125, 193.128, and 453.080, to read as follows:

193.125. MISSOURI ADOPTEE RIGHTS ACT — ADOPTION — NEW BIRTH CERTIFICATE, WHEN — REPORTS — DUTIES — INSPECTION OF CERTAIN RECORDS BY COURT ORDER ONLY. — 1. This section and section 193.128 shall be known and may be cited as the ["Debbi Daniel Law"] "**Missouri Adoptee Rights Act**".

2. Except as otherwise provided in subsection 3 of this section, for each adoption decreed by a court of competent jurisdiction in this state, the court shall require the preparation of a certificate of decree of adoption on a form as prescribed or approved by the state registrar. The certificate of decree of adoption shall include such facts as are necessary to locate and identify the certificate of birth of the person adopted, and shall provide information necessary to establish a new certificate of birth of the person adopted and shall identify the court and county of the adoption and be certified by the clerk of the court. The state registrar shall file the original certificate of birth with the certificate of decree of adoption and such file may be opened by the state registrar only upon receipt of a certified copy of an order as decreed by the court of adoption or in accordance with section 193.128.

3. No new certificate of birth shall be established following an adoption by a stepparent if so requested by the adoptive parent or the adoptive stepparent of the child.

4. Information necessary to prepare the report of adoption shall be furnished by each petitioner for adoption or the petitioner's attorney. The social welfare agency or any person having knowledge of the facts shall supply the court with such additional information as may be necessary to complete the report. The provision of such information shall be prerequisite to the issuance of a final decree in the matter by the court.

5. Whenever an adoption decree is amended or annulled, the clerk of the court shall prepare a report thereof, which shall include such facts as are necessary to identify the original adoption report and the facts amended in the adoption decree as shall be necessary to properly amend the birth record.

6. Not later than the fifteenth day of each calendar month or more frequently as directed by the state registrar the clerk of the court shall forward to the state registrar reports of decrees of adoption, annulment of adoption and amendments of decrees of adoption which were entered in the preceding month, together with such related reports as the state registrar shall require.

7. When the state registrar shall receive a report of adoption, annulment of adoption, or amendment of a decree of adoption for a person born outside this state, he or she shall forward such report to the state registrar in the state of birth.

8. In a case of adoption in this state of a person not born in any state, territory or possession of the United States or country not covered by interchange agreements, the state registrar shall upon receipt of the certificate of decree of adoption prepare a birth certificate in the name of the adopted person, as decreed by the court. The state registrar shall file the certificate of the decree

of adoption, and such documents may be opened by the state registrar only by an order of court. The birth certificate prepared under this subsection shall have the same legal weight as evidence as a delayed or altered birth certificate as provided in section 193.235.

9. The department, upon receipt of proof that a person has been adopted by a Missouri resident pursuant to laws of countries other than the United States, shall prepare a birth certificate in the name of the adopted person as decreed by the court of such country. If such proof contains the surname of either adoptive parent, the department of health and senior services shall prepare a birth certificate as requested by the adoptive parents. Any subsequent change of the name of the adopted person shall be made by a court of competent jurisdiction. The proof of adoption required by the department shall include a copy of the original birth certificate and adoption decree, an English translation of such birth certificate and adoption decree, and a copy of the approval of the immigration of the adopted person by the Immigration and Naturalization Service of the United States government which shows the child lawfully entered the United States. The authenticity of the translation of the birth certificate and adoption decree required by this subsection shall be sworn to by the translator in a notarized document. The state registrar shall file such documents received by the department relating to such adoption and such documents may be opened by the state registrar only by an order of a court. A birth certificate pursuant to this subsection shall be issued upon request of one of the adoptive parents of such adopted person or upon request of the adopted person if of legal age. The birth certificate prepared pursuant to the provisions of this subsection shall have the same legal weight as evidence as a delayed or altered birth certificate as provided in sections 193.005 to 193.325.

10. If no certificate of birth is on file for the person under twelve years of age who has been adopted, a belated certificate of birth shall be filed with the state registrar as provided in sections 193.005 to 193.325 before a new birth record is to be established as result of adoption. A new certificate is to be established on the basis of the adoption under this section and shall be prepared on a certificate of live birth form.

11. If no certificate of birth has been filed for a person twelve years of age or older who has been adopted, a new birth certificate is to be established under this section upon receipt of proof of adoption as required by the department. A new certificate shall be prepared in the name of the adopted person as decreed by the court, registering adopted parents' names. The new certificate shall be prepared on a delayed birth certificate form. The adoption decree is placed in a sealed file and shall not be subject to inspection except upon an order of the court.

193.128. CITATION OF LAW — ORIGINAL BIRTH CERTIFICATE, ADOPTED PERSON MAY OBTAIN, WHEN — PROCEDURE, FEE — CONTACT PREFERENCE FORM — MEDICAL HISTORY REQUEST — RULEMAKING AUTHORITY. — 1. The provisions of section 193.125 and this section shall be known and may be cited as the "Missouri Adoptee Rights Act".

2. Notwithstanding section 453.121 to the contrary, an adopted person or the adopted person's attorney may obtain a copy of such adopted person's original certificate of birth from the state registrar in accordance with this section.

3. In order for an adopted person to receive a copy of his or her original certificate of birth, the adopted person shall:

- (1) Be at least eighteen years of age;**
- (2) Have been born in this state; and**
- (3) File a written application with and provide appropriate proof of identification to the state registrar.**

4. The state registrar may require a waiting period and impose a fee for issuance of the uncertified copy under subsection 5 of this section. The fees and waiting period imposed under this subsection shall be identical to the fees and waiting period generally imposed on nonadopted persons seeking their own certificates of birth.

5. Upon receipt of a written application and proof of identification under subsection 3 of this section and fulfillment of the requirements of subsection 4 of this section, the state

registrar shall issue an uncertified copy of the unaltered original certificate of birth to the applicant. The copy of the certificate of birth shall have the following statement printed on it: "For genealogical purposes only - not to be used for establishing identity".

6. A birth parent may, at any time, request from the state registrar a contact preference form that shall accompany the original birth certificate of an adopted person. The contact preference form shall include the following options:

- (1) "I would like to be contacted";
- (2) "I prefer to be contacted by an intermediary"; and
- (3) "I prefer not to be contacted".

A contact preference form may be updated by a birth parent at any time upon the request of the birth parent. A contact preference form completed by a birth parent at the time of the adoption and forwarded to the state registrar by the clerk of the court shall accompany the original birth certificate of the adopted person and may be updated by the birth parent at any time upon the request of the birth parent.

7. If both birth parents indicate on the contact preference form that they would prefer not to be contacted, a copy of the original birth certificate of the adopted person shall not be released. If only one birth parent indicates on the contact preference form that he or she would prefer not to be contacted, his or her identifying information shall be redacted from a copy of the original birth certificate of the adopted person and the copy of the original birth certificate shall be released under the provisions of this section.

8. A birth parent may, at any time, request a medical history form from the state registrar and the state registrar shall provide a medical history form to any birth parent who requests a contact preference form. The medical history form shall include the following options:

- (1) "I am not aware of any medical history of any significance";
- (2) "I prefer not to provide any medical information at this time"; and
- (3) "I wish to give the following medical information".

A medical history form may be updated by a birth parent at any time upon the request of the birth parent.

9. A contact preference form or a medical history form received by the state registrar shall be placed in a sealed envelope upon receipt from the birth parent and shall be considered a confidential communication from the birth parent to the adopted person. The sealed envelope shall only be released to the adopted person requesting his or her own original birth certificate under the provisions of this section.

10. If a birth parent indicates on the contact preference form that he or she would prefer not to be contacted, the adopted person shall have access to a copy of the medical history form with the identifying information of such birth parent redacted.

11. The cost of a contact preference form shall not exceed the cost of obtaining an original birth certificate. There shall be no charge for a medical history form.

12. Beginning August 28, 2016, there shall be a public notification period to allow time for birth parents to file a contact preference form. Beginning January 1, 2018, original birth certificates shall be issued under the provisions of this section. An adopted person born prior to 1941 shall be given access to his or her original birth certificate beginning August 28, 2016.

13. The state registrar shall develop by rule the application form required by this section and may adopt other rules 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 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, 2016, shall be invalid and void.

453.080. HEARING — DECREE — CONTACT OR EXCHANGE OF IDENTIFYING INFORMATION BETWEEN ADOPTED PERSON AND BIRTH OR ADOPTIVE PARENT NOT TO BE DENIED, WHEN — CONTACT PREFERENCE FORM. — 1. The court shall conduct a hearing to determine whether the adoption shall be finalized. During such hearing, the court shall ascertain whether:

(1) The person sought to be adopted, if a child, has been in the lawful and actual custody of the petitioner for a period of at least six months prior to entry of the adoption decree; except that the six-month period may be waived if the person sought to be adopted is a child who is under the prior and continuing jurisdiction of a court pursuant to chapter 211 and the person desiring to adopt the child is the child's current foster parent. "Lawful and actual custody" shall include a transfer of custody pursuant to the laws of this state, another state, a territory of the United States, or another country;

(2) The court has received and reviewed a postplacement assessment on the monthly contacts with the adoptive family pursuant to section 453.077, except for good cause shown in the case of a child adopted from a foreign country;

(3) The court has received and reviewed an updated financial affidavit;

(4) The court has received the recommendations of the guardian ad litem and has received and reviewed the recommendations of the person placing the child, the person making the assessment and the person making the postplacement assessment;

(5) There is compliance with the uniform child custody jurisdiction act, sections 452.440 to 452.550;

(6) There is compliance with the Indian Child Welfare Act, if applicable;

(7) There is compliance with the Interstate Compact on the Placement of Children pursuant to section 210.620; and

(8) It is fit and proper that such adoption should be made.

2. If a petition for adoption has been filed pursuant to section 453.010 and a transfer of custody has occurred pursuant to section 453.110, the court may authorize the filing for finalization in another state if the adoptive parents are domiciled in that state.

3. If the court determines the adoption should be finalized, a decree shall be issued setting forth the facts and ordering that from the date of the decree the adoptee shall be for all legal intents and purposes the child of the petitioner or petitioners. The court may decree that the name of the person sought to be adopted be changed, according to the prayer of the petition.

4. Before the completion of an adoption, the exchange of information among the parties shall be at the discretion of the parties. Upon completion of an adoption, further contact among the parties shall be at the discretion of the adoptive parents. The court shall not have jurisdiction to deny continuing contact between the adopted person and the birth parent, or an adoptive parent and a birth parent. Additionally, the court shall not have jurisdiction to deny an exchange of identifying information between an adoptive parent and a birth parent.

5. Before the completion of an adoption, the court shall make available to the birth parent or parents a contact preference form developed by the state registrar pursuant to section 193.128 and provided to the court by the department of health and senior services. If a birth parent chooses to complete the form, the clerk of the court shall send the form with the certificate of decree of adoption to the state registrar. Such form shall accompany the original birth certificate of the adopted person and may be updated by a birth parent at any time upon the request of the birth parent.

Approved July 1, 2016

HB 1646 [SCS HCS HBs 1646, 2132 & 1621]

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 Civics Education Initiative

AN ACT to repeal section 170.011, RSMo, and to enact in lieu thereof three new sections relating to civics education.

SECTION

- A. Enacting clause.
- 170.011. Courses in the constitutions, American history and Missouri government, required, penalty — waiver, when — student awards — requirements not applicable to foreign exchange students.
- 170.345. Missouri civics education initiative — examination required — waiver, when.
- 170.350. Constitution Project of the Missouri Supreme Court, participation in, effect of.

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

SECTION A. ENACTING CLAUSE. — Section 170.011, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 170.011, 170.345, and 170.350, to read as follows:

170.011. COURSES IN THE CONSTITUTIONS, AMERICAN HISTORY AND MISSOURI GOVERNMENT, REQUIRED, PENALTY — WAIVER, WHEN — STUDENT AWARDS — REQUIREMENTS NOT APPLICABLE TO FOREIGN EXCHANGE STUDENTS. — 1. Regular courses of instruction in the Constitution of the United States and of the state of Missouri and in American history and institutions shall be given in all public and private schools in the state of Missouri, except privately operated trade schools, and shall begin not later than the seventh grade and continue in high school to an extent determined by the state commissioner of education, and shall continue in college and university courses to an extent determined by the state commissioner of higher education. In the 1990-91 school year and each year thereafter, local school districts maintaining high schools shall comply with the provisions of this section by offering in grade nine, ten, eleven, or twelve a course of instruction in the institutions, branches and functions of the government of the state of Missouri, including local governments, and of the government of the United States, and in the electoral process. A local school district maintaining such a high school shall require that prior to the completion of the twelfth grade each pupil who receives a high school diploma or certificate of graduation on or after January 1, 1994, shall satisfactorily complete such a course of study. Such course shall be of at least one semester in length and may be two semesters in length. The department of elementary and secondary education may provide assistance in developing such a course if the district requests assistance. A school district may elect to waive the requirements of this subsection for any student who transfers from outside the state to a Missouri high school if the student can furnish documentation deemed acceptable by the school district of the student's successful completion in any year from the ninth through the twelfth grade of a course of instruction in the institutions, branches, and functions of state government, including local governments, and of the government of the United States, and in the electoral process.

2. American history courses at the elementary and secondary levels shall include in their proper time-line sequence specific referrals to the details and events of the racial equality movement that have caused major changes in United States and Missouri laws and attitudes.

3. No pupil shall receive a certificate of graduation from any public or private school other than private trade schools unless he **or she** has satisfactorily passed an examination on the provisions and principles of the Constitution of the United States and of the state of Missouri, and in American history [and], American institutions, **and American civics**. A school district

may elect to waive the requirements of this subsection for any student who transfers from outside the state to a Missouri high school if the student can furnish documentation deemed acceptable by the school district of the student's successful completion in any year from the ninth through the twelfth grade of a course of instruction in the institutions, branches, and functions of state government, including local governments, and of the government of the United States, and in the electoral process. A student of a college or university, who, after having completed a course of instruction prescribed in this section and successfully passed an examination on the United States Constitution, and in American history and American institutions required hereby, transfers to another college or university, is not required to complete another such course or pass another such examination as a condition precedent to his graduation from the college or university.

4. In the 1990-91 school year and each year thereafter, each school district maintaining a high school may annually nominate to the state board of education a student who has demonstrated knowledge of the principles of government and citizenship through academic achievement, participation in extracurricular activities, and service to the community. Annually, the state board of education shall select fifteen students from those nominated by the local school districts and shall recognize and award them for their academic achievement, participation and service.

5. The provisions of this section shall not apply to students from foreign countries who are enrolled in public or private high schools in Missouri, if such students are foreign exchange students sponsored by a national organization recognized by the department of elementary and secondary education.

170.345. MISSOURI CIVICS EDUCATION INITIATIVE — EXAMINATION REQUIRED — WAIVER, WHEN. — 1. This section shall be known as the "Missouri Civics Education Initiative".

2. Any student entering the ninth grade after July 1, 2017, who is attending any public, charter, or private school, except private trade schools, as a condition of high school graduation shall pass an examination on the provisions and principles of American civics.

3. The examination shall consist of one hundred questions similar to the one hundred questions used by the USCIS that are administered to applicants for U.S. citizenship.

4. The examination required under this section may be included in any other examination that is administered on the provisions and principles of the Constitution of the United States and of the state of Missouri, and in American history and American institutions, as required in subsection 3 of section 170.011.

5. School districts may use any online test to comply with the provisions of this section.

6. Each school district shall adopt a policy to permit the waiver of the requirements of this section for any student with a disability if recommended by the student's IEP committee. For purposes of this subsection, "IEP" means individualized education program.

170.350. CONSTITUTION PROJECT OF THE MISSOURI SUPREME COURT, PARTICIPATION IN, EFFECT OF. — A school district may develop a policy that allows student participation in the Constitution Project of the Missouri Supreme Court to be recognized by:

(1) The granting of credit for some portion of, or in collaboration with:

(a) Inclusion in the student's record of good citizenship as required by the A+ tuition reimbursement program under section 160.545; or

(b) The Missouri and United States Constitution course required under section 170.011; or

(c) Any relevant course or instructional unit in American government or a similar subject; or

(2) District or school-level awards including, but not limited to, certificates or assemblies.

Approved June 22, 2016

HB 1649 [SCS HCS HB 1649]

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 Rescue the Forgotten law to provide immunity from civil liability for persons who render assistance to children trapped in motor vehicles

AN ACT to amend chapter 537, RSMo, by adding thereto one new section relating to immunity from civil liability for removing a minor from a locked vehicle, with an emergency clause.

SECTION

- A. Enacting clause.
537.555. No civil liability for forcible entry into a vehicle for purpose of removing an unsupervised minor, when.
B. Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Chapter 537, RSMo, is amended by adding thereto one new section, to be known as section 537.555, to read as follows:

537.555. NO CIVIL LIABILITY FOR FORCIBLE ENTRY INTO A VEHICLE FOR PURPOSE OF REMOVING AN UNSUPERVISED MINOR, WHEN. — 1. A person shall be not be held civilly liable for damages resulting from the forcible entry into a vehicle for the purpose of removing an unsupervised minor if such person:

- (1) Determines that the vehicle is locked or there is no other reasonable method for removing the minor from the vehicle;
- (2) Has a good faith belief that forcible entry into the vehicle is necessary because the minor is in imminent danger of suffering harm if not immediately removed from the vehicle;
- (3) Contacts emergency response personnel including any firefighter, emergency medical technician, law enforcement officer, registered nurse, physician, or first responder prior to forcibly entering the vehicle;
- (4) Remains with the minor at a safe location reasonably close to the vehicle until emergency response personnel arrives; and
- (5) Uses no more force to enter the vehicle and remove the minor from the vehicle than was necessary under the circumstances.

2. Nothing in this section shall provide immunity from civil liability for actions to aid a minor in addition to what is authorized by this section.

SECTION B. EMERGENCY CLAUSE. — Because immediate action is necessary to encourage individuals to assist children who are trapped in motor vehicles, 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.

Approved July 1, 2016

HB 1681 [HB 1681]

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

Exempts yoga training courses, programs, or schools from provisions of law regulating proprietary schools

AN ACT to repeal section 173.616, RSMo, and to enact in lieu thereof one new section relating to the regulation of proprietary schools.

SECTION

A. Enacting clause.

173.616. Schools and courses that are exempt from sections 173.600 to 173.618.

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

SECTION A. ENACTING CLAUSE. — Section 173.616, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 173.616, to read as follows:

173.616. SCHOOLS AND COURSES THAT ARE EXEMPT FROM SECTIONS 173.600 TO 173.618. — 1. The following schools, training programs, and courses of instruction shall be exempt from the provisions of sections 173.600 to 173.618:

- (1) A public institution;
- (2) Any college or university represented directly or indirectly on the advisory committee of the coordinating board for higher education as provided in subsection 3 of section 173.005;
- (3) An institution that is certified by the board as an "approved private institution" under subdivision (2) of section 173.1102;
- (4) A not-for-profit religious school that is accredited by the American Association of Bible Colleges, the Association of Theological Schools in the United States and Canada, or a regional accrediting association, such as the North Central Association, which is recognized by the Council on Postsecondary Accreditation and the United States Department of Education; and
- (5) Beginning July 1, 2008, all out-of-state public institutions of higher education, as such term is defined in subdivision (12) of subsection 2 of section 173.005.

2. The coordinating board shall exempt the following schools, training programs and courses of instruction from the provisions of sections 173.600 to 173.618:

- (1) A not-for-profit school owned, controlled and operated by a bona fide religious or denominational organization which offers no programs or degrees and grants no degrees or certificates other than those specifically designated as theological, bible, divinity or other religious designation;
- (2) A not-for-profit school owned, controlled and operated by a bona fide eleemosynary organization which provides instruction with no financial charge to its students and at which no part of the instructional cost is defrayed by or through programs of governmental student financial aid, including grants and loans, provided directly to or for individual students;
- (3) A school which offers instruction only in subject areas which are primarily for avocational or recreational purposes as distinct from courses to teach employable, marketable knowledge or skills, which does not advertise occupational objectives and which does not grant degrees;
- (4) A course of instruction, study or training program sponsored by an employer for the training and preparation of its own employees;
- (5) A course of study or instruction conducted by a trade, business or professional organization with a closed membership where participation in the course is limited to bona fide members of the trade, business or professional organization, or a course of instruction for persons

in preparation for an examination given by a state board or commission where the state board or commission approves that course and school;

(6) A school or person whose clientele are primarily students aged sixteen or under;

(7) A yoga teacher training course, program, or school.

3. A school which is otherwise licensed and approved under and pursuant to any other licensing law of this state shall be exempt from sections 173.600 to 173.618, but a state certificate of incorporation shall not constitute licensing for the purpose of sections 173.600 to 173.618.

4. Any school, training program or course of instruction exempted herein may elect by majority action of its governing body or by action of its director to apply for approval of the school, training program or course of instruction under the provisions of sections 173.600 to 173.618. Upon application to and approval by the coordinating board, such school training program or course of instruction may become exempt from the provisions of sections 173.600 to 173.618 at any subsequent time, except the board shall not approve an application for exemption if the approved school is then in any status of noncompliance with certification standards and a reversion to exempt status shall not relieve the school of any liability for indemnification or any penalty for noncompliance with certification standards during the period of the school's approved status.

Approved June 13, 2016

HB 1682 [SCS HB 1682]

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 Medical Practice Freedom Act which prohibits state licensure of physicians, chiropractors, optometrists, and dentists to be conditioned on participation in any public or private health insurance

AN ACT to repeal sections 191.332, 334.040, 376.1237, and 630.175, RSMo, and to enact in lieu thereof twelve new sections relating to health care providers.

SECTION

- A. Enacting clause.
 191.332. Supplemental newborn screening requirements — additional screenings — rulemaking authority.
 191.1075. Definitions.
 191.1080. Council created, purpose, members, terms, duties — report — expiration date.
 191.1085. Program established, purpose, website information — rulemaking authority.
 192.947. Hemp extract, use of, immunity from liability, when.
 324.048. Citation — licensure based on skill and academic competence — prohibited conditions for licensure.
 334.040. Examination of applicants, how conducted, grades required, time limitations, extensions.
 334.280. Maintenance of licensure or certification, requirement by state prohibited—definitions.
 338.202. Maintenance medications, pharmacist may exercise professional judgment on quantity dispensed, when.
 376.685. Optometrists, health insurance plans not to limit fees charged unless reimbursed by plan — requirements — definitions.
 376.1237. Refills for prescription eye drops, required, when — definitions — termination date.
 630.175. Physical and chemical restraints prohibited, exceptions — requirements for collaborative practice arrangements and supervision agreements — security escort devices and certain extraordinary measures not considered physical restraint.

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

SECTION A. ENACTING CLAUSE. — Sections 191.332, 334.040, 376.1237, and 630.175, RSMo, are repealed and twelve new sections enacted in lieu thereof, to be known as sections

191.332, 191.1075, 191.1080, 191.1085, 192.947, 324.048, 334.040, 334.280, 338.202, 376.685, 376.1237, and 630.175, to read as follows:

191.332. SUPPLEMENTAL NEWBORN SCREENING REQUIREMENTS — ADDITIONAL SCREENINGS—RULEMAKING AUTHORITY. — 1. By January 1, 2002, the department of health and senior services shall, subject to appropriations, expand the newborn screening requirements in section 191.331 to include potentially treatable or manageable disorders, which may include but are not limited to cystic fibrosis, galactosemia, biotinidase deficiency, congenital adrenal hyperplasia, maple syrup urine disease (MSUD) and other amino acid disorders, glucose-6-phosphate dehydrogenase deficiency (G-6-PD), MCAD and other fatty acid oxidation disorders, methylmalonic acidemia, propionic acidemia, isovaleric acidemia and glutaric acidemia Type I.

2. By January 1, 2017, the department of health and senior services shall, subject to appropriations, expand the newborn screening requirements in section 191.331 to include severe combined immunodeficiency (SCID), also known as bubble boy disease. The department may increase the fee authorized under subsection 6 of section 191.331 to cover any additional costs of the expanded newborn screening requirements under this subsection.

3. The department of health and senior services may promulgate rules to implement the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536.

191.1075. DEFINITIONS. — As used in sections 191.1075 to 191.1085, the following terms shall mean:

- (1) "Department", the department of health and senior services;
- (2) "Health care professional", a physician or other health care practitioner licensed, accredited, or certified by the state of Missouri to perform specified health services;
- (3) "Hospital":
 - (a) A place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care of not less than twenty-four consecutive hours in any week of three or more nonrelated individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions; or
 - (b) A place devoted primarily to provide for not less than twenty-four consecutive hours in any week medical or nursing care for three or more unrelated individuals. "Hospital" does not include convalescent, nursing, shelter, or boarding homes as defined in chapter 198.

191.1080. COUNCIL CREATED, PURPOSE, MEMBERS, TERMS, DUTIES — REPORT — EXPIRATION DATE. — 1. There is hereby created within the department of health and senior services the "Missouri Palliative Care and Quality of Life Interdisciplinary Council", which shall be a palliative care consumer and professional information and education program to improve quality and delivery of patient-centered and family-focused care in this state.

2. On or before December 1, 2016, the following members shall be appointed to the council:

- (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) Two board-certified hospice and palliative medicine physicians licensed in this state, appointed by the governor with the advice and consent of the senate;
- (4) Two certified hospice and palliative nurses licensed in this state, appointed by the governor with the advice and consent of the senate;

(5) A certified hospice and palliative social worker, appointed by the governor with the advice and consent of the senate;

(6) A patient and family caregiver advocate representative, appointed by the governor with the advice and consent of the senate;

(7) A spiritual professional with experience in palliative care and health care, appointed by the governor with the advice and consent of the senate.

3. Council members shall serve for a term of three years. The members of the council shall elect a chair and vice chair whose duties shall be established by the council. The department shall determine a time and place for regular meetings of the council, which shall meet at least biannually.

4. Members of the council shall serve without compensation, but shall, subject to appropriations, be reimbursed for their actual and necessary expenses incurred in the performance of their duties as members of the council.

5. The council shall consult with and advise the department on matters related to the establishment, maintenance, operation, and outcomes evaluation of palliative care initiatives in this state, including the palliative care consumer and professional information and education program established in section 191.1085.

6. The council shall submit an annual report to the general assembly which includes an assessment of the availability of palliative care in this state for patients at early stages of serious disease and an analysis of barriers to greater access to palliative care.

7. The council authorized under this section shall automatically expire August 28, 2022.

191.1085. PROGRAM ESTABLISHED, PURPOSE, WEBSITE INFORMATION — RULEMAKING AUTHORITY. — 1. There is hereby established the "Palliative Care Consumer and Professional Information and Education Program" within the department of health and senior services.

2. The purpose of the program is to maximize the effectiveness of palliative care in this state by ensuring that comprehensive and accurate information and education about palliative care is available to the public, health care providers, and health care facilities.

3. The department shall publish on its website information and resources, including links to external resources, about palliative care for the public, health care providers, and health care facilities, including but not limited to:

(1) Continuing education opportunities for health care providers;

(2) Information about palliative care delivery in the home, primary, secondary, and tertiary environments; and

(3) Consumer educational materials and referral information for palliative care, including hospice.

4. Each hospital in this state is encouraged to have a palliative care presence on its intranet or internet website which provides links to one or more of the following organizations: the Institute of Medicine, the Center to Advance Palliative Care, the Supportive Care Coalition, the National Hospice and Palliative Care Organization, the American Academy of Hospice and Palliative Medicine, and the National Institute on Aging.

5. Each hospital in this state is encouraged to have patient education information about palliative care available for distribution to patients.

6. The department shall consult with the palliative care and quality of life interdisciplinary council established in section 191.1080 in implementing the section.

7. The department may promulgate rules to implement the provisions of sections 191.1075 to 191.1085. 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 191.1075 to 191.1085 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. Sections 191.1075 to 191.1085 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, 2016, shall be invalid and void.

8. Notwithstanding the provisions of section 23.253 to the contrary, the program authorized under this section shall automatically expire on August 28, 2022.

192.947. HEMP EXTRACT, USE OF, IMMUNITY FROM LIABILITY, WHEN. — 1. No individual or health care entity organized under the laws of this state shall be subject to any adverse action by the state or any agency, board, or subdivision thereof, including civil or criminal prosecution, denial of any right or privilege, the imposition of a civil or administrative penalty or sanction, or disciplinary action by any accreditation or licensing board or commission if such individual or health care entity, in its normal course of business and within its applicable licenses and regulations, acts in good faith upon or in furtherance of any order or recommendation by a neurologist authorized under section 192.945 relating to the medical use and administration of hemp extract with respect to an eligible patient.

2. The provisions of subsection 1 of this section shall apply to the recommendation, possession, handling, storage, transfer, destruction, dispensing, or administration of hemp extract, including any act in preparation of such dispensing or administration.

3. This section shall not be construed to limit the rights provided under law for a patient to bring a civil action for damages against a physician, hospital, registered or licensed practical nurse, pharmacist, any other individual or entity providing health care services, or an employee of any entity listed in this subsection.

324.048. CITATION — LICENSURE BASED ON SKILL AND ACADEMIC COMPETENCE — PROHIBITED CONDITIONS FOR LICENSURE. — 1. This section shall be known and may be cited as the "Medical Practice Freedom Act".

2. State licensure requirements for physicians, chiropractors, optometrists, and dentists in this state shall be granted based on demonstrated skill and academic competence. Licensure approval for physicians, chiropractors, optometrists, and dentists in this state shall not be conditioned upon or related to participation in any public or private health insurance plan, public health care system, public service initiative, or emergency room coverage.

3. State licensure for physicians, chiropractors, optometrists, and dentists shall be conducted exclusively under chapters 334, 331, 336, and 332, respectively.

4. State licensure for physicians and optometrists shall not be conditioned upon or related to compliance with the "meaningful use" of electronic health records as set forth in 45 CFR 170.

334.040. EXAMINATION OF APPLICANTS, HOW CONDUCTED, GRADES REQUIRED, TIME LIMITATIONS, EXTENSIONS. — 1. Except as provided in section 334.260, all persons desiring to practice as physicians and surgeons in this state shall be examined as to their fitness to engage in such practice by the board. All persons applying for examination shall file a completed application with the board upon forms furnished by the board.

2. The examination shall be sufficient to test the applicant's fitness to practice as a physician and surgeon. The examination shall be conducted in such a manner as to conceal the identity of the applicant until all examinations have been scored. In all such examinations an average score of not less than seventy-five percent is required to pass; provided, however, that the board may require applicants to take the Federation Licensing Examination, also known as FLEX, or the United States Medical Licensing Examination (USMLE). If the FLEX examination is required, a weighted average score of no less than seventy-five is required to pass. Scores from one test administration of [the FLEX] **an examination** shall not be combined or averaged with

scores from other test administrations to achieve a passing score. [The passing score of the United States Medical Licensing Examination shall be determined by the board through rule and regulation.] Applicants graduating from a medical or osteopathic college, as [defined] **described** in section 334.031 prior to January 1, 1994, shall provide proof of successful completion of the FLEX, USMLE, [an exam administered by] the National Board of Osteopathic Medical Examiners [(NBOME)] **Comprehensive Licensing Exam (COMLEX)**, a state board examination approved by the board, compliance with subsection 2 of section 334.031, or compliance with 20 CSR 2150-2.005. Applicants graduating from a medical or osteopathic college, as [defined] **described** in section 334.031 on or after January 1, 1994, must provide proof of **successful** completion of the USMLE or [an exam administered by NBOME] **the COMLEX** or provide proof of compliance with subsection 2 of section 334.031. The board shall not issue a permanent license as a physician and surgeon or allow the Missouri state board examination to be administered to any applicant who has failed to achieve a passing score within three attempts on licensing examinations administered in one or more states or territories of the United States, the District of Columbia or Canada. The steps one, two and three of the United States Medical Licensing Examination **or the National Board of Osteopathic Medical Examiners Comprehensive Licensing Exam** shall be taken within a seven-year period with no more than three attempts on any step of the examination; however, the board may grant an extension of the seven-year period if the applicant has obtained a MD/PhD degree in a program accredited by the Liaison Committee on Medical Education (LCME) and a regional university accrediting body or a DO/PhD degree accredited by the American Osteopathic Association and a regional university accrediting body. The board may waive the provisions of this section if the applicant is licensed to practice as a physician and surgeon in another state of the United States, the District of Columbia or Canada and the applicant has achieved a passing score on a licensing examination administered in a state or territory of the United States or the District of Columbia and no license issued to the applicant has been disciplined in any state or territory of the United States or the District of Columbia [and the applicant is certified in the applicant's area of specialty by the American Board of Medical Specialties, the American Osteopathic Association, or other certifying agency approved by the board by rule].

3. If the board waives the provisions of this section, then the license issued to the applicant may be limited or restricted to the applicant's board specialty. The board shall not be permitted to favor any particular school or system of healing.

4. If an applicant has not actively engaged in the practice of clinical medicine or held a teaching or faculty position in a medical or osteopathic school approved by the American Medical Association, the Liaison Committee on Medical Education, or the American Osteopathic Association for any two years in the three-year period immediately preceding the filing of his or her application for licensure, the board may require successful completion of another examination, continuing medical education, or further training before issuing a permanent license. The board shall adopt rules to prescribe the form and manner of such reexamination, continuing medical education, and training.

334.280. MAINTENANCE OF LICENSURE OR CERTIFICATION, REQUIREMENT BY STATE PROHIBITED—DEFINITIONS. — 1. For purposes of this section, the following terms shall mean:

(1) "Continuing medical education", continued postgraduate medical education intended to provide medical professionals with knowledge of new developments in their field;

(2) "Maintenance of certification", any process requiring periodic recertification examinations to maintain specialty medical board certification;

(3) "Maintenance of licensure", the Federation of State Medical Boards' proprietary framework for physician license renewal including additional periodic testing other than continuing medical education;

(4) "Specialty medical board certification", certification by a board that specializes in one particular area of medicine and typically requires additional and more strenuous exams than state board of registration for the healing arts requirements to practice medicine.

2. The state shall not require any form of maintenance of licensure as a condition of physician licensure including requiring any form of maintenance of licensure tied to maintenance of certification. Current requirements including continuing medical education shall suffice to demonstrate professional competency.

3. The state shall not require any form of specialty medical board certification or any maintenance of certification to practice medicine within the state. There shall be no discrimination by the state board of registration for the healing arts or any other state agency against physicians who do not maintain specialty medical board certification including recertification.

338.202. MAINTENANCE MEDICATIONS, PHARMACIST MAY EXERCISE PROFESSIONAL JUDGMENT ON QUANTITY DISPENSED, WHEN. — 1. Notwithstanding any other provision of law, unless the prescriber has specified on the prescription that dispensing a prescription for a maintenance medication in an initial amount followed by periodic refills is medically necessary, a pharmacist may exercise his or her professional judgment to dispense varying quantities of maintenance medication per fill up to the total number of dosage units as authorized by the prescriber on the original prescription, including any refills. Dispensing of the maintenance medication based on refills authorized by the physician on the prescription shall be limited to no more than a ninety-day supply of the medication, and the maintenance medication shall have been previously prescribed to the patient for at least a three-month period.

2. For the purposes of this section "maintenance medication" is a medication prescribed for chronic, long-term conditions and is taken on a regular, recurring basis, except that it shall not include controlled substances as defined in section 195.010.

376.685. OPTOMETRISTS, HEALTH INSURANCE PLANS NOT TO LIMIT FEES CHARGED UNLESS REIMBURSED BY PLAN — REQUIREMENTS — DEFINITIONS. — 1. No agreement between a health carrier or other insurer that writes vision insurance and an optometrist for the provision of vision services on a preferred or in-network basis to plan members or insurance subscribers in connection with coverage under a stand-alone vision plan, medical plan, health benefit plan, or health insurance policy shall require that an optometrist provide optometric or ophthalmic services or materials at a fee limited or set by the plan or health carrier unless the services or materials are reimbursed as covered services under the contract.

2. No provider shall charge more for services or materials that are not covered under a health benefit or vision plan than his or her usual and customary rate for those services or materials.

3. Reimbursement paid by the health benefit or vision plan for covered services or materials shall be reasonable and shall not provide nominal reimbursement in order to claim that services or materials are covered services. No health carrier shall provide de minimis reimbursement or coverage in an effort to avoid the requirements of this section.

4. No vision care insurance policy or vision care discount plan that provides covered services for materials shall have the effect, directly or indirectly, of limiting the choice of sources and suppliers of materials by a patient of a vision care provider.

5. Notwithstanding any other provisions in this section, nothing shall prohibit an optometrist from contractually opting in to an optometric services discount plan sponsored by a stand-alone vision plan, medical plan, health benefit plan, or health insurance policy.

6. For the purposes of this section, the following terms shall mean:

- (1) "Covered services", optometric or ophthalmic services or materials for which reimbursement from the health benefit or vision plan is provided for by an enrollee's plan contract, or for which a reimbursement would be available but for the application of the enrollee's contractual limitations of deductibles, copayments, coinsurance, waiting periods, annual or lifetime maximums, alternative benefit payments, or frequency limitations;
- (2) "Health benefit plan", the same meaning as such term is defined in section 376.1350;
- (3) "Health carrier", the same meaning as such term is defined in section 376.1350;
- (4) "Materials", includes, but is not limited to, lenses, frames, devices containing lenses, prisms, lens treatment and coatings, contact lenses, orthoptics, vision training devices, and prosthetic devices to correct, relieve, or treat defects or abnormal conditions of the human eye or its adnexa;
- (5) "Optometric services", any services within the scope of optometric practice under chapter 336;
- (6) "Vision plan", any policy, contract of insurance, or discount plan issued by a health carrier, health benefit plan, or company which provides coverage or a discount for optometric or ophthalmic services or materials.

376.1237. REFILLS FOR PRESCRIPTION EYE DROPS, REQUIRED, WHEN — DEFINITIONS — TERMINATION DATE. — 1. Each health carrier or health benefit plan that offers or issues health benefit plans which are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2014, and that provides coverage for prescription eye drops shall provide coverage for the refilling of an eye drop prescription prior to the last day of the prescribed dosage period without regard to a coverage restriction for early refill of prescription renewals as long as the prescribing health care provider authorizes such early refill, and the health carrier or the health benefit plan is notified.

2. For the purposes of this section, health carrier and health benefit plan shall have the same meaning as defined in section 376.1350.

3. The coverage required by this section shall not be subject to any greater deductible or co-payment than other similar health care services provided by the health benefit plan.

4. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months' or less duration, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

5. The provisions of this section shall terminate on January 1, [2017] 2020.

630.175. PHYSICAL AND CHEMICAL RESTRAINTS PROHIBITED, EXCEPTIONS — REQUIREMENTS FOR COLLABORATIVE PRACTICE ARRANGEMENTS AND SUPERVISION AGREEMENTS — SECURITY ESCORT DEVICES AND CERTAIN EXTRAORDINARY MEASURES NOT CONSIDERED PHYSICAL RESTRAINT. — 1. No person admitted on a voluntary or involuntary basis to any mental health facility or mental health program in which people are civilly detained pursuant to chapter 632 and no patient, resident or client of a residential facility or day program operated, funded or licensed by the department shall be subject to physical or chemical restraint, isolation or seclusion unless it is determined by the head of the facility, the attending licensed physician, or in the circumstances specifically set forth in this section, by an advanced practice registered nurse in a collaborative practice arrangement, or a physician assistant or an assistant physician with a supervision agreement, with the attending licensed physician that the chosen intervention is imminently necessary to protect the health and safety of the patient, resident, client or others and that it provides the least restrictive environment. An advanced practice registered nurse in a collaborative practice arrangement, or a physician

assistant or an assistant physician with a supervision agreement, with the attending licensed physician may make a determination that the chosen intervention is necessary for patients, residents, or clients of facilities or programs operated by the department, in hospitals as defined in section 197.020 that only provide psychiatric care and in dedicated psychiatric units of general acute care hospitals as hospitals are defined in section 197.020. Any determination made by the advanced practice registered nurse, **physician assistant, or assistant physician** shall be documented as required in subsection 2 of this section and reviewed in person by the attending licensed physician if the episode of restraint is to extend beyond:

- (1) Four hours duration in the case of a person under eighteen years of age;
- (2) Eight hours duration in the case of a person eighteen years of age or older; or
- (3) For any total length of restraint lasting more than four hours duration in a twenty-four-hour period in the case of a person under eighteen years of age or beyond eight hours duration in the case of a person eighteen years of age or older in a twenty-four-hour period.

The review shall occur prior to the time limit specified under subsection 6 of this section and shall be documented by the licensed physician under subsection 2 of this section.

2. Every use of physical or chemical restraint, isolation or seclusion and the reasons therefor shall be made a part of the clinical record of the patient, resident or client under the signature of the head of the facility, or the attending licensed physician, or the advanced practice registered nurse in a collaborative practice arrangement, **or a physician assistant or an assistant physician with a supervision agreement**, with the attending licensed physician.

3. Physical or chemical restraint, isolation or seclusion shall not be considered standard treatment or habilitation and shall cease as soon as the circumstances causing the need for such action have ended.

4. The use of security escort devices, including devices designed to restrict physical movement, which are used to maintain safety and security and to prevent escape during transport outside of a facility shall not be considered physical restraint within the meaning of this section. Individuals who have been civilly detained under sections 632.300 to 632.475 may be placed in security escort devices when transported outside of the facility if it is determined by the head of the facility, or the attending licensed physician, or the advanced practice registered nurse in a collaborative practice arrangement, **or a physician assistant or an assistant physician with a supervision agreement**, with the attending licensed physician that the use of security escort devices is necessary to protect the health and safety of the patient, resident, client, or other persons or is necessary to prevent escape. Individuals who have been civilly detained under sections 632.480 to 632.513 or committed under chapter 552 shall be placed in security escort devices when transported outside of the facility unless it is determined by the head of the facility, or the attending licensed physician, or the advanced practice registered nurse in a collaborative practice arrangement, **or a physician assistant or an assistant physician with a supervision agreement**, with the attending licensed physician that security escort devices are not necessary to protect the health and safety of the patient, resident, client, or other persons or is not necessary to prevent escape.

5. Extraordinary measures employed by the head of the facility to ensure the safety and security of patients, residents, clients, and other persons during times of natural or man-made disasters shall not be considered restraint, isolation, or seclusion within the meaning of this section.

6. Orders issued under this section by the advanced practice registered nurse in a collaborative practice arrangement, **or a physician assistant or an assistant physician with a supervision agreement**, with the attending licensed physician shall be reviewed in person by the attending licensed physician of the facility within twenty-four hours or the next regular working day of the order being issued, and such review shall be documented in the clinical record of the patient, resident, or client.

7. For purposes of this subsection, "division" shall mean the division of developmental disabilities. Restraint or seclusion shall not be used in habilitation centers or community programs that serve persons with developmental disabilities that are operated or funded by the division unless such procedure is part of an emergency intervention system approved by the division and is identified in such person's individual support plan. Direct-care staff that serve persons with developmental disabilities in habilitation centers or community programs operated or funded by the division shall be trained in an emergency intervention system approved by the division when such emergency intervention system is identified in a consumer's individual support plan.

Approved July 5, 2016

HB 1684 [HCS HB 1684]

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

Allows certain cities, towns, or villages to consolidate when they have entered into one or more intergovernmental agreements related to municipal services, are separated by a distance of not more than one mile

AN ACT to repeal section 72.150, RSMo, and to enact in lieu thereof one new section relating to the consolidation of certain cities, towns, or villages.

SECTION

A. Enacting clause.

72.150. Certain adjoining municipalities may consolidate — certain cities to comply with boundary changes law — consolidation of certain cities, towns, or villages in counties of the first, second, or third classification.

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

SECTION A. ENACTING CLAUSE. — Section 72.150, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 72.150, to read as follows:

72.150. CERTAIN ADJOINING MUNICIPALITIES MAY CONSOLIDATE — CERTAIN CITIES TO COMPLY WITH BOUNDARY CHANGES LAW — CONSOLIDATION OF CERTAIN CITIES, TOWNS, OR VILLAGES IN COUNTIES OF THE FIRST, SECOND, OR THIRD CLASSIFICATION. —

1. When two or more cities, towns or villages in this state adjoining and contiguous to each other in the same or adjoining county or two or more cities, towns or villages located in a county of the second classification having a population of at least forty-seven thousand but not more than forty-nine thousand which are not adjoining and contiguous to each other but whose combined territory when combined will be contiguous shall be desirous of being consolidated, it shall be lawful for them to consolidate under one government of the classification under which any of them was organized or the classification provided for the consolidated population, in the manner and subject to the provisions prescribed in sections 72.150 to 72.220. Any cities, towns or villages within any county with a charter form of government where fifty or more cities, towns and villages have been incorporated shall consolidate pursuant to the provisions of section 72.420.

2. When two or more cities, towns or villages located in a county of the first classification or a county of the second classification that have entered into one or more intergovernmental agreements related to municipal services and are separated by a distance of not more than one mile and are connected by at least two publicly maintained rights of way shall be desirous of being consolidated, it shall be lawful for them to

consolidate under one government of the classification under which any of them was organized or the classification provided for the consolidated population, in the manner and subject to the provisions prescribed in sections 72.150 to 72.220.

3. When two or more cities, towns or villages located in any county of the third classification are separated by a distance of not more than one and one-half miles and are desirous of being consolidated, it shall be lawful for them to consolidate under one government of the classification under which any of them was organized or the classification provided for the consolidated population, in the manner and subject to the provisions prescribed in sections 72.150 to 72.220.

Approved June 17, 2016

HB 1696 [SCS HCS HB 1696]

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 Missouri Commission for the Deaf and Hard of Hearing to provide grants to organizations that provide services to deaf-blind persons

AN ACT to amend chapter 161, RSMo, by adding thereto one new section relating to the Missouri commission for the deaf and hard of hearing.

SECTION

A. Enacting clause.

161.412. Issuance of grants to deaf-blind adults and children and their families.

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

SECTION A. ENACTING CLAUSE. — Chapter 161, RSMo, is amended by adding thereto one new section, to be known as section 161.412, to read as follows:

161.412. ISSUANCE OF GRANTS TO DEAF-BLIND ADULTS AND CHILDREN AND THEIR FAMILIES. — **1. Subject to appropriations, the Missouri commission for the deaf and hard of hearing shall provide grants to:**

(1) Organizations that provide services for deaf-blind children and their families. Such services may include providing family support advocates to assist deaf-blind children in participating in their communities and family education specialists to teach parents and siblings skills to support the deaf-blind children in their family;

(2) Organizations that provide services for deaf-blind adults. Such grants shall be used to provide assistance to deaf-blind adults who are working towards establishing and maintaining independence; and

(3) Organizations that train support service providers. Such grants shall be used to provide training that will lead to certification of support service providers in Missouri.

2. The commission shall use a request-for-proposal process to award the grants in this section. Organizations that receive grants under this section may expend the grant for any purpose authorized in this section. The total amount of grants provided under this section shall not exceed three hundred thousand dollars annually.

Approved June 14, 2016

HB 1698 [SCS HB 1698]

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 Meet in Missouri Act to attract national conventions to Missouri

AN ACT to amend chapter 620, RSMo, by adding thereto one new section relating to incentives to attract major out-of-state conventions to Missouri.

SECTION

A. Enacting clause.
620.1620. Major conventions — definitions — fund created — issuance of grants, procedure — report — refunds — sunset provision.

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

SECTION A. ENACTING CLAUSE. — Chapter 620, RSMo, is amended by adding thereto one new section, to be known as section 620.1620, to read as follows:

620.1620. MAJOR CONVENTIONS — DEFINITIONS — FUND CREATED — ISSUANCE OF GRANTS, PROCEDURE — REPORT — REFUNDS — SUNSET PROVISION. — **1. This section shall be known and may be cited as the "Meet in Missouri Act".**

2. As used in this section, the following terms shall mean:

- (1) "Director", the director of the department of economic development;**
- (2) "Eligible commission", any regional convention and visitors commission created under section 67.601; any body designated by the division of tourism official destination marketing organization for a Missouri county which is designated as the single representative organization for the county to solicit and service tourism;**
- (3) "Eligible major convention event costs", all operational costs of the venue of a major convention event including, but not limited to, costs related to the following: security, venue utilities, cleaning, production of the event, installation and dismantling, facility rental charges, personnel, construction to prepare the venue, and other temporary facility construction;**
- (4) "Fund", the major economic convention event in Missouri fund established in this section;**
- (5) "Grant", an amount of money equal to the total amount of eligible major convention event costs listed in an approved major convention plan to be disbursed at the requested date from the fund to an eligible commission by the state treasurer at the direction of the director which shall not exceed the amount of estimated total sales taxes to be received by the state generated by sleeping rooms paid by guests of hotels and motels reasonably believed to be occupied due to the major convention event;**
- (6) "Major convention event", any convention if more than fifty percent of attendees travel to the convention from outside of Missouri and require overnight hotel accommodations;**
- (7) "Major convention plan", a written plan for the administration of a major convention event, containing such information as shall be requested by the director to establish that the event covered by the application is a major convention event including, but not limited to, the start and end dates of the major convention event, an identification of the organization planning the event, the location of the event, projected total and out-of-state attendance, projected contracted and actual hotel room nights, projected costs and revenues anticipated to be received by the eligible commission in connection with the event, the eligible major convention event costs, and evidence of satisfaction of the conditions of subsection 5 of this section.**

3. (1) There is hereby created in the state treasury the "Major Economic Convention Event in Missouri Fund", which shall consist of moneys appropriated from the general revenue fund as prescribed in subsection 6 of this section and any gifts, contributions, grants, or bequests received from federal, private, or other sources. 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, moneys in the fund shall be used solely for the administration of this section.

(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) 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.

4. For major convention plans which have complied with subsection 5 of this section, in addition to funds otherwise made available under Missouri law, a grant shall be paid from the fund by the department of economic development to the eligible commission at the requested date. Any transfer of a grant from the fund to the treasurer or other designated financial officer of an eligible commission with an approved major convention plan shall be deposited in a separate, segregated account of such commission. The eligible commission shall agree to hold such funds until the major convention event has occurred and not disburse the funds until such time as the report in subsection 7 has been submitted.

5. The director shall not disburse a grant until the director or his or her designee has approved a written major convention plan submitted to the department of economic development by an eligible commission requesting a grant. The director or his or her designee shall not approve any submitted major convention plan unless he or she finds that the following conditions have been met:

(1) The applicant submitting the major convention plan is an eligible commission;

(2) The projected start and end dates of the planned major convention event and the requested date of disbursement of the grant are no later than five years from the date of the application; and

(3) There is sufficient evidence that:

(a) The event shall qualify as a major convention event under this section including, but not limited to, evidence of the actual number of contracted advance hotel reservations or projected out-of-state attendance numbers and actual hotel room usage from comparable past events;

(b) A request for proposal or similar documentation demonstrates the applicant eligible commission is competing for the event against non-Missouri cities;

(c) Without the grant, the major convention event would not be reasonably anticipated to occur in Missouri; and

(d) The positive net fiscal impact to general revenue of the state through any and all taxes attributable to the major convention event exceeds the amount of the major convention grant. In reviewing such evidence, the director shall take into account any expenditures by an attendee for sleeping rooms paid by guests of the hotels and motels typically constitutes less than fifty percent of the expenditures by such attendees at a major convention event.

6. (1) Upon verification that the major convention plan complies with the terms of subsection 5 of this section, the director or his or her designee shall issue a certificate of approval to the eligible commission stating the date on which such grant shall be disbursed and the total amount of the grant, which shall be equal to the eligible major convention event costs listed in the approved major convention plan. The amount of any grant shall

not exceed more than fifty percent of the cost of hosting the major convention event, positive net fiscal impact to general revenue, or one million dollars, whichever is less.

(2) All approved grants scheduled for disbursement each year shall be disbursed from the general revenue fund subject to appropriation by the general assembly. Any such appropriation shall not exceed three million dollars in any year.

(3) Upon such annual appropriation and transfer into the fund from the general revenue fund, the director shall disburse all grants pursuant to certificates of approval.

7. (1) Within one hundred eighty days of the conclusion of any major convention event for which a grant was disbursed under this section, the eligible commission that received such grant shall provide a written report to the director detailing the final amount of eligible major convention event costs incurred and actual attendance figures which certify compliance with this section. If the final amount of total eligible major convention event costs is less than the amount of the grant disbursed to the eligible commission under an approved major convention plan, such commission shall refund to the state treasurer the excess greater than fifty percent of the actual cost for deposit into the fund.

(2) An eligible commission shall refund the following amounts to the state treasurer based on the actual attendance figures in relation to the projected total attendance for the event as provided in the major convention plan:

(a) If the actual attendance figure is less than twenty-five percent of the projected total attendance, the commission shall refund an amount equal to the full amount of the grant;

(b) If the actual attendance figure is equal to or less than eighty-five percent and greater than or equal to twenty-five percent of the projected total attendance, the commission shall keep a portion of the grant received under this section equal to the proportion of the actual attendance figure to the projected attendance figure rounded to the nearest dollar and refund the remaining amount;

(c) If the actual attendance figure is greater than eighty-five percent of the projected total attendance, the commission shall keep the entire grant amount received under this section unless otherwise provided by this section.

(3) The provisions of this subdivision shall not apply where attendance at the convention is adversely affected by a man-made disaster including, but not limited to an uprising or other civil unrest or where attendance at the convention is adversely affected by a substantial inclement weather-related event.

8. Any amounts that are refunded from a grant under this section shall be returned to the major economic convention event in Missouri fund to be used for future grants.

9. In accordance with the provisions of sections 23.250 to 23.298 and unless otherwise authorized pursuant to section 23.253:

(1) The program authorized under the provisions of this section shall automatically sunset six years after the effective date of this section; and

(2) This section shall terminate on September first of the year following the year in which any new program authorized under this section is sunset, and the revisor of statutes shall designate such sections and this section in a revision bill for repeal.

Approved July 1, 2016

HB 1717 [SS#2 HCS HB 1717]

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 water systems

AN ACT to repeal sections 256.437, 256.438, 256.439, 256.440, and 256.443, RSMo, and to enact in lieu thereof seven new sections relating to water systems, with an emergency clause for a certain section.

SECTION

- A. Enacting clause.
- 256.437. Definitions.
- 256.438. Fund created, use of moneys — rulemaking authority.
- 256.440. Multipurpose water resource program established, department to administer — state may participate in water resource project, when.
- 256.443. Plan, content — approval of plan by director — eligibility of projects to receive contributions, grants or bequests for construction or renovation costs, limitation.
- 256.447. Rulemaking authority.
- 640.136. Fluoridation modification, notification to department and customers, when.
- 644.200. Wastewater treatment system upgrades, department duties — analysis of options.
- 256.439. Multipurpose program established, department to administer and adopt rules.
- B. Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Sections 256.437, 256.438, 256.439, 256.440, and 256.443, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 256.437, 256.438, 256.440, 256.443, 256.447, 640.136, and 644.200, to read as follows:

256.437. DEFINITIONS. — As used in sections 256.435 to 256.445, the following terms mean:

- (1) "Director", the director of the department of natural resources;
- (2) "Flood control storage", storage space in reservoirs to hold flood waters;
- (3) "Plan", a preliminary engineering report describing the water resource project;
- (4) "Public water supply", a water supply for agricultural, municipal, industrial or domestic use;
- (5) "Sponsor", any political subdivision of the state or any public wholesale water supply district;
- (6) "Water resource project", a project containing **planning, design, construction, or renovation of:**
 - (a) Public water supply [storage and treatment and water source erosion]; [and]
 - (b) Flood control storage ; **or**
 - (c) **Treatment or transmission facilities for public water supply.**

256.438. FUND CREATED, USE OF MONEYS — RULEMAKING AUTHORITY. — 1. There is hereby established in the state treasury a fund to be known as the "Multipurpose Water Resource Program [Renewable Water Program] Fund", which shall consist of all money deposited in such fund from whatever source, whether public or private. 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 other moneys earned on such investments shall be credited to the fund. Any unexpended balance in such fund at the end of any appropriation period shall not be transferred to the general revenue fund and, accordingly, shall be exempt from the provisions of section 33.080 relating to the transfer of funds to the general revenue funds of the state by the state treasurer.

2. **The department of natural resources is hereby granted authority to establish rules by which project sponsors can remit contributions to the fund created under this section. Such contributions shall only be collected from water resource project sponsors who are awarded financial assistance from the fund for water resource projects, as described in sections 256.435 to 256.445. The contributions shall be used for the cost of administering**

the fund and the provision of financial assistance from the fund as described in sections 256.435 to 256.445.

3. Upon appropriation, the department of natural resources shall use money in the fund created by this section for the purposes of carrying out the provisions of sections 256.435 to 256.445, including, but not limited to, the provision of grants or other financial assistance, and, if such limitations or conditions are imposed, only upon such other limitations or conditions specified in the instrument that appropriates, grants, bequeaths, or otherwise authorizes the transmission of money to the fund.

256.440. MULTIPURPOSE WATER RESOURCE PROGRAM ESTABLISHED, DEPARTMENT TO ADMINISTER — STATE MAY PARTICIPATE IN WATER RESOURCE PROJECT, WHEN. — In order to ensure adequate, long-term, reliable public water supply [storage], **treatment, and transmission facilities**, there is hereby established a "**Multipurpose** Water Resource Program". The program shall be administered by the department of natural resources. The state may participate with a sponsor in the development, construction or renovation of a water resource project if the sponsor has a plan which has been submitted to and approved by the director. **Prior to approval, such plan shall include a schedule, proposed by the sponsor, to remit contributions back to the fund created under section 256.438. Any money received by the department of natural resources as a result of its participation with any such sponsor shall be deposited in the multipurpose water resource program fund created under section 256.438.**

256.443. PLAN, CONTENT — APPROVAL OF PLAN BY DIRECTOR — ELIGIBILITY OF PROJECTS TO RECEIVE CONTRIBUTIONS, GRANTS OR BEQUESTS FOR CONSTRUCTION OR RENOVATION COSTS, LIMITATION. — 1. The plan shall include a description of the project, the need for the project, land use and treatment measures to be implemented to protect the project from erosion, siltation and pollution, procedures for water allocation, criteria to be implemented in the event of drought or emergency, and such other information as the director may require to adequately protect the water resource.

2. The director shall only approve a plan upon a determination that long-term reliable public water supply [storage] , **treatment, or transmission facility** is needed in that area of the state, **and that such plan will provide a long-term solution to water supply needs.** Implementation of approved plans will be eligible for cost-sharing expenses as approved by the state soil and water districts commission incurred for required land treatment practices to implement soil conservation plans.

3. [Water] **Approved water resource plans and** projects shall be eligible to receive any gifts, contributions, grants or bequests from federal, state, private or other sources for engineering, construction or renovation costs associated with such projects, except that no proceeds from the sales and use tax levied pursuant to Sections 47(a) to 47(c) of Article IV of the State Constitution shall be used for such purposes.

4. **Approved water resource projects may be granted funds from, and remit contributions to, the multipurpose water resource program fund pursuant to section 256.438.**

256.447. RULEMAKING AUTHORITY. — The department of natural resources may adopt rules and regulations necessary to implement the provisions of sections 256.437 to 256.445. 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, 2016, shall be invalid and void.

640.136. FLUORIDATION MODIFICATION, NOTIFICATION TO DEPARTMENT AND CUSTOMERS, WHEN. — 1. Any public water system, as defined in section 640.102, or public water supply district, as defined in chapter 247, which intends to make modifications to fluoridation of its water supply shall notify the department of natural resources, the department of health and senior services, and its customers of its intentions at least ninety days prior to any vote on the matter. The public water system or public water supply district shall notify its customers via radio, television, newspaper, regular mail, electronic means, or any combination of notification methods to most effectively notify customers at least ninety days prior to any meeting at which the vote will occur. Any public water system or public water supply district that violates the notification requirements of this section shall return the fluoridation of its water supply to its previous level until proper notification is provided under the provisions of this section.

2. In the case of an investor-owned water system, the entity calling for the discussion of modifications to fluoridation shall be responsible for the provisions of this section.

644.200. WASTEWATER TREATMENT SYSTEM UPGRADES, DEPARTMENT DUTIES — ANALYSIS OF OPTIONS. — 1. Notwithstanding any other provision of law, the department of natural resources shall provide any municipality or community currently served by a wastewater treatment system with information regarding options to upgrade the existing system to meet any new or existing discharge requirements. The information provided shall include available advanced technologies including biological treatment options.

2. The municipality or community, or a third party hired by the community or municipality, may conduct an analysis of available options to meet any new or existing discharge requirements including, but not limited to, the construction or installation of a new wastewater collection or treatment facility, connection to an existing collection or treatment facility outside the municipality or community, and upgrading or expanding the existing wastewater treatment system. The analysis shall include an examination of the feasibility and the cost of each option.

3. If upgrading or expanding the existing wastewater treatment system is feasible and cost effective and will enable the system to meet the discharge requirements, the department shall allow the entity to implement such option.

[256.439. MULTIPURPOSE PROGRAM ESTABLISHED, DEPARTMENT TO ADMINISTER AND ADOPT RULES. — In order to provide public water supply storage treatment and water-related facilities in both urban and rural areas of the state, there is hereby established a "Multipurpose Water Resources Program". The program shall be administered by the state department of natural resources. The state department of natural resources may adopt rules and regulations necessary to implement the provisions of sections 256.437 to 256.445.]

SECTION B. EMERGENCY CLAUSE. — Because immediate action is necessary to ensure that a municipality or community has the ability to select the most fiscally responsible option for safely treating wastewater in its community, the enactment of section 644.200 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 the enactment of section 644.200 of this act shall be in full force and effect upon its passage and approval.

Approved June 28, 2016

HB 1721 [HB 1721]

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 credit union supervision so that audits are consistent with federal standards

AN ACT to repeal section 370.230, RSMo, and to enact in lieu thereof one new section relating to credit union supervisory committees.

SECTION

- A. Enacting clause.
370.230. Powers and duties of supervisory committee.

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

SECTION A. ENACTING CLAUSE. — Section 370.230, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 370.230, to read as follows:

370.230. POWERS AND DUTIES OF SUPERVISORY COMMITTEE. — 1. The supervisory committee shall make, or cause to be made, an examination of the affairs of the credit union, at least annually, including its books and accounts, and shall make, or cause to be made, a [direct] verification of members' share and loan accounts [at least every two years with a reasonable statistical sampling of members accounts being made in alternate years] **in the same manner and with the same frequency as required by federal law for federal credit unions**, and shall review the acts of the board of directors, credit committee and officers, any or all of whom the supervisory committee may suspend at any time by a majority vote.

2. Within seven days after such suspension, the supervisory committee shall cause notice to be given the members of a special meeting to take action on such suspension, the call for the meeting to indicate clearly its purpose.

3. By a majority vote the committee may call a meeting of the members to consider any violation of this chapter or of the bylaws, or any practice of the credit union which, in the opinion of said committee, is unsafe and unauthorized.

4. During the fiscal year, the supervisory committee shall make or cause to be made a thorough audit of the receipts, disbursements, income, assets, and liabilities of the credit union, and shall make a full report on such audit to the directors. In the event that a credit union has over one million dollars in assets, an independent audit shall be required in lieu of the audit by the supervisory committee, and a report on such audit shall be read at the annual meeting and shall be filed and preserved with the records of the credit union.

5. The supervisory committee shall fill vacancies in their own number until the next annual meeting or, if the bylaws so provide, vacancies may be filled by appointment by the board of directors.

Approved June 6, 2016

HB 1765 [SS HCS HB 1765]

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

Changes provisions relating to judicial proceedings

AN ACT to repeal sections 404.710, 404.717, 456.023, 456.590, 456.3-304, 456.4B-411, 456.5-508, 456.7-706, 469.060, 469.467, 473.050, 475.125, 513.430, 515.240, 515.250, 515.260, 516.105, and 650.058, RSMo, and to enact in lieu thereof eighty new sections relating to civil proceedings, with penalty provisions.

SECTION

- A. Enacting clause.
- 404.710. Power of attorney with general powers.
- 404.717. Modification and termination of power of attorney — liability between principal and attorney in fact.
- 456.970. Short title.
- 456.975. Definitions.
- 456.980. Governing law — common law and principles of equity.
- 456.985. Act to govern powers — exceptions.
- 456.990. Creation of power of appointment.
- 456.995. Nontransferrability.
- 456.1000. Presumption of unlimited authority — exception to presumption of unlimited authority.
- 456.1005. Rules of classification.
- 456.1010. Power to revoke or amend.
- 456.1015. Requisites for exercise of power of appointment.
- 456.1020. Intent to exercise — determining intent from residuary clause.
- 456.1025. Intent to exercise — after-acquired power.
- 456.1030. Substantial compliance with donor-imposed formal requirement.
- 456.1035. Permissible appointment.
- 456.1040. Appointment to deceased appointee or permissible appointee's descendant.
- 456.1045. Impermissible appointment.
- 456.1050. Selective allocation doctrine.
- 456.1055. Capture doctrine — disposition of ineffectively appointed property under general power.
- 456.1060. Disposition of unappointed property under released or unexercised general power.
- 456.1065. Disposition of unappointed property under released or unexercised nongeneral power.
- 456.1070. Disposition of unappointed property if partial appointment to taker in default — appointment to taker in default.
- 456.1075. Powerholder's authority to revoke or amend exercise.
- 456.1080. Disclaimer.
- 456.1085. Authority to release — method of release — revocation or amendment of release.
- 456.1090. Power to contract — presently exercisable power of appointment — power of appointment not presently exercisable.
- 456.1095. Remedy for breach of contract to appoint or not to appoint.
- 456.1100. Creditor claim — general power created by powerholder.
- 456.1105. Creditor claim — general power not created by powerholder.
- 456.1110. Power to withdraw.
- 456.1115. Creditor claim — nongeneral power.
- 456.1120. Act not to limit ability to reach a beneficial interest under Missouri Uniform Trust Code.
- 456.1125. Uniformity of application and construction.
- 456.1130. Relation to Electronic Signatures in Global and National Commerce Act.
- 456.1135. Application to existing relationships.
- 456.3-304. Representation by person having substantially identical interest.
- 456.4B-411. Modification or termination of noncharitable irrevocable trust by consent — applicability.
- 456.5-508. Creditor claim, appointive property not subject to, when.
- 456.7-706. Removal of trustee.
- 469.467. Applicability of sections.
- 473.050. Wills, presentment for probate, time limited — presented, defined.
- 475.125. Support and education of protectee and dependents.
- 513.430. Property exempt from attachment — construction of section.
- 515.500. Citation of law.
- 515.505. Definitions.
- 515.510. Court authorized to appoint receiver, when, procedure.
- 515.515. General and limited receivers.
- 515.520. Notice of appointment, content.
- 515.525. Replacement of receiver, when.
- 515.530. Bond requirements.
- 515.535. Receiver to have powers and priority of creditor.
- 515.540. Court to have exclusive authority, when.
- 515.545. Powers, authority, and duties of receivers.
- 515.550. Estate property, turnover of upon demand — court action to compel.
- 515.555. Debtor duties and requirements.

- 515.560. Debtor to file schedules, when.
- 515.565. Appraisal not required without court order.
- 515.570. General receiver to file monthly report, contents.
- 515.575. Appointment of general receiver to operate as a stay, when — expiration of stay — no stay, when.
- 515.580. Utility service, notice required by public utility to discontinue — violations, remedies.
- 515.585. Contracts and leases, receiver may assume or reject — action to compel rejection — consent to assume required, when.
- 515.590. Unsecured credit or debt, receiver may obtain, when.
- 515.595. Right to sue and be sued — action adjunct to receivership action — venue — judgment not a lien on property, when.
- 515.600. Immunity from liability, when.
- 515.605. Employment of professionals.
- 515.610. Creditors bound by acts of receiver — right to notice and may appear in receivership — notice requirements.
- 515.615. Claims administration process.
- 515.620. Objection to a claim, procedure.
- 515.625. Distribution of claims.
- 515.630. Secured claims permitted against estate property.
- 515.635. Noncontingent liquidated claims, interest allowed, rate.
- 515.640. Burdensome property, abandonment of, when.
- 515.645. Use, sale, or lease of estate property by receiver.
- 515.650. Receiver may be appointed as a receiver by out-of-state court, when.
- 515.655. Removal or replacement of receiver, procedure.
- 515.660. Discharge of receiver.
- 515.665. Orders subject to appeal.
- 516.105. Actions against health care and mental health providers (medical malpractice).
- 650.058. Individuals who are actually innocent may receive restitution, amount, petition, definition, limitations and requirements — guilt confirmed by DNA testing, procedures — petitions for restitution — order of expungement.
- 456.023. Power of appointment not exercised by will, when.
- 456.590. Power of court to permit deviations or vary terms.
- 469.060. Power exercise may be disclaimed.
- 515.240. Appointment of receiver.
- 515.250. Bond of receiver — powers.
- 515.260. Compensation of receiver.

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

SECTION A. ENACTING CLAUSE. — Sections 404.710, 404.717, 456.023, 456.590, 456.3-304, 456.4B-411, 456.5-508, 456.7-706, 469.060, 469.467, 473.050, 475.125, 513.430, 515.240, 515.250, 515.260, 516.105, and 650.058, RSMo, are repealed and eighty new sections enacted in lieu thereof, to be known as sections 404.710, 404.717, 456.970, 456.975, 456.980, 456.985, 456.990, 456.995, 456.1000, 456.1005, 456.1010, 456.1015, 456.1020, 456.1025, 456.1030, 456.1035, 456.1040, 456.1045, 456.1050, 456.1055, 456.1060, 456.1065, 456.1070, 456.1075, 456.1080, 456.1085, 456.1090, 456.1095, 456.1100, 456.1105, 456.1110, 456.1115, 456.1120, 456.1125, 456.1130, 456.1135, 456.3-304, 456.4B-411, 456.5-508, 456.7-706, 469.467, 473.050, 475.125, 513.430, 515.500, 515.505, 515.510, 515.515, 515.520, 515.525, 515.530, 515.535, 515.540, 515.545, 515.550, 515.555, 515.560, 515.565, 515.570, 515.575, 515.580, 515.585, 515.590, 515.595, 515.600, 515.605, 515.610, 515.615, 515.620, 515.625, 515.630, 515.635, 515.640, 515.645, 515.650, 515.655, 515.660, 515.665, 516.105, and 650.058, to read as follows:

404.710. POWER OF ATTORNEY WITH GENERAL POWERS. — 1. A principal may delegate to an attorney in fact in a power of attorney general powers to act in a fiduciary capacity on the principal's behalf with respect to all lawful subjects and purposes or with respect to one or more express subjects or purposes. A power of attorney with general powers may be durable or not durable.

2. If the power of attorney states that general powers are granted to the attorney in fact and further states in substance that it grants power to the attorney in fact to act with respect to all lawful subjects and purposes or that it grants general powers for general purposes or does not

by its terms limit the power to the specific subject or purposes set out in the instrument, then the authority of the attorney in fact acting under the power of attorney shall extend to and include each and every action or power which an adult who is nondisabled and nonincapacitated may carry out through an agent specifically authorized in the premises, with respect to any and all matters whatsoever, except as provided in subsections 6 and 7 of this section. When a power of attorney grants general powers to an attorney in fact to act with respect to all lawful subjects and purposes, the enumeration of one or more specific subjects or purposes does not limit the general authority granted by that power of attorney, unless otherwise provided in the power of attorney.

3. If the power of attorney states that general powers are granted to an attorney in fact with respect to one or more express subjects or purposes for which general powers are conferred, then the authority of the attorney in fact acting under the power of attorney shall extend to and include each and every action or power, but only with respect to the specific subjects or purposes expressed in the power of attorney that an adult who is nondisabled and nonincapacitated may carry out through an agent specifically authorized in the premises, with respect to any and all matters whatsoever, except as provided in subsections 6 and 7 of this section.

4. Except as provided in subsections 6 and 7 of this section, an attorney in fact with general powers has, with respect to the subjects or purposes for which the powers are conferred, all rights, power and authority to act for the principal that the principal would have with respect to his or her own person or property, including property owned jointly or by the entireties with another or others, as a nondisabled and nonincapacitated adult; and without limiting the foregoing has with respect to the subjects or purposes of the power complete discretion to make a decision for the principal, to act or not act, to consent or not consent to, or withdraw consent for, any act, and to execute and deliver or accept any deed, bill of sale, bill of lading, assignment, contract, note, security instrument, consent, receipt, release, proof of claim, petition or other pleading, tax document, notice, application, acknowledgment or other document necessary or convenient to implement or confirm any act, transaction or decision. An attorney in fact with general powers, whether power to act with respect to all lawful subjects and purposes, or only with respect to one or more express subjects or purposes, shall have the power, unless specifically denied by the terms of the power of attorney, to make, execute and deliver to or for the benefit of or at the request of a third person, who is requested to rely upon an action of the attorney in fact, an agreement indemnifying and holding harmless any third person or persons from any liability, claims or expenses, including legal expenses, incurred by any such third person by reason of acting or refraining from acting pursuant to the request of the attorney in fact, and such indemnity agreement shall be binding upon the principal who has executed such power of attorney and upon the principal's successor or successors in interest. No such indemnity agreement shall protect any third person from any liability, claims or expenses incurred by reason of the fact that, and to the extent that, the third person has honored the power of attorney for actions outside the scope of authority granted by the power of attorney. In addition, the attorney in fact has complete discretion to employ and compensate real estate agents, brokers, attorneys, accountants and subagents of all types to represent and act for the principal in any and all matters, including tax matters involving the United States government or any other government or taxing entity, including, but not limited to, the execution of supplemental or additional powers of attorney in the name of the principal in form that may be required or preferred by any such taxing entity or other third person, and to deal with any or all third persons in the name of the principal without limitation. No such supplemental or additional power of attorney shall broaden the scope of authority granted to the attorney in fact in the original power of attorney executed by the principal.

5. An attorney in fact, who is granted general powers for all subjects and purposes or with respect to any express subjects or purposes, shall exercise the powers conferred according to the principal's instructions, in the principal's best interest, in good faith, prudently and in accordance with sections 404.712 and 404.714.

6. Any power of attorney, whether durable or not durable, and whether or not it grants general powers for all subjects and purposes or with respect to express subjects or purposes, shall be construed to grant power or authority to an attorney in fact to carry out any of the actions described in this subsection if the actions are expressly enumerated and authorized in the power of attorney. Any power of attorney may grant power of authority to an attorney in fact to carry out any of the following actions if the actions are expressly authorized in the power of attorney:

(1) To execute, amend or revoke any trust agreement;

(2) To fund with the principal's assets any trust not created by the principal;

(3) To make or revoke a gift of the principal's property in trust or otherwise;

(4) To disclaim a gift or devise of property to or for the benefit of the principal, **including but not limited to the ability to disclaim or release any power of appointment granted to the principal and the ability to disclaim all or part of the principal's interest in appointive property to the extent authorized under sections 456.970 to 456.1135;**

(5) To create or change survivorship interests in the principal's property or in property in which the principal may have an interest; provided, however, that the inclusion of the authority set out in this subdivision shall not be necessary in order to grant to an attorney in fact acting under a power of attorney granting general powers with respect to all lawful subjects and purposes the authority to withdraw funds or other property from any account, contract or other similar arrangement held in the names of the principal and one or more other persons with any financial institution, brokerage company or other depository to the same extent that the principal would be authorized to do if the principal were present, not disabled or incapacitated, and seeking to act in the principal's own behalf;

(6) To designate or change the designation of beneficiaries to receive any property, benefit or contract right on the principal's death;

(7) To give or withhold consent to an autopsy or postmortem examination;

(8) To make an anatomical gift of, or prohibit an anatomical gift of, all or part of the principal's body under the Revised Uniform Anatomical Gift Act or to exercise the right of sepulcher over the principal's body under section 194.119;

(9) To nominate a guardian or conservator for the principal; and if so stated in the power of attorney, the attorney in fact may nominate himself as such;

(10) To give consent to or prohibit any type of health care, medical care, treatment or procedure to the extent authorized by sections 404.800 to 404.865; [or]

(11) To designate one or more substitute or successor or additional attorneys in fact; or

(12) To exercise, to revoke or amend the release of, or to contract to exercise or not to exercise, any power of appointment granted to the principal to the extent authorized under sections 456.970 to 456.1135.

7. No power of attorney, whether durable or not durable, and whether or not it delegates general powers, may delegate or grant power or authority to an attorney in fact to do or carry out any of the following actions for the principal:

(1) To make, publish, declare, amend or revoke a will for the principal;

(2) To make, execute, modify or revoke a living will declaration for the principal;

(3) To require the principal, against his or her will, to take any action or to refrain from taking any action; or

(4) To carry out any actions specifically forbidden by the principal while not under any disability or incapacity.

8. A third person may freely rely on, contract and deal with an attorney in fact delegated general powers with respect to the subjects and purposes encompassed or expressed in the power of attorney without regard to whether the power of attorney expressly identifies the specific property, account, security, storage facility or matter as being within the scope of a subject or purpose contained in the power of attorney, and without regard to whether the power of attorney expressly authorizes the specific act, transaction or decision by the attorney in fact.

9. It is the policy of this state that an attorney in fact acting pursuant to the provisions of a power of attorney granting general powers shall be accorded the same rights and privileges with respect to the personal welfare, property and business interests of the principal, and if the power of attorney enumerates some express subjects or purposes, with respect to those subjects or purposes, as if the principal himself or herself were personally present and acting or seeking to act; and any provision of law and any purported waiver, consent or agreement executed or granted by the principal to the contrary shall be void and unenforceable.

10. Sections 404.700 to 404.735 shall not be construed to preclude any person or business enterprise from providing in a contract with the principal as to the procedure that thereafter must be followed by the principal or the principal's attorney in fact in order to give a valid notice to the person or business enterprise of any modification or termination of the appointment of an attorney in fact by the principal; and any such contractual provision for notice shall be valid and binding on the principal and the principal's successors so long as such provision is reasonably capable of being carried out.

404.717. MODIFICATION AND TERMINATION OF POWER OF ATTORNEY — LIABILITY BETWEEN PRINCIPAL AND ATTORNEY IN FACT. — 1. As between the principal and attorney in fact or successor attorney in fact, and any agents appointed by either of them, unless the power of attorney is coupled with an interest, the authority granted in a power of attorney shall be modified or terminated as follows:

(1) On the date shown in the power of attorney and in accordance with the express provisions of the power of attorney;

(2) When the principal, orally or in writing, or the principal's legal representative with approval of the court in writing informs the attorney in fact or successor that the power of attorney is modified or terminated, or when and under what circumstances it is modified or terminated;

(3) When a written notice of modification or termination of the power of attorney is filed by the principal or the principal's legal representative for record in the office of the recorder of deeds in the city or county of the principal's residence or, if the principal is a nonresident of the state, in the city or county of the residence of the attorney in fact last known to the principal, or in the city or county in which is located any property specifically referred to in the power of attorney;

(4) On the death of the principal, except that if the power of attorney grants authority under subdivision (7) or (8) of subsection 6 of section 404.710, the power of attorney and the authority of the attorney in fact shall continue for the limited purpose of carrying out the authority granted under either or both of said subdivisions for a reasonable length of time after the death of the principal;

(5) When the attorney in fact under a durable power of attorney is not qualified to act for the principal;

(6) On the filing of any action for divorce or dissolution of the marriage of the principal and the principal's attorney in fact who were married to each other at or subsequent to the time the power of attorney was created, unless the power of attorney provides otherwise.

2. Whenever any of the events described in subsection 1 of this section operate merely to terminate the authority of the particular person designated as the attorney in fact, rather than terminating the power of attorney, if the power of attorney designates a successor or contingent attorney in fact or prescribes a procedure whereby a successor or contingent attorney in fact may be designated, then the authority provided in the power of attorney shall extend to and vest in the successor or contingent attorney in fact in lieu of the attorney in fact whose power and authority was terminated under any of the circumstances referred to in subsection 1 of this section.

3. As between the principal and attorney in fact or successor **attorney in fact**, acts and transactions of the attorney in fact or successor **attorney in fact** undertaken in good faith, in accordance with section 404.714, and without actual knowledge of the death of the principal or

without actual knowledge, or constructive knowledge pursuant to subdivision (3) of subsection 1 of this section, that the authority granted in the power of attorney has been suspended, modified or terminated, relieves the attorney in fact or successor **attorney in fact** from liability to the principal and the principal's successors in interest.

4. This section does not prohibit the principal, acting individually, and the person designated as the attorney in fact from entering into a written agreement that sets forth their duties and liabilities as between themselves and their successors, and which expands or limits the application of sections 404.700 to 404.735, with the exception of those acts enumerated in subsection 7 of section 404.710.

5. As between the principal and any attorney in fact or successor **attorney in fact**, if the attorney in fact or successor **attorney in fact** undertakes to act, and if in respect to such act, the attorney in fact or successor [acts in bad faith, fraudulently or otherwise dishonestly] **attorney in fact engages in willful misconduct or fraud or acts with willful disregard for the purposes, terms, or conditions of the power of attorney**, or if the attorney in fact or successor **attorney in fact** intentionally acts after receiving actual notice that the power of attorney has been revoked or terminated, and thereby causes damage or loss to the principal or to the principal's successors in interest, such attorney in fact or successor **attorney in fact** shall be liable to the principal or to the principal's successors in interest, or both, for such damages, together with reasonable attorney's fees, and punitive damages as allowed by law.

6. For purposes of this section, the principal's "successors in interest" shall include those persons who can prove they have been damaged as a result of the actions of the attorney in fact or successor attorney in fact, such as a conservator of the principal or a personal representative of a deceased principal. If more than one person claims a recovery under this section the court shall determine the priority of their respective claims.

456.970. **SHORT TITLE.** — Sections 456.970 to 456.1135 shall be known and may be cited as the "Missouri Uniform Powers of Appointment Act".

456.975. **DEFINITIONS.** — As used in sections 456.970 to 456.1135 the following terms mean:

- (1) "Appointee", a person to which a powerholder makes an appointment of appointive property;
- (2) "Appointive property", the property or property interest subject to a power of appointment;
- (3) "Blanket-exercise clause", a clause in an instrument which exercises a power of appointment and is not a specific-exercise clause. The term includes a clause that:
 - (a) Expressly uses the words "any power" in exercising any power of appointment the powerholder has;
 - (b) Expressly uses the words "any property" in appointing any property over which the powerholder has a power of appointment; or
 - (c) Disposes of all property subject to disposition by the powerholder;
- (4) "Claim of creditor", the attachment by a creditor of trust property or beneficial interests subject to a power of appointment, a creditor obtaining an order from a court forcing a judicial sale of trust property, a creditor compelling the exercise of a power of appointment, or a creditor reaching trust property or beneficial interests by other means;
- (5) "Donor", a person who creates a power of appointment;
- (6) "Exclusionary power of appointment", a power of appointment exercisable in favor of any one or more of the permissible appointees to the exclusion of the other permissible appointees;
- (7) "General power of appointment", a power of appointment exercisable in favor of the powerholder, the powerholder's estate, a creditor of the powerholder, or a creditor of the powerholder's estate;

- (8) "Gift-in-default clause", a clause identifying a taker in default of appointment;
- (9) "Impermissible appointee", a person that is not a permissible appointee;
- (10) "Instrument", a document that contains information that:
 - (a) Is inscribed on a hard copy, or inscribed on a hard copy that is transmitted by facsimile or stored in portable document format (.pdf) or in another comparable electronic means or other medium that is retrievable in perceivable form; and
 - (b) Contains a signature;
- (11) "Nongeneral power of appointment", a power of appointment that is not a general power of appointment;
- (12) "Permissible appointee", a person in whose favor a powerholder may exercise a power of appointment;
- (13) "Person", an individual, estate, trust, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity;
- (14) "Power of appointment", a power that enables a powerholder acting in a nonfiduciary capacity to designate a recipient of an ownership interest in or another power of appointment over the appointive property. The term does not include a power of attorney;
- (15) "Powerholder", a person in which a donor creates a power of appointment;
- (16) "Presently exercisable power of appointment", a power of appointment exercisable by the powerholder at the relevant time. The term includes a power of appointment not exercisable until the occurrence of a specified event, the satisfaction of an ascertainable standard, or the passage of a specified time only after:
 - (a) The occurrence of the specified event;
 - (b) The satisfaction of the ascertainable standard; or
 - (c) The passage of the specified time, and does not include a power exercisable only at the powerholder's death;
- (17) "Specific-exercise clause", a clause in an instrument which specifically refers to and exercises a particular power of appointment;
- (18) "Taker in default of appointment", a person that takes all or part of the appointive property to the extent the powerholder does not effectively exercise the power of appointment;
- (19) "Terms of the instrument", the manifestation of the intent of the maker of the instrument regarding the instrument's provisions as expressed in the instrument or as may be established by other evidence that would be admissible in a legal proceeding.

456.980. GOVERNING LAW — COMMON LAW AND PRINCIPLES OF EQUITY. — 1. The creation, revocation, or amendment of the power is governed by the law of the donor's domicile at the relevant time, and the exercise, release, or disclaimer of the power, or the revocation or amendment of the exercise, release, or disclaimer of the power, is governed by the law of the powerholder's domicile at the relevant time.

2. The common law and principles of equity supplement sections 456.970 to 456.1135, except to the extent modified by such sections or other laws of this state.

456.985. ACT TO GOVERN POWERS — EXCEPTIONS. — 1. Except as otherwise provided in the terms of an instrument creating or exercising a power of appointment, sections 456.970 to 456.1135 govern powers of appointment.

2. The terms of an instrument creating or exercising a power of appointment prevail over any provisions of sections 456.970 to 456.1135 except:

- (1) The transferability of a power of appointment by a powerholder under subsection 1 of section 456.995;
- (2) The limitations on the authority of a donor to extend a general power of appointment beyond the death of a powerholder under subsection 3 of section 456.995;

- (3) The power is exclusionary if the permissible appointees of a power of appointment are not defined and limited under subsection 3 of section 456.1005;
- (4) The requisites for the exercise of a power of appointment under section 456.1015;
- (5) The effect of an impermissible appointment under section 456.1045;
- (6) A general power of appointment which is presently exercisable may be reached by the creditors of the powerholder or the powerholder's estate under section 456.1100.

456.990. CREATION OF POWER OF APPOINTMENT. — 1. A power of appointment is created only if:

- (1) The instrument creating the power:
 - (a) Is valid under applicable law; and
 - (b) Except as otherwise provided in subsection 2 of this section, transfers the appointive property; and
- (2) The terms of the instrument creating the power manifest the donor's intent to create in a powerholder a power of appointment over the appointive property exercisable in favor of a permissible appointee.

2. Paragraph (b) of subdivision (1) of subsection 1 of this section, does not apply to the creation of a power of appointment by the exercise of a power of appointment.

3. Power of appointment may not be created in a deceased individual.

4. Subject to an applicable rule against perpetuities, a power of appointment may be created in an unborn or unascertained powerholder.

5. Any property that is the subject of an invalid power of appointment shall be transferred, held or otherwise disposed of in accordance with the valid provisions of the instrument attempting to create the power, if any such provisions exist, or if none, in accordance with other applicable laws, as the case may be.

456.995. NONTRANSFERRABILITY. — 1. A powerholder may not transfer a power of appointment.

2. Except as provided in subsection 3 of this section, to the extent a powerholder dies without effectively disclaiming, exercising or releasing a power, the power lapses upon the death of the powerholder.

3. A general power of appointment may provide that the power shall survive the death of the powerholder in the hands of the powerholder's personal representative. Such provision shall be valid only to the extent the powerholder dies after he or she effectively receives the general power, but within the period for disclaiming the power, and only to the extent the powerholder has not disclaimed, exercised or released the power. Under such circumstances, the personal representative of the powerholder may either exercise the power in favor of the powerholder's estate, if the estate is a permissible appointee, or disclaim the power as provided by section 456.1080.

(1) If the power is neither exercised nor disclaimed by the powerholder's personal representative as stated, the power shall lapse at the earlier of the end of the period for making a disclaimer under other applicable Missouri laws or the end of the period in which the power is valid under its terms.

(2) The terms of a general power of appointment providing that "this power of appointment shall survive the death of the powerholder", or words of similar import, shall be sufficient to extend the power after the death of a powerholder in the hands of his or her personal representative in this subsection.

(3) In addition to the protections otherwise afforded under applicable law, the personal representative shall not be individually liable for his or her actions or inactions under this subsection if he or she does not have actual knowledge of the power and all pertinent circumstances reasonably necessary for him or her to make a determination on the exercise, disclaimer or lapse of the power at least one hundred and twenty days prior to the end of the period for making a disclaimer or the end of the period in which the

power is valid under its terms, whichever first occurs. The foregoing exemption from liability shall not apply if the personal representative exercises or disclaims the power or allows the power to lapse in bad faith.

456.1000. PRESUMPTION OF UNLIMITED AUTHORITY — EXCEPTION TO PRESUMPTION OF UNLIMITED AUTHORITY. — 1. Subject to section 456.1005, the power is:

- (1) Presently exercisable;
 - (2) Exclusionary; and
 - (3) Except as otherwise provided in subsection 2 of this section, general.
2. The power is nongeneral if:
- (1) The power is exercisable only at the powerholder's death; and
 - (2) The permissible appointees of the power are a defined and limited class that does not include the powerholder's estate, the powerholder's creditors, or the creditors of the powerholder's estate.

456.1005. RULES OF CLASSIFICATION. — 1. As used in this section, "adverse party" means a person with a substantial beneficial interest in property which would be affected adversely by a powerholder's exercise or nonexercise of a power of appointment in favor of the powerholder, the powerholder's estate, a creditor of the powerholder, or a creditor of the powerholder's estate.

2. If a powerholder may exercise a power of appointment only with the consent or joinder of an adverse party, the power is nongeneral.

3. If the permissible appointees of a power of appointment are not defined and limited, the power is exclusionary.

456.1010. POWER TO REVOKE OR AMEND. — A donor may revoke or amend a power of appointment only to the extent that the instrument creating the power is revocable by the donor, or the donor reserves a power of revocation or amendment in the instrument creating the power of appointment.

456.1015. REQUISITES FOR EXERCISE OF POWER OF APPOINTMENT. — A power of appointment is exercised only if:

- (1) The instrument exercising the power is valid under applicable law;
- (2) The terms of the instrument exercising the power:
 - (a) Manifest the powerholder's intent to exercise the power; and
 - (b) Subject to section 456.1030, satisfy the requirements of exercise, if any, imposed by the donor; and
- (3) To the extent the appointment is a permissible exercise of the power.

456.1020. INTENT TO EXERCISE — DETERMINING INTENT FROM RESIDUARY CLAUSE. — 1. As used in this section:

(1) "Residuary clause" does not include a residuary clause containing a blanket-exercise clause or a specific-exercise clause; and

(2) "Will" includes a codicil and a testamentary instrument that revises another will.

2. A residuary clause in a powerholder's will or a comparable clause in the powerholder's revocable trust, manifests the powerholder's intent to exercise a power of appointment only if:

- (1) The power is a general power exercisable in favor of the powerholder's estate;
- (2) There is no gift-in-default clause or the clause is ineffective; and
- (3) The powerholder did not release the power.

456.1025. INTENT TO EXERCISE — AFTER-ACQUIRED POWER. — 1. Except as otherwise provided in subsection 2 of this section, a blanket-exercise clause extends to a power acquired by the powerholder after executing the instrument containing the clause.

2. If the powerholder is also the donor of the power, the clause does not extend to the power unless there is no gift-in-default clause or the gift-in-default clause is ineffective.

456.1030. SUBSTANTIAL COMPLIANCE WITH DONOR-IMPOSED FORMAL REQUIREMENT. — A powerholder's substantial compliance with a formal requirement of appointment imposed by the donor is sufficient if the powerholder knows of and intends to exercise the power, and the powerholder's manner of attempted exercise of the power does not impair a material purpose of the donor in imposing the requirement.

456.1035. PERMISSIBLE APPOINTMENT. — 1. A powerholder of a general power of appointment that permits appointment to the powerholder or the powerholder's estate may make any appointment, including an appointment in trust or creating a new power of appointment, that the powerholder could make in disposing of the powerholder's own property.

2. A powerholder of a general power of appointment that permits appointment only to the creditors of the powerholder or of the powerholder's estate may appoint only to those creditors.

3. The powerholder of a nongeneral power may:

- (1) Make an appointment in any form, including an appointment in trust, in favor of a permissible appointee;
- (2) Create a general power in a permissible appointee; or
- (3) Create a nongeneral power in any person to appoint to one or more of the permissible appointees of the original nongeneral power.

456.1040. APPOINTMENT TO DECEASED APPOINTEE OR PERMISSIBLE APPOINTEE'S DESCENDANT. — 1. An appointment to a deceased appointee is ineffective.

2. A powerholder of a nongeneral power may exercise the power in favor of, or create a new power of appointment in, a descendant of a deceased permissible appointee whether or not the descendant is described by the donor as a permissible appointee and whether or not the descendant of a deceased permissible appointee was alive at the time of the execution of the instrument creating the power or at the time of the exercise of the power.

456.1045. IMPERMISSIBLE APPOINTMENT. — 1. Except as otherwise provided in section 456.1040, an exercise of a power of appointment in favor of an impermissible appointee is ineffective.

2. An exercise of a power of appointment in favor of a permissible appointee is ineffective to the extent the appointment is a fraud on the power.

456.1050. SELECTIVE ALLOCATION DOCTRINE. — If a powerholder exercises a power of appointment in a disposition that also disposes of property the powerholder owns, the owned property and the appointive property shall be allocated in the permissible manner that best carries out the powerholder's intent.

456.1055. CAPTURE DOCTRINE — DISPOSITION OF INEFFECTIVELY APPOINTED PROPERTY UNDER GENERAL POWER. — To the extent a powerholder of a general power of appointment, other than a power to withdraw property from, revoke, or amend a trust, makes an ineffective appointment:

- (1) The gift-in-default clause controls the disposition of the ineffectively appointed property; or
 - (2) If there is no gift-in-default clause or to the extent the clause is ineffective, the ineffectively appointed property:
-

(a) Passes to the powerholder if the powerholder is a permissible appointee and living; or

(b) If the powerholder is an impermissible appointee or deceased, passes to the powerholder's estate if the estate is a permissible appointee; or

(c) If there is no taker under paragraphs (a) or (b) of this subdivision, passes under a reversionary interest to the donor or the donor's transferee or successor in interest.

456.1060. DISPOSITION OF UNAPPOINTED PROPERTY UNDER RELEASED OR UNEXERCISED GENERAL POWER.— To the extent a powerholder releases or fails to exercise a general power of appointment other than a power to withdraw property from, revoke, or amend a trust, and except as provided in subsection 3 of section 456.995:

(1) The gift-in-default clause controls the disposition of the unappointed property; or

(2) If there is no gift-in-default clause or to the extent the clause is ineffective:

(a) Except as otherwise provided in paragraph (b) of this subdivision, the unappointed property passes to:

a. The powerholder if the powerholder is a permissible appointee and living; or

b. If the powerholder is an impermissible appointee or deceased, the powerholder's estate if the estate is a permissible appointee; or

(b) To the extent the powerholder released the power, or if there is no taker under paragraph (a) of this subdivision, the unappointed property passes under a reversionary interest to the donor or the donor's transferee or successor in interest.

456.1065. DISPOSITION OF UNAPPOINTED PROPERTY UNDER RELEASED OR UNEXERCISED NONGENERAL POWER.— To the extent a powerholder releases, ineffectively exercises, or fails to exercise a nongeneral power of appointment:

(1) The gift-in-default clause controls the disposition of the unappointed property; or

(2) If there is no gift-in-default clause or to the extent the clause is ineffective, the unappointed property:

(a) Passes to the permissible appointees if:

a. The permissible appointees are defined and limited; and

b. The terms of the instrument creating the power do not manifest a contrary intent;

or

(b) If there is no taker under paragraph (a) of this subdivision, passes under a reversionary interest to the donor or the donor's transferee or successor in interest.

456.1070. DISPOSITION OF UNAPPOINTED PROPERTY IF PARTIAL APPOINTMENT TO TAKER IN DEAFULT — APPOINTMENT TO TAKER IN DEFAULT. — 1. If the powerholder makes a valid partial appointment to a taker in default of appointment, the taker in default of appointment may share fully in unappointed property.

2. If a powerholder makes an appointment to a taker in default of appointment and the appointee would have taken the property in the same form, manner and amount under a gift-in-default clause had the property not been appointed, the power of appointment is deemed not to have been exercised and the appointee takes under the clause.

456.1075. POWERHOLDER'S AUTHORITY TO REVOKE OR AMEND EXERCISE. — A powerholder may revoke or amend an exercise of a power of appointment at any time before the exercise becomes effective to transfer property to the appointee.

456.1080. DISCLAIMER. — As provided by sections 469.010 to 469.210, a powerholder may disclaim all or part of a power of appointment, and a permissible appointee, appointee, or taker in default of appointment may disclaim all or part of an interest in appointive property.

456.1085. AUTHORITY TO RELEASE — METHOD OF RELEASE — REVOCATION OR AMENDMENT OF RELEASE. — 1. A powerholder may release a power of appointment, in whole or in part, except to the extent the terms of the instrument creating the power prevent the release.

2. A powerholder of a releasable power of appointment may release the power in whole or in part:

(1) By substantial compliance with a method provided in the terms of the instrument creating the power; or

(2) If the terms of the instrument creating the power do not provide a method or the method provided in the terms of the instrument is not expressly made exclusive, by an instrument manifesting the powerholder's intent by clear and convincing evidence and delivered to the donor, the donor's personal representative, a guardian of the donor or the conservator of the estate of the donor, or the holder of the legal title to the property to which the interest related. A release involving an estate or property within the jurisdiction of the probate division of a circuit court may be filed in that division.

3. A powerholder may revoke or amend a release of a power of appointment only to the extent that:

(1) The instrument of release is revocable by the powerholder; or

(2) The powerholder reserves a power of revocation or amendment in the instrument of release.

456.1090. POWER TO CONTRACT — PRESENTLY EXERCISABLE POWER OF APPOINTMENT — POWER OF APPOINTMENT NOT PRESENTLY EXERCISABLE. — 1. A powerholder of a presently exercisable power of appointment may contract:

(1) Not to exercise the power; or

(2) To exercise the power if the contract when made does not confer a benefit on an impermissible appointee.

2. A powerholder of a power of appointment that is not presently exercisable may contract to exercise or not to exercise the power only if the powerholder:

(1) Is also the donor of the power; and

(2) Has reserved the power in a revocable trust.

456.1095. REMEDY FOR BREACH OF CONTRACT TO APPOINT OR NOT TO APPOINT. — The remedy for a powerholder's breach of contract to appoint or not to appoint property is limited to damages payable out of the appointive property or, if appropriate, specific performance of the contract.

456.1100. CREDITOR CLAIM — GENERAL POWER CREATED BY POWERHOLDER. — 1. As used in this section, "power of appointment created by the powerholder" includes a power of appointment created in a transfer by another person to the extent the powerholder contributed value to the transfer.

2. Appointive property subject to a general power of appointment created by the powerholder is subject to a claim of a creditor of the powerholder or of the powerholder's estate to the extent provided in chapter 428.

3. Subject to subsection 2 of this section, appointive property subject to a general power of appointment created by the powerholder is not subject to a claim of a creditor of the powerholder or the powerholder's estate:

(1) To the extent the powerholder irrevocably appointed the property in favor of a person other than the powerholder or the powerholder's estate; and

(2) If the power is not presently exercisable.

4. Subject to subdivision (1) of subsection 3 of this section, and notwithstanding the presence of a spendthrift provision or whether the claim arose before or after the creation of the power of appointment, appointive property subject to a general power of

appointment created by the powerholder is subject to a claim of a creditor of the powerholder to the same extent as if the powerholder owned the appointive property, if the power is presently exercisable.

456.1105. CREDITOR CLAIM — GENERAL POWER NOT CREATED BY POWERHOLDER. — 1. Except as otherwise provided in subsection 3 of this section, appointive property subject to a exercisable general power of appointment created by a person other than the powerholder is subject to a claim of a creditor of the powerholder to the extent the powerholder's property is insufficient.

2. Appointive property subject to testamentary or not presently exercisable general power of appointment created by a person other than the powerholder is not subject to a claim of a creditor of the powerholder or the powerholder's estate.

3. Subject to subsection 3 of section 456.1115, a power of appointment created by a person other than the powerholder which is subject to an ascertainable standard relating to an individual's health, education, support, or maintenance within the meaning of Section 2041(b)(1)(A) or Section 2514(c)(1) of the Internal Revenue Code, is treated for purposes of sections 456.1100 to 456.1115 as a nongeneral power.

456.1110. POWER TO WITHDRAW. — 1. For purposes of sections 456.1100 to 456.1115, and except as otherwise provided in subsection 2 of this section, during the period the power may be exercised, a power of withdrawal shall be treated as a presently exercisable general power of appointment to the extent of the property subject to the power.

2. Upon the lapse, release, or waiver of a power to withdraw property from a trust, the power is treated as a presently exercisable general power of appointment only to the extent the value of the property affected by the lapse, release, or waiver exceeds the greater of the amount specified in Sections 2041(b)(2), 2514(e) or 2503(b) of the Internal Revenue Code.

456.1115. CREDITOR CLAIM — NONGENERAL POWER. — 1. Except as otherwise provided in subsections 2 and 3 of this section, appointive property subject to a nongeneral power of appointment is exempt from a claim of a creditor of the powerholder or the powerholder's estate.

2. Appointive property subject to a nongeneral power of appointment is subject to a claim of a creditor of the powerholder or the powerholder's estate to the extent that the powerholder owned the property and, reserving the nongeneral power, transferred the property in violation of chapter 428.

3. If the initial gift-in-default of appointment is to the powerholder or the powerholder's estate, a nongeneral power of appointment is treated for purposes of sections 456.1100 to 456.1115 as a general power.

456.1120. ACT NOT TO LIMIT ABILITY TO REACH A BENEFICIAL INTEREST UNDER MISSOURI UNIFORM TRUST CODE. — Sections 456.970 to 456.1135 shall not limit the ability of a creditor or other claimant to reach a beneficial interest as otherwise provided in sections 456.5-501 to 456.5-507.

456.1125. UNIFORMITY OF APPLICATION AND CONSTRUCTION. — In applying and construing sections 456.970 to 456.1135, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

456.1130. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT. — Sections 456.970 to 456.1135 modify, limit, or supersede the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et

seq., but do not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Section 7001 (c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b).

456.1135. APPLICATION TO EXISTING RELATIONSHIPS. — 1. Except as otherwise provided in sections 456.970 to 456.1135:

(1) Sections 456.970 to 456.1135 shall apply to a power of appointment created before, on, or after the effective date of such sections, and shall apply to a judicial proceeding concerning a power of appointment commenced on or after the effective date of these sections;

(2) Sections 456.970 to 456.1135 shall apply to a judicial proceeding concerning a power of appointment commenced before the effective date of such sections unless the court finds that application of a particular provision of such sections would interfere substantially with the effective conduct of the judicial proceeding or prejudice a right of a party, in which case the particular provision of such sections does not apply and the superseded law applies;

(3) A rule of construction or presumption provided in sections 456.970 to 456.1135 applies to an instrument executed before the effective date of sections 456.970 to 456.1135 unless there is a clear indication of a contrary intent in the terms of the instrument; and

(4) Except as otherwise provided in subdivisions (1) to (3) of this subsection, an action done before the effective date of sections 456.970 to 456.1135 is not affected by such sections.

2. If a right is acquired, extinguished, or barred on the expiration of a prescribed period that commenced under law of this state other than sections 456.970 to 456.1135 before the effective date of such sections, the law continues to apply to the right.

456.3-304. REPRESENTATION BY PERSON HAVING SUBSTANTIALLY IDENTICAL INTEREST. — 1. Unless otherwise represented, a minor, incapacitated, or unborn individual, or a person whose identity or location is unknown and not reasonably ascertainable, may be represented by and bound by another having a substantially identical interest with respect to the particular question or dispute, but only to the extent there is no conflict of interest between the representative and the person represented with respect to a particular question or dispute.

2. Unless otherwise represented, a beneficiary who is not a qualified beneficiary may be represented by and bound by a qualified beneficiary having a substantially identical interest with respect to the particular question or dispute, but only to the extent there is no conflict of interest with respect to the particular question or dispute between the representative and the person represented, in any court proceeding under subsection 2 of section 456.4-412, or in a nonjudicial settlement agreement entered into under section 456.1-111 or section 456.4A-411 in lieu of such a court proceeding.

456.4B-411. MODIFICATION OR TERMINATION OF NONCHARITABLE IRREVOCABLE TRUST BY CONSENT — APPLICABILITY. — 1. When all of the adult beneficiaries having the capacity to contract consent, the court may, upon finding that the interest of any nonconsenting beneficiary will be adequately protected, modify the terms of a noncharitable irrevocable trust so as to reduce or eliminate the interests of some beneficiaries and increase those of others, change the times or amounts of payments and distributions to beneficiaries, or provide for termination of the trust at a time earlier or later than that specified by its terms. The court may at any time upon its own motion appoint a representative pursuant to section 456.3-305 to represent a nonconsenting beneficiary. The court shall appoint such a representative upon the motion of any party, unless the court determines such an appointment is not appropriate under the circumstances.

2. Upon termination of a trust under subsection 1 of this section, the trustee shall distribute the trust property as directed by the court.

3. If a trust cannot be terminated or modified under subsection 1 of this section because not all adult beneficiaries having capacity to contract consent or the terms of the trust prevent such modification or termination, the modification or termination may be approved by the court if the court is satisfied that the interests of a beneficiary, other than the settlor, who does not consent will be adequately protected, modification or termination will benefit a living settlor who is also a beneficiary, and:

(1) in the case of a termination, the party seeking termination establishes that continuance of the trust is not necessary to achieve any material purpose of the trust; or

(2) in the case of a modification, the party seeking modification establishes that the modification is not inconsistent with a material purpose of the trust, and the modification is not specifically prohibited by the terms of the trust.

4. This section shall [apply to trusts created under trust instruments that become irrevocable on or after January 1, 2005.] **replace** the provisions of section 456.590 **and** shall apply to all trusts that were created under trust instruments that become irrevocable prior to, **on, or after** January 1, 2005.

456.5-508. CREDITOR CLAIM, APPOINTIVE PROPERTY NOT SUBJECT TO, WHEN. — 1. [A creditor or other claimant of a beneficiary or other person holding a special power of appointment or a testamentary general power of appointment may not attach trust property or beneficial interests subject to the power, obtain an order from a court forcing a judicial sale of the trust property, compel the exercise of the power, or reach the trust property or beneficial interests by any other means] **Except as provided in sections 456.970 to 456.1135:**

(1) Appointive property subject to a general power of appointment exercisable only at the powerholder's death is not subject to the claim of a creditor;

(2) Appointive property subject to a nongeneral power of appointment is not subject to the claim of a creditor.

2. This section shall not limit the ability of a creditor or other claimant to reach a beneficial interest as otherwise provided in sections 456.5-501 to 456.5-507.

3. [In this section "special power of appointment" means a power of appointment exercisable in favor of one or more appointees other than the holder, the holder's estate, the holder's creditors, or the creditors of the holder's estate, and a "testamentary general power of appointment" means a power of appointment exercisable at the death of the holder, without the consent of the creator of the power or of a person holding an adverse interest in favor of the holder, the holder's estate, the holder's creditors, or the creditors of the holder's estate] **As used in this section, the terms "appointive property", "general power of appointment", "nongeneral power of appointment", and "claim of a creditor" shall have the same meaning as defined in section 456.975.**

456.7-706. REMOVAL OF TRUSTEE. — 1. The settlor, a cotrustee, or a qualified beneficiary may request the court to remove a trustee, or a trustee may be removed **and replaced** by the court **within its discretion** on its own initiative.

2. The court **within its discretion** may remove **and replace** a trustee [if] **under the following circumstances:**

(1) the trustee has committed a serious breach of trust;

(2) lack of cooperation among cotrustees substantially impairs the administration of the trust;

(3) because of unfitness, unwillingness, or persistent failure of the trustee to administer the trust effectively, the court determines that removal of the trustee best serves the interests of the beneficiaries; or

(4) the trustee has substantially and materially reduced the level of services provided to that trust and has failed to reinstate a substantially equivalent level of services within ninety days after receipt of notice by the settlor, a cotrustee, or a qualified beneficiary or removal is requested by all of the qualified beneficiaries and in either such case the party seeking removal establishes to the court that:

- (a) removal of the trustee best serves the interests of all of the beneficiaries;
- (b) removal of the trustee is not inconsistent with a material purpose of the trust; and
- (c) a suitable cotrustee or successor trustee is available and willing to serve.

3. In an action to remove a trustee under subdivision (4) of subsection 2 of this section, the following apply:

(1) In the event that a corporation is the trustee being removed, a [suitable] replacement cotrustee or successor trustee shall be [another corporation qualified to conduct trust business in this state] **such trustee or trustees as the court finds suitable under the circumstances.**

(2) In the event that a successor trustee is not appointed under the provisions of section 456.7-704 or the court finds that all potential successor trustees are not suitable, then the court may appoint such trustee or trustees as the court finds suitable under the circumstances.

(3) With respect to a trust created under an instrument executed before January 1, 2005, the provisions of subdivision (4) of subsection 2 of this section shall not apply if the instrument contains any **language or** procedures concerning removal of any trustee **designated in the trust instrument.**

4. Pending a final decision on a request to remove a trustee, or in lieu of or in addition to removing a trustee, the court may order such appropriate relief under subsection 2 of section 456.10-1001 as may be necessary to protect the trust property or the interests of the beneficiaries.

469.467. APPLICABILITY OF SECTIONS. — Sections 469.401 to 469.467 apply to every trust or decedent's estate existing on **or after** August 28, 2001, except as otherwise expressly provided in the will or terms of the trust or in sections 469.401 to 469.467.

473.050. WILLS, PRESENTMENT FOR PROBATE, TIME LIMITED—PRESENTED, DEFINED.

— 1. A will, to be effective as a will, must be presented for and admitted to probate.

2. When used in chapter 472, chapter 474, chapter 475, and this chapter, the term "presented" means:

(1) Either the delivery of a will of a decedent, if such will has not previously been delivered, to the probate division of the circuit court which would be the proper venue for the administration of the estate of such decedent, or the delivery of a verified statement to such court, if the will of such decedent is lost, destroyed, suppressed or otherwise not available, setting forth the reason such will is not available and setting forth the provisions of such will so far as known; and

(2) One of the following:

(a) An affidavit pursuant to section 473.097, which requests such will be admitted to probate; or

(b) A petition which seeks to have such will admitted to probate; or

(c) An authenticated copy of the order admitting such will to probate in any state, territory or district of the United States, other than this state.

3. No proof shall be taken of any will nor a certificate of probate thereof issued unless such will has been presented within the applicable time set forth as follows:

(1) In cases where notice has previously been given in accordance with section 473.033 of the granting of letters on the estate of such testator, within six months after the date of the first publication of the notice of granting of letters, or within thirty days after the commencement of an action under section 473.083 to establish or contest the validity of a will of the testator named in such will, whichever later occurs;

(2) In cases where notice has not previously been given in accordance with section 473.033 of the granting of letters on the estate of testator, within one year after the date of death of the testator;

(3) In cases involving a will admitted to probate in any state, territory or district of the United States, other than this state, which was the decedent's domicile, at any time during the course of administration of the decedent's domiciliary estate in such other state, territory or district of the United States.

4. A will presented for probate within the time limitations provided in subsection 3 of this section may be exhibited to be proven, and proof received and administration granted on such will at any time after such presentation.

5. A will not presented for probate within the time limitations provided in subsection 3 of this section is forever barred from admission to probate in this state.

6. Except as provided in **subsection 4 of this section and** section 537.021, no letters of administration shall be issued unless application is made to the court for such letters within one year from the date of death of the decedent.

475.125. SUPPORT AND EDUCATION OF PROTECTEE AND DEPENDENTS. — 1. The court may make orders for the management of the estate of the protectee for the care, education, treatment, habilitation, **respite**, support and maintenance of the protectee and for the maintenance of his **or her** family and education of his **or her** children, according to his **or her** means and obligation, if any, out of the proceeds of his **or her** estate, and may direct that payments for such purposes shall be made weekly, monthly, quarterly, semiannually or annually. The payments ordered under this section may be decreased or increased from time to time as ordered by the court.

2. Appropriations for any such purposes, expenses of administration and allowed claims shall be paid from the property or income of the estate. The court may authorize the conservator to borrow money and obligate the estate for the payment thereof if the court finds that funds of the estate for the payment of such obligation will be available within a reasonable time and that the loan is necessary. If payments are made to another under the order of the court, the conservator of the estate is not bound to see to the application thereof.

3. In acting under this section the court shall take into account any duty imposed by law or contract upon a parent or spouse of the protectee, a government agency, a trustee, or other person or corporation, to make payments for the benefit of or provide support, education, care, treatment, habilitation, **respite**, maintenance or safekeeping of the protectee and his **or her** dependents. The guardian of the person and the conservator of the estate shall endeavor to enforce any such duty.

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 unmatred 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 unmatred 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;

(12) Firearms, firearm accessories, and ammunition, not to exceed one thousand five hundred dollars in value in the aggregate.

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.

515.500. CITATION OF LAW. — Sections 515.500 to 515.665 may be cited as the "Missouri Commercial Receivership Act".

515.505. DEFINITIONS. — As used in sections 515.500 to 515.665, the following terms shall mean:

(1) "Affiliate":

(a) A person that directly or indirectly owns, controls, or holds with power to vote twenty percent or more of the outstanding voting interests of a debtor, other than:

a. An entity that holds such securities in a fiduciary or agency capacity without sole discretionary power to vote such interests; or

b. Solely to secure a debt, if such entity has not in fact exercised such power to vote;

(b) A person whose business is operated under a lease or operating agreement by a debtor, or a person substantially all of whose property is operated under an operating agreement with a debtor; or

(c) A person that directly or indirectly operates the business or substantially all of the property of the debtor under a lease or operating agreement or similar arrangement;

(2) "Claim", a right to payment whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured or unsecured, or a right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured, or unsecured;

(3) "Court", a circuit court of the state of Missouri before which an application to appoint a receiver under sections 515.500 to 515.665 has been made or granted, or before which a receivership action under sections 515.500 to 515.665 is pending;

(4) "Creditor", a person that has a claim against the debtor that arose at the time of or before the appointment of a receiver pursuant to sections 515.500 to 515.665;

(5) "Debt", liability on a claim;

(6) "Debtor", a person as to which a receiver is sought to be appointed or a court appoints pursuant to sections 515.500 to 515.665, a person who owns property as to which a receiver is sought to be appointed or a court appoints a receiver pursuant to sections 515.500 to 515.665, a person as to which a receiver has been appointed by a court in a foreign jurisdiction, or a person who owns property as to which a receiver has been appointed by a court in a foreign jurisdiction;

(7) "Entity", a person other than a natural person;

(8) "Estate property", property as to which a court appoints a receiver pursuant to sections 515.500 to 515.665;

(9) "Executory contract", a contract, including a lease, where the obligations of the debtor and the counter party or counter parties to the contract are unperformed to the extent that the failure of either party to complete performance of its obligations would constitute a material breach of the contract, thereby excusing the other party's performance of its obligations under the contract;

(10) "Foreign jurisdiction", any state or federal jurisdiction other than that of this state;

(11) "Insolvent", a financial status or condition such that the sum of the person's debts is greater than the value of such person's property, at fair valuation;

(12) "Lien", a charge against property or an interest in property to secure payment of a debt or performance of an obligation whether created voluntarily or by operation of law;

(13) "Notice and a hearing", such notice as is appropriate and an opportunity for hearing if one is requested. Absent request for hearing by an appropriate person or party in interest, the term notice and a hearing does not indicate a requirement for an actual hearing unless the court so orders;

(14) "Party", a person who is a party to the action, becomes a party to the action, or shall be joined or shall be allowed to intervene in the action pursuant to the rules of the Missouri supreme court, including, without limitation, any person needed for just adjudication of the action;

(15) "Party in interest", the debtor, any party, the receiver, any person with an ownership interest in or lien against estate property or property sought to become estate property, any person that, with respect to particular matters presented in the receivership, has an interest that will be affected, and, in a general receivership, any creditor of the debtor;

(16) "Person", includes natural persons, partnerships, limited liability companies, corporations, and other entities recognized under the laws of this state;

(17) "Property", any right, title, and interest, of the debtor, whether legal or equitable, tangible or intangible, in real and personal property, regardless of the manner by which such rights were or are acquired, but does not include property of an individual person exempt from execution under the laws of this state; provided however, that estate property includes any nonexempt interest in property that is partially exempt. Property includes, but is not limited to, any proceeds, products, offspring, rents, or profits of or from property. Property does not include any power that a debtor may exercise solely for the benefit of another person or property impressed with a trust except to the extent that the debtor has a residual interest;

(18) "Receiver", a receiver appointed by a court pursuant to sections 515.500 to 515.665;

(19) "Receivership", the estate created pursuant to the court's order or orders appointing a receiver pursuant to sections 515.500 to 515.665, including all estate property and the interests, rights, powers, and duties of the receiver and all parties in interest relating to estate property;

(20) "Receivership action", the action as to which a receiver is sought to be appointed or a court appoints a receiver pursuant to sections 515.500 to 515.665;

(21) "Secured creditor", a creditor that has a security interest or other lien on estate property.

515.510. COURT AUTHORIZED TO APPOINT RECEIVER, WHEN, PROCEDURE. — 1. To the extent the appointment of a receiver is not otherwise provided for pursuant to sections 49.555, 82.1026, 91.730, 198.099, 257.450, 276.501, 287.360, 287.875, 351.498, 351.1189, 354.357, 354.480, 355.736, 369.354, 370.154, 375.650, 375.954, 375.1166, 375.1176, 379.1336, 379.1418, 382.409, 393.145, 407.100, 425.030, 441.510, 443.893, 513.105, 513.110, 521.310, 537.500, 630.763, or any other statute providing for the appointment of a receiver or administration of a receivership estate in specific circumstances, the court or any judge thereof in vacation, shall have the power to appoint a receiver, whenever such appointment shall be deemed necessary, whose duty it shall be to keep and preserve any money or other thing deposited in court, or that may be subject of a tender, and to keep and preserve all property and protect any business or business interest entrusted to the receiver pending any legal or equitable action concerning the same, subject to the order of the court, including in the following instances:

(1) In an action brought to dissolve an entity the court may appoint a receiver with the powers of a custodian to manage the business affairs of the entity and to wind up and liquidate the entity;

(2) In an action in which the person seeking appointment of a receiver has a lien on or interest in property or its revenue-producing potential, and either:

(a) The appointment of a receiver with respect to the property or its revenue-producing potential is necessary to keep and preserve the property or its revenue-producing potential or to protect any business or business interest concerning the property or its revenue-producing potential; or

(b) The appointment of a receiver with respect to the property or its revenue-producing potential is provided for by a valid and enforceable contract or contract provision; or

(c) The appointment of a receiver is necessary to effectuate or enforce an assignment of rents or other revenues from the property;

(3) After judgment, in order to give effect to the judgment, provided that the party seeking the appointment demonstrates it has no other adequate remedy to enforce the judgment;

(4) To dispose of property according to provisions of a judgment dealing with its disposition;

(5) To the extent that property is not exempt from execution, at the instance of a judgment creditor either before or after the issuance of any execution, to preserve or protect it, or prevent its transfer;

(6) If and to the extent that property is subject to execution to satisfy a judgment, to preserve the property during the pendency of an appeal, or when an execution has been returned unsatisfied, or when an order requiring a judgment debtor to appear for proceedings supplemental to judgment has been issued and the judgment debtor fails to submit to examination as ordered;

(7) Upon attachment of real or personal property when the property attached is of a perishable nature or is otherwise in danger of waste, impairment, or destruction or where a debtor has absconded with, secreted, or abandoned the property, and it is necessary to collect, conserve, manage, control, or protect it, or to dispose of it promptly, or when the court determines that the nature of the property or the exigency of the case otherwise provides cause for the appointment of a receiver;

(8) In an action by a transferor of real or personal property to avoid or rescind the transfer on the basis of fraud, or in an action to subject property or a fund to the payment of a debt;

(9) In an action against any entity if that person is insolvent or is not generally paying the entity's debts as those debts become due unless they are the subject of bona fide dispute;

(10) In an action where a mortgagee has posted and the court has approved a redemption bond as provided pursuant to section 443.440;

(11) If a general assignment for the benefit of creditors has been made;

(12) Pursuant to the terms of a valid and enforceable contract or contract provision providing for the appointment of a receiver, other than pursuant to a contract or contract provision providing for the appointment of a receiver with respect to the primary residence of a debtor who is a natural person;

(13) To enforce a valid and enforceable contractual assignment of rents or other revenue from the property; and

(14) To prevent irreparable injury to the person or persons requesting the appointment of a receiver with respect to the debtor's property.

2. A court of this state shall appoint as receiver of property located in this state a person appointed in a foreign jurisdiction as receiver with respect to the property specifically or with respect to the debtor's property generally, upon the application of the receiver appointed in the foreign jurisdiction or of any party to that foreign action, and following the appointment shall give effect to orders, judgments, and decrees of the court in the foreign jurisdiction affecting the property in this state held by a receiver appointed in the foreign jurisdiction, unless the court determines that to do so would be manifestly unjust or manifestly inequitable. The venue of such an action may be any county in which the debtor resides or maintains any office, or any county in which any property over which a receiver is to be appointed is located at the time the action is commenced.

3. At least seven days' notice of any application for the appointment of a receiver shall be given to the debtor and to all other parties to the action in which the request for appointment of a receiver is sought, and to all other parties in interest as the court may require. If any execution by a judgment creditor or any application by a judgment creditor for the appointment of a receiver with respect to property over which the appointment of a receiver is sought is pending in any other action at the time the application is made, then notice of the application for the receiver's appointment also shall be given to the judgment creditor in the other action. The court may shorten or expand the period for notice of an application for the appointment of a receiver upon good cause shown.

4. The order appointing a receiver shall reasonably describe the property over which the receiver is to take charge, by category, individual items, or both if the receiver is to take charge of less than substantially all of the debtor's property. If the order appointing a receiver does not expressly limit the receiver's authority to designated property or categories of property of the owner, the receiver shall be deemed a general receiver with authority to take charge over all of the debtor's property, wherever located.

5. The court may condition the appointment of a receiver upon the giving of security by the person seeking the appointment of a receiver, in such amount as the court may specify, for the payment of costs and damages incurred or suffered by any person should it later be determined that the appointment of the receiver was wrongfully obtained.

6. The appointment of a receiver is not required to be relief ancillary or in addition to any other claim, and may be sought as an independent claim and remedy.

7. Sections 515.500 to 515.665 shall not apply to persons or entities who are, or who should be, regulated as public utilities by the public service commission.

515.515. GENERAL AND LIMITED RECEIVERS. — A receiver shall be either a general receiver or a limited receiver. A receiver shall be a general receiver if the receiver is appointed to take possession and control of all or substantially all of a debtor's property

and provided the power to liquidate such property. A receiver shall be a limited receiver if the receiver is appointed to take possession and control of only limited or specific property of a debtor, whether to preserve or to liquidate such property. A receiver appointed at the request of a person having a lien on or interest in specific property that constitutes all or substantially all of a debtor's property may be either a general receiver or a limited receiver. The court shall specify in the order appointing a receiver whether the receiver is appointed as a general receiver or as a limited receiver. The court by order, upon notice and a hearing, may convert either a general receiver into a limited receiver or a limited receiver into a general receiver for good cause shown. In the absence of a clear designation by the court of the type of receiver appointed, whether limited or general, the receiver shall be presumed to be a general receiver and shall have the rights, powers, and duties attendant thereto.

515.520. NOTICE OF APPOINTMENT, CONTENT. — 1. Upon entry of an order appointing a receiver or upon conversion of a limited receiver to a general receiver pursuant to section 515.515 and within ten business days thereof, or within such additional time as the court may allow, the receiver shall give notice of the appointment or conversion to all parties in interest, including the secretary of state for the state of Missouri, and state and federal taxing authorities. Such notice shall be made by first class mail and proof of service thereof shall be filed with the court. The content of such notice shall include:

- (1) The caption reflecting the action in which the receiver is appointed;
- (2) The date the action was filed;
- (3) The date the receiver was appointed;
- (4) The name, address, and contact information of the appointed receiver;
- (5) Whether the receiver is a limited or general receiver;
- (6) A description of the estate property;
- (7) The debtor's name and address and the name and address of the attorney for the debtor, if any;
- (8) The court address at which pleadings, motions, or other papers may be filed;
- (9) Such additional information as the court directs; and
- (10) A copy of the court's order appointing the receiver.

2. A general receiver shall also give notice of the receivership by publication in a newspaper of general circulation published in the county or counties in which estate property is known to be located once a week for three consecutive weeks. The first notice shall be published within thirty days after the date of appointment of the receiver. The notice of the receivership shall include the date of appointment of the receiver, the name of the court and the action number, the last day on which claims may be filed, if established by the court, and the name and address of the debtor, the receiver, and the receiver's attorney, if any. For purposes of this section, all intangible property included as estate property is deemed to be located in the county in which the debtor, if a natural person, resides, or in which the debtor, if an entity, maintains its principal administrative offices.

3. The debtor shall cooperate with all reasonable requests for information from the receiver for purposes of assisting the receiver in providing notice pursuant to subsection 1 of this section. In the court's discretion, the failure of such debtor to cooperate with any reasonable request for information may be punished as a contempt of court.

515.525. REPLACEMENT OF RECEIVER, WHEN. — Except as provided in sections 515.500 to 515.665 or otherwise by statute, any person, whether or not a resident of this state, may serve as a receiver. A person may not be appointed as a receiver, and shall be replaced as receiver if already appointed, if it should appear to the court that the person:

(1) Has been found guilty of a felony or other crime involving moral turpitude or is controlled by a person who has been convicted of a felony or other crime involving moral turpitude;

(2) Is a party to the action, or is a parent, grandparent, grandchild, sibling, partner, director, officer, agent, attorney, employee, secured or unsecured creditor or lienor of, or holder of any equity interest in, or controls or is controlled by, the debtor, or who is the agent, affiliate, or attorney of any disqualified person;

(3) Has an interest materially adverse to the interest of persons to be affected by the receivership generally; or

(4) Is a sheriff of any county.

515.530. BOND REQUIREMENTS. — Except as otherwise provided for by statute or court rule, before entering upon duties of receiver, a receiver shall execute a bond with one or more sureties approved by the court, in the amount the court specifies, conditioned that the receiver will faithfully discharge the duties of receiver in accordance with orders of the court and state law. Unless otherwise ordered by the court, the receiver's bond runs in favor of all persons having an interest in the receivership proceeding or property held by the receiver and in favor of state agencies.

515.535. RECEIVER TO HAVE POWERS AND PRIORITY OF CREDITOR. — As of the time of appointment, and subject to the provisions of subdivision (3) of subsection 3 of section 515.575, the receiver shall have the powers and priority as if it were a creditor that obtained a judicial lien at the time of appointment on all of the debtor's property that is subject to the receivership, subject to satisfaction of recording requirements as to real property pursuant to paragraph (c) of subsection 2 of section 515.545.

515.540. COURT TO HAVE EXCLUSIVE AUTHORITY, WHEN. — 1. Except as otherwise provided for by sections 515.500 to 515.665, the court in all cases has exclusive authority over the receiver, and the exclusive possession and right of control with respect to all real property and all tangible and intangible personal property with respect to which the receiver is appointed, wherever located, and the exclusive authority to determine all controversies relating to the collection, preservation, application, and distribution of all property, and all claims against the receiver arising out of the exercise of the receiver's powers or the performance of the receiver's duties. However, the court does not have exclusive authority over actions in which a state agency is a party and in which jurisdiction or venue is vested elsewhere.

2. For good cause shown, the court has power to shorten or expand the time frames specified in sections 515.500 to 515.665.

515.545. POWERS, AUTHORITY, AND DUTIES OF RECEIVERS. — 1. A receiver has the following powers and authority:

(1) To incur or pay expenses incidental to the receiver's preservation and use of estate property, and otherwise in the performance of the receiver's duties, including the power to pay obligations incurred prior to the receiver's appointment if and to the extent that payment is determined by the receiver to be prudent in order to preserve the value of estate property and the funds used for this purpose are not subject to any lien or right of setoff in favor of a creditor who has not consented to the payment and whose interest is not otherwise adequately protected;

(2) If the appointment applies to all or substantially all of the property of an operating business or any revenue-producing property of the debtor, to do all the things which the owner of the business or property may do in the exercise of ordinary business judgment, or in the ordinary course of the operation of the business as a going concern

or use of the property including, but not limited to, the purchase and sale of goods or services in the ordinary course of such business, and the incurring and payment of expenses of the business or property in the ordinary course;

(3) To assert any rights, claims, or choses in action of the debtor, if and to the extent that the rights, claims, or choses in action are themselves property within the scope of the appointment or relate to any estate property, to maintain in the receiver's name or in the name of the debtor any action to enforce any right, claim, or chose in action, and to intervene in actions in which the debtor is a party for the purpose of exercising the powers under this subsection;

(4) To intervene in any action in which a claim is asserted against the debtor, for the purpose of prosecuting or defending the claim and requesting the transfer of venue of the action to the court appointing the receiver. However, the court shall not transfer actions in which a state agency is a party and as to which a statute expressly vests jurisdiction or venue elsewhere. This power is exercisable with court approval by a limited receiver, and with or without court approval by a general receiver;

(5) To assert rights, claims, or choses in action of the receiver arising out of transactions in which the receiver is a participant;

(6) To pursue in the name of the receiver any claim under sections 428.005 to 428.059 assertable by any creditor of the debtor, if pursuit of the claim is determined by the receiver to be appropriate in the exercise of the receiver's business judgment;

(7) To seek and obtain advice or instruction from the court with respect to any course of action with respect to which the receiver is uncertain in the exercise of the receiver's powers or the discharge of the receiver's duties;

(8) To obtain appraisals with respect to estate property;

(9) To compel by subpoena any person to submit to an examination under oath, in the manner of a deposition in accordance with rule 57.03 of the Missouri rules of civil procedure, with respect to estate property or any other matter that may affect the administration of the receivership;

(10) To use, sell, or lease property other than in the ordinary course of business pursuant to section 515.645, and to execute in the debtor's stead such documents, conveyances, and borrower consents as may be required in connection therewith; and

(11) All other powers as may be conferred upon the receiver specifically by sections 515.500 to 515.665, by statute, court rule, or by the court.

2. A receiver has the following duties:

(1) The duty to notify all federal and state taxing and applicable regulatory agencies of the receiver's appointment in accordance with any applicable laws imposing this duty, including but not limited to, 26 U.S.C. Section 6036;

(2) The duty to comply with state law;

(3) If a receiver is appointed with respect to any real property, the duty to record as soon as practicable within the land records in any county in which such real property may be situated a notice of lis pendens as provided in section 527.260, together with a certified copy of the order of appointment, together with a legal description of the real property if one is not included in that order; and

(4) Other duties as may be required specifically by sections 515.500 to 515.665, by statute, court rule, or by the court.

3. The various powers, authorities, and duties of a receiver provided by sections 515.500 to 515.665 may be expanded, modified, or limited by order of the court.

515.550. ESTATE PROPERTY, TURNOVER OF UPON DEMAND — COURT ACTION TO COMPEL. — 1. Upon demand by a receiver, any person, including the debtor, shall turn over any estate property that is within the possession or control of that person unless otherwise ordered by the court for good cause shown. A receiver by motion may seek to

compel turnover of estate property as against any person over which the court first establishes jurisdiction, unless there exists a bona fide dispute with respect to the existence or nature of the receiver's possessory interest in the estate property, in which case turnover shall be sought by means of a legal action. In the absence of a bona fide dispute with respect to the receiver's right to possession of estate property, the failure to relinquish possession and control to the receiver shall be punishable as a contempt of the court.

2. Should the court after notice and a hearing pursuant to subsection 1 of this section order the turnover of property to the receiver, the party against which such order is made shall have the right to deliver a bond executed by such party as principal together with one or more sufficient sureties providing that the principal and each such surety shall each be bound to the receiver in double the amount of the value of the property to be turned over, should the property not be turned over to the receiver when such order becomes final. Absent such bond, the property ordered to be turned over to the receiver shall be immediately turned over to the receiver within ten days of the entry of such order.

515.555. DEBTOR DUTIES AND REQUIREMENTS. — 1. In addition to other duties and requirements set forth in sections 515.500 to 515.665 and as ordered by the court, the debtor shall:

(1) Within fourteen days of the appointment of a general receiver, make available for inspection by the receiver during normal business hours all information and data required to be filed with the court pursuant to section 515.560, in the form and manner the same are maintained in the ordinary course of the debtor's business;

(2) Assist and cooperate fully with the receiver in the administration of the estate and the discharge of the receiver's duties, and comply with all orders of the court;

(3) Supply to the receiver information necessary to enable the receiver to complete any schedules or reports that the receiver may be required to file with the court, and otherwise assist the receiver in the completion of the schedules;

(4) Upon the receiver's appointment, deliver into the receiver's possession all the property of the receivership estate in the person's possession, custody, or control, including, but not limited to, all accounts, books, papers, records, and other documents; and

(5) Following the receiver's appointment, submit to examination by the receiver, or by any other person upon order of the court, under oath, concerning the acts, conduct, property, liabilities, and financial condition of that person or any matter relating to the receiver's administration of the estate.

2. When the debtor is an entity, each of the officers, directors, managers, members, partners, or other individuals exercising or having the power to exercise control over the affairs of the entity are subject to the requirements of this section.

515.560. DEBTOR TO FILE SCHEDULES, WHEN. — 1. Within thirty days after the date of appointment of a general receiver, the debtor shall file with the court and submit to the receiver the following schedules:

(1) A true list of all of the known creditors and applicable regulatory and taxing agencies of the debtor, including the mailing addresses for each, the amount and nature of their claims, and whether their claims are disputed; and

(2) A true list of all estate property, including the estimated liquidation value and location of the property and, if real property, a legal description thereof, as of the date of appointment of the receiver.

2. The Missouri supreme court may from time to time prescribe by court rule the schedules to be filed in receiverships as the supreme court shall deem appropriate to the effective administrations of sections 515.500 to 515.665.

515.565. APPRAISAL NOT REQUIRED WITHOUT COURT ORDER. — 1. A receiver shall not be obligated to obtain any appraisal or other independent valuation of property in the receiver's possession unless ordered by the court to do so.

2. A court may order the receiver to file such additional schedules, reports of assets, liabilities, claims, or inventories as necessary and proper.

3. Whenever a list or schedule required pursuant to this section is not prepared and filed as required by the debtor, the court may order the receiver, a petitioning creditor, or such other person as the court in its discretion deems appropriate to prepare and file such list or schedule within a time fixed by the court. The court may approve reimbursement of the cost incurred in complying with such order as an administrative expense.

515.570. GENERAL RECEIVER TO FILE MONTHLY REPORT, CONTENTS. — 1. A general receiver shall file with the court a monthly report of the receiver's operations and financial affairs unless otherwise ordered by the court. Except as otherwise ordered by the court, each report of a general receiver shall be due by the last day of the subsequent month and shall include the following:

(1) A balance sheet;

(2) A statement of income and expenses;

(3) A statement of cash receipts and disbursements;

(4) A statement of accrued accounts receivable of the receiver;

(5) A statement disclosing amounts considered to be uncollectable;

(6) A statement of accounts payable of the receiver, including professional fees. Such statement shall list the name of each creditor and the amounts owing and remaining unpaid over thirty days; and

(7) A tax disclosure statement, which shall list post filing taxes due or tax deposits required, the name of the taxing agency, the amount due, the date due, and an explanation for any failure to make payments or deposits.

2. A limited receiver shall file with the court all such reports as the court may require.

515.575. APPOINTMENT OF GENERAL RECEIVER TO OPERATE AS A STAY, WHEN — EXPIRATION OF STAY — NO STAY, WHEN. — 1. Except as otherwise ordered by the court, the entry of an order appointing a general receiver shall operate as a stay, applicable to all persons, of:

(1) The commencement or continuation, including the issuance, employment, or service of process, of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the entry of the order of appointment, or to recover a claim against the debtor that arose before the entry of the order of appointment;

(2) The enforcement against the debtor or any estate property of a judgment obtained before the order of appointment;

(3) Any act to obtain possession of estate property from the receiver, or to interfere with, or exercise control over, estate property;

(4) Any act to create, perfect, or enforce any lien or claim against estate property except by exercise of a right of setoff, to the extent that the lien secures a claim against the debtor that arose before the entry of the order of appointment; or

(5) Any act to collect, assess, or recover a claim against the debtor that arose before the entry of the order of appointment.

2. The stay shall automatically expire as to the acts specified in subdivisions (1), (2) and (3) of subsection 1 of this section sixty days after the entry of the order of appointment unless before the expiration of the sixty-day period the debtor or receiver, for good cause shown, obtains an order of the court extending the stay, after notice and a hearing. A

person whose action or proceeding is stayed by motion to the court may seek relief from the stay for good cause shown. Any judgment obtained against the debtor or estate property following the entry of the order of appointment is not a lien against estate property unless the receivership is terminated prior to a conveyance of the property against which the judgment would otherwise constitute a lien.

3. The entry of an order appointing a receiver does not operate as a stay of:

(1) The commencement or continuation of a criminal proceeding against the debtor;

(2) The commencement or continuation of an action or proceeding to establish paternity, or to establish or modify an order for alimony, maintenance, or support, or to collect alimony, maintenance, or support under any order of a court;

(3) Any act to perfect or to maintain or continue the perfection of an interest in estate property pursuant to any generally applicable Missouri law that permits perfection of an interest in property to be effective against an entity that acquires rights in such property before the date of perfection. Such right to perfect an interest in estate property includes any act to perfect an interest in purchase money collateral pursuant to sections 400.9-301 to 400.9-339, perfection of a lien that may be placed against real property under the provisions of chapter 429, or the assertion of a right to continue in possession of any estate property that is in the possession of a person entitled to retain possession of such property pending payment for work performed with respect to such property. If perfection of an interest would otherwise require seizure of the property involved or the commencement of an action, the perfection shall instead be accomplished by filing, and by serving upon the receiver, or receiver's counsel, if any, notice of the interest within the time fixed by law for seizure or commencement;

(4) The commencement or continuation of an action or proceeding by a governmental unit to enforce its police or regulatory power;

(5) The enforcement of a judgment, other than a money judgment, obtained in an action or proceeding by a governmental unit to enforce its police or regulatory power, or with respect to any licensure of the debtor;

(6) The exercise of a right of setoff, including but not limited to, any right of a commodity broker, forward contract merchant, stockbroker, financial institution, or securities clearing agency to set off a claim for a margin payment or settlement payment arising out of a commodity contract, forward contract, or securities contract against cash, securities, or other property held or due from the commodity broker, forward contract merchant, stockbroker, financial institution, or securities clearing agency to margin, guarantee, secure, or settle the commodity contract, forward contract, or securities contract, and any right of a swap participant to set off a claim for a payment due to the swap participant under or in connection with a swap agreement against any payment due from the swap participant under or in connection with the swap agreement or against cash, securities, or other property of the debtor held by or due from the swap participant to guarantee, secure, or settle the swap agreement;

(7) The establishment by a governmental unit of any tax liability and any appeal thereof; or

(8) Any action pending in a court other than that in which the receiver is appointed until transcription of the order appointing the receiver or extending the stay is made to the other court in which an action against the debtor is pending.

4. For the purposes of subdivision (8) of subsection 3 of this section, the receiver or any party in interest is authorized to cause to be transcribed any order appointing a receiver or extending the stay to any and all courts in which any action against a debtor is pending in this state. A court that receives a transcript of an order of receivership or extension of stay may on its own order sua sponte transfer the matter before the court to the court issuing an order of receivership.

515.580. UTILITY SERVICE, NOTICE REQUIRED BY PUBLIC UTILITY TO DISCONTINUE — VIOLATIONS, REMEDIES. — 1. A public utility, as defined in section 386.020, providing service to estate property may not alter, refuse, or discontinue service to the property without first giving the receiver fifteen days' notice, or such other notice as may be required by the rules of the public service commission for a customer of that class, of any default or intention to alter, refuse, or discontinue service to estate property. This section does not prohibit the court, upon motion by the receiver, to prohibit the alteration or cessation of utility service if the receiver can furnish adequate assurance of payment in the form of deposit or other security for service to be provided after entry of the order appointing the receiver.

2. Any public utility regulated by the public service commission which violates this section shall be subject to appropriate remedial measures by the commission upon receiving notice that the utility has violated the provisions of this section.

3. When a utility service provider not regulated by the public service commission violates this section, upon direction of the court, an action may be brought by the receiver against the utility to enforce compliance with the provisions of this section.

515.585. CONTRACTS AND LEASES, RECEIVER MAY ASSUME OR REJECT — ACTION TO COMPEL REJECTION — CONSENT TO ASSUME REQUIRED, WHEN. — 1. A receiver may assume or reject any executory contract or unexpired lease of the debtor upon order of the court following notice and a hearing, which shall include notice to persons party to the executory contract or unexpired lease to be assumed or rejected. The court may condition assumption or rejection of any executory contract or unexpired lease on the terms and conditions the court believes are just and proper under the particular circumstances of the action. Such terms and conditions may include a requirement that the receiver cures or provides adequate assurance that the receiver will promptly cure any default. A general receiver's performance of an executory contract or unexpired lease prior to the court's authorization of its assumption or rejection shall not constitute an assumption of the executory contract or unexpired lease, or an agreement by the receiver to assume it, nor otherwise preclude the receiver thereafter from seeking the court's authority to reject it.

2. Any person party to an executory contract or unexpired lease may by motion seek to compel the rejection thereof at any time, such rejection the court shall order in its discretion, and as the interests of justice may require. In determining a motion to compel the rejection of an executory contract or unexpired lease, the court may consider, among other factors:

(1) Whether rejection is in the best interests of the receivership estate and the interests of creditors;

(2) The extent to which the executory contract or unexpired lease burdens the receivership estate financially;

(3) Whether the debtor is performing or is in breach of the executory contract or unexpired lease;

(4) If the debtor is in breach of a financial provision of the executory contract or unexpired lease, the debtor's ability to cure such breach within a reasonable time; and

(5) Harm suffered by the non-debtor person party to the executory contract or unexpired lease that results or may result from refusing the rejection thereof.

3. Any obligation or liability incurred by a general receiver on account of the receiver's assumption of an executory contract or unexpired lease shall be treated as an expense of the receivership. A receiver's rejection of an executory contract or unexpired lease shall be treated as a breach of the contract or lease occurring immediately prior to the receiver's appointment; and the receiver's right to possess or use property pursuant to any executory contract or unexpired lease shall terminate upon rejection of such

contract or lease. A non-debtor party to an executory contract or unexpired lease that is rejected by a receiver may take such steps as may be necessary under applicable law to terminate or cancel such contract or lease. The claim of a non-debtor party to an executory contract or unexpired lease resulting from a receiver's rejection of it shall be served upon the receiver within thirty days following the date the receiver gives notice of such rejection to such person, which notice shall indicate the right to file a claim within the thirty day period.

4. A receiver's power under this section to assume an executory contract or unexpired lease shall not be affected by any provision in such contract or lease that would effect or permit a forfeiture, modification, or termination of it on account of either the receiver's appointment, the financial condition of the debtor, or an assignment for the benefit of creditors by the debtor.

5. A receiver may not assume an executory contract or unexpired lease of debtor without the consent of the other person party to such contract or lease if:

(1) Applicable law would excuse a person, other than the debtor, from accepting performance from or rendering performance to anyone other than the debtor even in the absence of any provisions in the contract or lease expressly restricting or prohibiting an assignment of the person's rights or the performance of the debtor's duties;

(2) The contract or lease is a contract to make a loan or extend credit or financial accommodations to or for the benefit of the debtor, or to issue a security of the debtor; or

(3) The executory contract or lease expires by its own terms, or under applicable law prior to the receiver's assumption thereof.

6. A receiver may not assign an executory contract or unexpired lease without assuming it, absent the consent of the other parties to the contract or lease.

7. If the receiver rejects an executory contract or unexpired lease for:

(1) The sale of real property under which the debtor is the seller and the purchaser is in possession of the real property;

(2) The sale of a real property timeshare interest under which the debtor is the seller;

(3) The license of intellectual property rights under which the debtor is the licensor;

or

(4) The lease of real property in which the debtor is the lessor;

then the purchaser, licensee, or lessee may treat the rejection as a termination of the contract, license agreement, or lease, or alternatively, the purchaser, licensee, or lessee may remain in possession in which circumstance the purchaser, licensee, or lessee shall continue to perform all obligations arising thereunder as and when they may fall due, but may offset against any payments any damages occurring on account of the rejection after it occurs. The purchaser of real property in such a circumstance is entitled to receive from the receiver any deed or any other instrument of conveyance which the debtor is obligated to deliver under the executory contract when the purchaser becomes entitled to receive it, and the deed or instrument has the same force and effect as if given by the person. A purchaser, licensee, or lessee who elects to remain in possession under the terms of this subsection has no rights against the receiver on account of any damages arising from the receiver's rejection except as expressly provided for by this subsection. A purchaser of real property who elects to treat rejection of an executory contract as a termination has a lien against the interest in that real property of the debtor for the recovery of any portion of the purchase price that the purchaser has paid.

8. Any contract with the state shall be deemed rejected if not assumed within sixty days of appointment of a general receiver unless the receiver and state agency agree to its assumption.

9. Nothing in sections 515.500 to 515.665 affects the enforceability of anti-assignment prohibitions provided under contract or applicable law.

515.590. UNSECURED CREDIT OR DEBT, RECEIVER MAY OBTAIN, WHEN. — 1. If a receiver is authorized to operate the business of a debtor or manage a debtor's property, the receiver may obtain unsecured credit and incur unsecured debt in the ordinary course of business as an administrative expense of the receiver without order of the court.

2. The court after notice and a hearing may authorize a receiver to obtain credit or incur debt other than in the ordinary course of business. The court may allow the receiver to mortgage, pledge, hypothecate, or otherwise encumber estate property as security for repayment of any debt that the receiver may incur, including that the court may provide that additional credit extended to a receiver by a secured creditor of the debtor be afforded the same priority as the secured creditor's existing lien.

3. When determining the propriety of allowing a receiver to obtain credit or incur debt pursuant to subsection 2 of this section, the court shall consider the likely impact on the interests of unsecured creditors of the debtor.

515.595. RIGHT TO SUE AND BE SUED — ACTION ADJUNCT TO RECEIVERSHIP ACTION — VENUE — JUDGMENT NOT A LIEN ON PROPERTY, WHEN. — 1. A receiver has the right to sue and be sued in the receiver's capacity as such, without leave of court, in all circumstances necessary or proper for the conduct of the receivership. However, an action seeking to dispossess a receiver of any estate property or otherwise to interfere with the receiver's management or control of any estate property may not be maintained or continued unless permitted by order of the court obtained upon notice and a hearing.

2. An action by or against a receiver is adjunct to the receivership action. The clerk of the court may assign or refer a case number that reflects the relationship of any action to the receivership action. All pleadings in an adjunct action shall include the case number of the receivership action as well as the adjunct action case number assigned by the clerk of the court. All adjunct actions shall be referred to the judge, if any, assigned to the receivership action.

3. A receiver may be joined or substituted as a party in any action or proceeding that was pending at the time of the receiver's appointment and in which the debtor is a party, upon application by the receiver to the court, agency, or other forum before which the action or proceeding is pending.

4. Venue for adjunct actions by or against a receiver shall lie in the court in which the receivership is pending, if the court has jurisdiction over the action. Actions in other courts in this state shall be transferred to the court upon the receiver's filing of a motion for change of venue, provided that the receiver files the motion within thirty days following service of original process upon the receiver. However, actions in other courts or forums in which a state agency is a party shall not be transferred on request of the receiver absent consent of the affected state agency or grounds provided under other applicable law.

5. An action by or against a receiver does not abate by reason of death or resignation or removal of the receiver, but continues against the successor receiver or against the debtor, if a successor receiver is not appointed.

6. Whenever the assets of any domestic or foreign corporation, that has been doing business in this state, has been placed in the hands of any general receiver and the receiver is in possession of its assets, service of all process upon the corporation may be made upon the receiver.

7. A judgment against a general receiver or the debtor is not a lien on estate property, nor shall any execution issue thereon. Upon entry of a judgment against a general receiver or the debtor in the court in which a general receivership is pending, or upon filing in a general receivership of a certified copy of a judgment against a general receiver or the debtor entered by another court in this state or a foreign jurisdiction, the judgment shall be treated as an allowed claim in the receivership. A judgment against a limited

receiver shall be treated and has the same effect as a judgment against the debtor, except that the judgment is not enforceable against estate property unless otherwise ordered by the court upon notice and a hearing.

515.600. IMMUNITY FROM LIABILITY, WHEN. — 1. A receiver appointed pursuant to sections 515.500 to 515.665, and the agents, attorneys, and employees of the receivership employed by the receiver pursuant to section 515.605 shall enjoy judicial immunity for acts and omissions arising out of and performed in connection with his or her official duties on behalf of the court and within the scope of his or her appointment. A person other than a successor receiver duly appointed by the court does not have a right of action against a receiver under this section to recover property or the value thereof for or on behalf of the estate except as provided in subsection 2 of this section. A successor receiver may recover only actual damages incurred by the receivership estate from a prior receiver.

2. A person, other than a successor receiver duly appointed by the court, shall not have the right to bring an action against a receiver or the agents, attorneys, and employees of the receivership employed by the receiver pursuant to section 515.605 for any act or omission while acting in the performance of their functions and duties in connection with the receivership unless such person first files a verified application with the appointing court requesting leave to bring such action and the court grants such application after notice and hearing. The appointing court shall only approve the application to bring claims against the receiver under this section upon a prima facie showing by the person making such request that the receiver's actions are not protected by the grant of immunity set forth in subsection 1 of this section. No other court apart from the appointing court shall have the authority to review or approve the application to bring claims against the receiver under this section.

3. If a person requests leave to bring claims under subsection 2 of this section and such leave is denied, the court shall grant judgment in favor of the receiver for the costs of the proceeding and reasonable attorney's fee if the court finds that the position of the person was not substantially justified.

515.605. EMPLOYMENT OF PROFESSIONALS. — 1. The receiver, with the court's approval, may employ one or more attorneys, accountants, appraisers, auctioneers, or other professional persons that do not hold or represent an interest adverse to the receivership to represent or assist the receiver in carrying out the receiver's duties.

2. A person is not disqualified for employment under this section solely because of the person's employment by, representation of, or other relationship with a creditor or other party in interest, if the relationship is disclosed in the application for the person's employment and if the court determines that there is no actual conflict of interest or inappropriate appearance of a conflict.

3. This section does not preclude the court from authorizing the receiver to act as attorney or accountant if the authorization is in the best interests of the receivership.

4. The receiver and any professionals employed by the receiver shall maintain itemized billing records containing a description of services, the time spent, billing rates of all who perform work to be compensated, and a detailed list of expenses. The receiver, and any professionals employed by the receiver may file a motion requesting the allowance of fees and expenses. Notice of the motion shall be served on all persons required to be identified on the master mailing list maintained pursuant to section 515.610, advising that objections to the application shall be filed within ten days from the date of the notice, and if objections are not timely filed, the court may approve the motion without further notice or hearing. If an objection is filed, the receiver or professional whose compensation is affected may notice the objection for a hearing. Upon request of any person required to receive notice pursuant to this subsection, the receiver and any

professionals employed by the receiver shall provide a copy of their itemized billing records upon which their motion for fees and expenses is based within five days of the date of the request.

515.610. CREDITORS BOUND BY ACTS OF RECEIVER — RIGHT TO NOTICE AND MAY APPEAR IN RECEIVERSHIP — NOTICE REQUIREMENTS. — 1. Creditors and parties in interest to whom are given notice as provided by sections 515.500 to 515.665 and creditors or other persons submitting written claims in the receivership or otherwise appearing and participating in the receivership are bound by the acts of the receiver and the orders of the court relating to the receivership whether or not the person is a party to the receivership action.

2. Creditors and parties in interest have a right to notice and a hearing as provided in sections 515.500 to 515.665 whether or not the person is a party to the receivership action.

3. Any party in interest may appear in the receivership in the manner prescribed by court rule and shall file with the court a written notice including the name and mailing address of the party in interest, and the name and address of the party in interest's attorney, if any, with the clerk, and by serving a copy of the notice upon the receiver and the receiver's attorney of record, if any. The receiver shall maintain a master mailing list of all parties and of all parties in interest that file and serve a notice of appearance in accordance with this subsection and such parties in interest's attorneys, if any. The receiver shall make a copy of the current master mailing list available to any party or upon request.

4. Any request for relief against a state agency shall be mailed to or otherwise served on the agency and on the office of the attorney general.

5. The receiver shall give not less than ten days' written notice of any examination by the receiver of the debtor to all persons required to be identified on the master mailing list.

6. All persons required to be identified on the master mailing list are entitled to not less than thirty days' written notice of the hearing of any motion or other proceeding involving any proposed:

- (1)** Allowance or disallowance of any claim or claims;
- (2)** Abandonment, disposition, or distribution of estate property, other than an emergency disposition of property subject to eroding value or a disposition of estate property in the ordinary course of business;
- (3)** Compromise or settlement of a controversy that might affect the distribution to creditors from the receivership;
- (4)** Motion for termination of the receivership or removal or discharge of the receiver. Notice of the motion shall also be sent to the department of revenue and other applicable regulatory agencies;
- (5)** Any opposition to any motion to authorize any of the actions under subdivisions **(1)** to **(4)** of this subsection shall be filed and served upon all persons required to be identified on the master mailing list at least ten days before the date of the proposed action.

7. Whenever notice is not specifically required to be given under sections 515.500 to 515.665 or otherwise by court rule, the court may consider motions and grant or deny relief without notice or hearing, unless a party or party in interest would be prejudiced or harmed by the relief requested.

515.615. CLAIMS ADMINISTRATION PROCESS. — 1. The claims administration process identified in this section shall be administered by a general receiver and may be ordered by the court to be administered by a limited receiver.

2. All claims, other than claims of duly perfected secured creditors, arising prior to the receiver's appointment shall be in the form required by this section and served and

noticed as required by this section. Any claim not in the form required by this section and so served and noticed is barred from participating in any distribution to creditors.

3. Claims shall be served on the receiver within thirty days from the date notice is given under this section, unless the court reduces or extends the period for cause shown, except that a claim arising from the rejection of an executory contract or an unexpired lease of the debtor may be served within thirty days after the rejection. Claims by state agencies shall be served by such state agencies on the receiver within sixty days from the date notice is given by mail under this section.

4. Claims shall be in written form entitled "Proof of Claim", setting forth the name and address of the creditor and the nature and amount of the claim, and executed by the creditor or the creditor's authorized agent. When a claim or an interest in estate property securing the claim is based on a writing, the original or a copy of the writing shall be included as a part of the proof of claim together with evidence of perfection of any security interest or other lien asserted by the claimant. Unless otherwise ordered by the court, creditors may amend such claims and such amendments shall relate back to the original filing of such claim.

5. Notices of claim shall be filed with the court. A notice shall be filed with the court relating to each served claim. A notice of claim shall not include the claim or supporting documentation served upon the receiver. A notice of claim shall include the name and address of the creditor asserting the claim, together with the name and address of the attorney, if any representing the creditor, the amount of the claim, whether or not the claim is secured or unsecured, and if secured, a brief description of any estate property and other collateral securing the claim.

6. A claim properly noticed, executed, and served in accordance with this section constitutes prima facie evidence of the validity and amount of the claim.

515.620. OBJECTION TO A CLAIM, PROCEDURE. — 1. At any time prior to the entry of an order approving the general receiver's final report, the receiver or any party in interest may file with the court an objection to a claim, such objection shall be in writing and shall set forth the grounds for the objection to the claim. A copy of the objection shall be mailed to the creditor who shall have thirty days to file with the court any suggestions in support of the claim. Upon the filing of any suggestions in support of the claim, the court may adjudicate the claim objection or set a hearing relating to the claim objection. Claims that comply with the requirements of section 515.615 that are not disallowed by the court are entitled to share in distributions from the receivership in accordance with the priorities provided for by sections 515.500 to 515.665 or otherwise by law.

2. Upon order of the court, the general receiver, or any party in interest objecting to the creditor's claim, an objection may be subject to mediation prior to adjudication of the objection. However, state claims are not subject to mediation absent agreement of the state.

3. Upon motion of the general receiver or other party in interest, the following claims may be estimated for purpose of allowance under this section under the rules or orders applicable to the estimation of claims under this section:

(1) Any contingent or unliquidated claim, the fixing or liquidation of which, as the circumstance may be, would unduly delay the administration of the receivership; or

(2) Any right to payment arising from a right to an equitable remedy for breach of performance.

Claims subject to this subsection shall be allowed in the estimated amount thereof.

515.625. DISTRIBUTION OF CLAIMS. — 1. Claims not disallowed by the court shall receive distribution under sections 515.500 to 515.665 in the order of priority under subdivisions (1) to (8) of this section and, with the exception of subdivisions (1) to (3) of this subsection, on a pro rata basis:

(1) Any secured creditor that is duly perfected under applicable law, whether or not such secured creditor has filed a proof of claim, shall receive the proceeds from the disposition of the estate property that secures its claim. However, the receiver may recover from estate property secured by a lien or the proceeds thereof the reasonable, necessary expenses of preserving, protecting, or disposing of the estate property to the extent of any benefit to a duly perfected secured creditor. If and to the extent that the proceeds are less than the amount of a duly perfected secured creditor's claim or a duly perfected secured creditor's lien is avoided on any basis, the duly perfected secured creditor's claim is an unsecured claim under subdivision (8) of this subsection. Duly perfected secured claims shall be paid from the proceeds in accordance with their respective priorities under otherwise applicable law;

(2) Actual, necessary costs and expenses incurred during the administration of the receivership, other than those expenses allowable under subdivision (1) of this subsection, including allowed fees and reimbursement of reasonable charges and expenses of the receiver and professional persons employed by the receiver. Notwithstanding subdivision (1) of this subsection, expenses incurred during the administration of the estate have priority over the secured claim of any secured creditor obtaining or consenting to the appointment of the receiver;

(3) A secured creditor that is not duly perfected under applicable law shall receive the proceeds from the disposition of the estate property that secures its claim if and to the extent that unsecured claims are made subject to those liens under applicable law;

(4) Claims for wages, salaries, or commissions, including vacation, severance, and sick leave pay, or contributions to an employee benefit plan earned by the claimant within one hundred eighty days of the date of appointment of the receiver or the cessation of any business relating to the receivership, whichever occurs first, but only to the extent of ten thousand nine hundred fifty dollars;

(5) Unsecured claims, to the extent of two thousand four hundred twenty-five dollars for each natural person, arising from the deposit with the person debtor before the date of appointment of the receiver of money in connection with the purchase, lease, or rental of estate property or the purchase of services for personal, family, or household use that were not delivered or provided;

(6) Claims for a marital, family, or other support debt, but not to the extent that the debt is assigned to another person, voluntarily, by operation of law, or otherwise; or includes a liability designated as a support obligation unless that liability is actually in the nature of a support obligation;

(7) Unsecured claims of governmental units for taxes which accrued prior to the date of appointment of the receiver;

(8) Other unsecured claims.

2. If all of the classes under subsection 1 of this section have been paid in full, any residue shall be paid to the debtor.

515.630. SECURED CLAIMS PERMITTED AGAINST ESTATE PROPERTY. — Except as otherwise provided for by statute, estate property acquired by the estate, the receiver, or the debtor of the receiver is subject to an allowed secured claim to the same extent as would exist in the absence of a receivership.

515.635. NONCONTINGENT LIQUIDATED CLAIMS, INTEREST ALLOWED, RATE. — To the extent that funds are available in the estate for distribution to creditors in a general receivership, the holder of an allowed noncontingent, liquidated claim is entitled to receive interest at the legal rate or other applicable rate from the date of appointment of the receiver or the date on which the claim became a noncontingent, liquidated claim. If there are sufficient funds in the estate to fully pay all interest owing to all members of the class, then interest shall be paid proportionately to each member of the class.

515.640. BURDENSOME PROPERTY, ABANDONMENT OF, WHEN. — The receiver or any party upon order of the court following notice and a hearing and upon the terms and conditions the court considers just and proper may abandon any estate property that is burdensome to the receiver or is of inconsequential value or benefit. However, a receiver may not abandon property that is a hazard or potential hazard to the public in contravention of a state statute or rule that is reasonably designed to protect the public health or safety from identified hazards. Property that is abandoned no longer constitutes estate property.

515.645. USE, SALE, OR LEASE OF ESTATE PROPERTY BY RECEIVER. — 1. The receiver with the court's approval after notice and a hearing may use, sell, or lease estate property other than in the ordinary course of business.

2. The court may order that a general receiver's sale of estate property either under subsection 1 of this section, or consisting of real property that the debtor intended to sell in its ordinary course of business, be effected free and clear of liens, claims, and of all rights of redemption, whether or not the sale will generate proceeds sufficient to fully satisfy all claims secured by the property, unless either:

(1) The property to be sold is real property used principally in the production of crops, livestock, or aquaculture, or the property is a homestead, and the owner of the property has not consented to the sale following the appointment of the receiver; or

(2) A party in interest, including but not limited to, an owner of the property to be sold or a secured creditor as regards to the property to be sold serves and files a timely opposition to the receiver's sale, and the court determines that the amount likely to be realized by the receiver's sale is less than the amount that may be realized within a reasonable time in the absence of the receiver's sale.

Upon any sale free and clear of liens authorized by this section, all liens encumbering the property sold shall transfer and attach to the proceeds of the sale, net of reasonable expenses incurred in the disposition of the property sold, in the same order, priority, and validity as the liens had with respect to the property sold immediately before the conveyance. The court may authorize the receiver at the time of sale to satisfy, in whole or in part, any lien on the property sold out of the proceeds of its sale if the interest of any other creditor having a lien against the proceeds of the sale would not thereby be impaired.

3. At a public sale of estate property under subsection 1 of this section, a creditor with a lien against the property to be sold may credit bid at the sale of the property. A creditor with a lien against the property to be sold who purchases the property from a receiver may offset against the purchase price its secured claim against the property, provided that such secured creditor tenders cash sufficient to satisfy in full all secured claims payable out of the proceeds of sale having priority over such secured creditor's secured claim. If the lien or the claim it secures is the subject of a bona fide dispute, the court may order the holder of the lien or claim to provide the receiver with adequate security to assure full payment of the purchase price in the event the lien, the claim, or any part thereof is determined to be invalid or unenforceable.

4. If estate property includes an interest as a co-owner of property, the receiver shall have the rights and powers of a co-owner afforded by applicable state or federal law, including but not limited to, any rights of partition.

5. The reversal or modification on appeal of an authorization to sell or lease estate property under this section does not affect the validity of a sale or lease under that authorization to any person that purchased or leased the property in good faith, whether or not the person knew of the pendency of the appeal, unless the authorization and sale or lease were stayed pending the appeal.

6. The notice of a proposed use, sale, or lease of estate property required by subsection 1 of this section shall include the time and place of any public sale, the terms and conditions of any private sale and the time fixed for filing objections, and shall be mailed to all parties in interest, and to such other persons as the court in the interests of justice may require.

7. In determining whether a sale free and clear of liens, claims, encumbrances, and of all rights of redemption is in the best interest of the estate, the court may consider, among such other factors as the court deems appropriate, the following:

- (1) Whether the sale shall be conducted in a commercially reasonable manner considering assets of a similar type or nature;
- (2) Whether an independent appraisal supports the purchase price to be paid;
- (3) Whether creditors and parties in interest received adequate notice of the sale, sale procedures, and details of the proposed sale;
- (4) Any relationship between the buyer and the debtor;
- (5) Whether the sale is an arm's length transaction; and
- (6) Whether parties asserting a lien as to the property to be sold consent to the proposed sale.

515.650. RECEIVER MAY BE APPOINTED AS A RECEIVER BY OUT-OF-STATE COURT, WHEN. — 1. A receiver appointed in any action pending in the courts of this state, without first seeking approval of the court, may apply to any court outside of this state for appointment as receiver with respect to any property or business of the person over whose property the receiver is appointed constituting estate property which is located in any other jurisdiction, if the appointment is necessary to the receiver's possession, control, management, or disposition of property in accordance with orders of the court.

2. A receiver appointed by a court of another state, or by a federal court in any district outside of this state, or any other person having an interest in that proceeding, may obtain appointment by a court of this state of that same receiver with respect to any property or business of the person over whose property the receiver is appointed constituting property of the foreign receivership that is located in this jurisdiction if the person is eligible to serve as receiver and the appointment is necessary to the receiver's possession, control, or disposition of the property in accordance with orders of the court in the foreign proceeding. Upon the receiver's request, the court shall enter the orders not offensive to the laws and public policy of this state, necessary to effectuate orders entered by the court in the foreign receivership proceeding. A receiver appointed in an ancillary receivership in this state is required to comply with sections 515.500 to 515.665 requiring notice to creditors or other parties in interest only as may be required by the superior court in the ancillary receivership.

515.655. REMOVAL OR REPLACEMENT OF RECEIVER, PROCEDURE. — 1. The court shall remove or replace the receiver on application of the debtor, the receiver, or any creditor, or any party or on the court's own motion if the receiver fails to perform the receiver's duties or obligations under sections 515.500 to 515.665, as ordered by the court.

2. Upon removal, resignation, or death of the receiver the court shall appoint a successor receiver if the court determines that further administration of the estate is required. The successor receiver shall immediately take possession of the estate and assume the duties of receiver.

3. Whenever the court is satisfied that the receiver so removed or replaced has fully accounted for and turned over to the successor receiver appointed by the court all of the property of the estate and has filed a report of all receipts and disbursements during the person's tenure as receiver, the court shall enter an order discharging that person from all further duties and responsibilities as receiver after notice and a hearing.

515.660. DISCHARGE OF RECEIVER. — 1. Upon distribution or disposition of all property of the estate, or the completion of the receiver's duties with respect to estate property, the receiver shall move the court to be discharged upon notice and a hearing.

2. The receiver's final report and accounting setting forth all receipts and disbursements of the estate shall be included in the petition for discharge and filed with the court.

3. Upon approval of the final report, the court shall discharge the receiver.

4. The receiver's discharge releases the receiver from any further duties and responsibilities as receiver under sections 515.500 to 515.665.

5. Upon motion of any party in interest, or upon the court's own motion, the court has the power to discharge the receiver and terminate the court's administration of the property over which the receiver was appointed. If the court determines that the appointment of the receiver was wrongfully procured or procured in bad faith, the court may assess against the person who procured the receiver's appointment all of the receiver's fees and other costs of the receivership and any other sanctions the court determines to be appropriate.

6. A certified copy of an order terminating the court's administration of the property over which the receiver was appointed shall operate as a release of any lis pendens notice recorded pursuant to section 515.545 and the same shall be recorded within the land records in any county in which such real property may be situated, together with a legal description of the real property if one is not included in that order.

515.665. ORDERS SUBJECT TO APPEAL. — Orders of the court pursuant to sections 515.500 to 515.665 are appealable to the extent allowed under existing law, including subdivision (2) of section 512.020.

516.105. ACTIONS AGAINST HEALTH CARE AND MENTAL HEALTH PROVIDERS (MEDICAL MALPRACTICE). — All actions against physicians, hospitals, dentists, registered or licensed practical nurses, optometrists, podiatrists, pharmacists, chiropractors, professional physical therapists, **mental health professionals licensed under chapter 337**, and any other entity providing health care services and all employees of any of the foregoing acting in the course and scope of their employment, for damages for malpractice, negligence, error or mistake related to health care shall be brought within two years from the date of occurrence of the act of neglect complained of, except that:

(1) In cases in which the act of neglect complained of is introducing and negligently permitting any foreign object to remain within the body of a living person, the action shall be brought within two years from the date of the discovery of such alleged negligence, or from the date on which the patient in the exercise of ordinary care should have discovered such alleged negligence, whichever date first occurs; and

(2) In cases in which the act of neglect complained of is the negligent failure to inform the patient of the results of medical tests, the action for failure to inform shall be brought within two years from the date of the discovery of such alleged negligent failure to inform, or from the date on which the patient in the exercise of ordinary care should have discovered such alleged negligent failure to inform, whichever date first occurs; except that, no such action shall be brought for any negligent failure to inform about the results of medical tests performed more than two years before August 28, 1999. For purposes of this subdivision, the act of neglect based on the negligent failure to inform the patient of the results of medical tests shall not include the act of informing the patient of the results of negligently performed medical tests or the act of informing the patient of erroneous test results; and

(3) In cases in which the person bringing the action is a minor less than eighteen years of age, such minor shall have until his or her twentieth birthday to bring such action.

In no event shall any action for damages for malpractice, error, or mistake be commenced after the expiration of ten years from the date of the act of neglect complained of or for two years from a minor's eighteenth birthday, whichever is later.

650.058. INDIVIDUALS WHO ARE ACTUALLY INNOCENT MAY RECEIVE RESTITUTION, AMOUNT, PETITION, DEFINITION, LIMITATIONS AND REQUIREMENTS — GUILT CONFIRMED BY DNA TESTING, PROCEDURES — PETITIONS FOR RESTITUTION — ORDER OF EXPUNGEMENT. — 1. Notwithstanding the sovereign immunity of the state, any individual who was found guilty of a felony in a Missouri court and was later determined to be actually innocent of such crime solely as a result of DNA profiling analysis may be paid restitution. The individual may receive an amount of fifty dollars per day for each day of postconviction incarceration for the crime for which the individual is determined to be actually innocent. The petition for the payment of said restitution shall be filed with the sentencing court. For the purposes of this section, the term "actually innocent" shall mean:

(1) The individual was convicted of a felony for which a final order of release was entered by the court;

(2) All appeals of the order of release have been exhausted;

(3) The individual was not serving any term of a sentence for any other crime concurrently with the sentence for which he or she is determined to be actually innocent, unless such individual was serving another concurrent sentence because his or her parole was revoked by a court or the board of probation and parole in connection with the crime for which the person has been exonerated. **Regardless of whether any other basis may exist for the revocation of the person's probation or parole at the time of conviction for the crime for which the person is later determined to be actually innocent, when the court's or the board of probation and parole's sole stated reason for the revocation in its order is the conviction for the crime for which the person is later determined to be actually innocent, such order shall, for purposes of this section only, be conclusive evidence that their probation or parole was revoked in connection with the crime for which the person has been exonerated;** and

(4) Testing ordered under section 547.035, or testing by the order of any state or federal court, if such person was exonerated on or before August 28, 2004, or testing ordered under section 650.055, if such person was or is exonerated after August 28, 2004, demonstrates a person's innocence of the crime for which the person is in custody.

Any individual who receives restitution under this section shall be prohibited from seeking any civil redress from the state, its departments and agencies, or any employee thereof, or any political subdivision or its employees. This section shall not be construed as a waiver of sovereign immunity for any purposes other than the restitution provided for herein. The department of corrections shall determine the aggregate amount of restitution owed during a fiscal year. If insufficient moneys are appropriated each fiscal year to pay restitution to such persons, the department shall pay each individual who has received an order awarding restitution a pro rata share of the amount appropriated. Provided sufficient moneys are appropriated to the department, the amounts owed to such individual shall be paid on June thirtieth of each subsequent fiscal year, until such time as the restitution to the individual has been paid in full. However, no individual awarded restitution under this subsection shall receive more than thirty-six thousand five hundred dollars during each fiscal year. No interest on unpaid restitution shall be awarded to the individual. No individual who has been determined by the court to be actually innocent shall be responsible for the costs of care under section 217.831.

2. If the results of the DNA testing confirm the person's guilt, then the person filing for DNA testing under section 547.035, shall:

(1) Be liable for any reasonable costs incurred when conducting the DNA test, including but not limited to the cost of the test. Such costs shall be determined by the court and shall be included in the findings of fact and conclusions of law made by the court; and

(2) Be sanctioned under the provisions of section 217.262.

3. A petition for payment of restitution under this section may only be filed by the individual determined to be actually innocent or the individual's legal guardian. No claim or petition for restitution under this section may be filed by the individual's heirs or assigns. An individual's right to receive restitution under this section is not assignable or otherwise transferrable. The state's obligation to pay restitution under this section shall cease upon the individual's death. Any beneficiary designation that purports to bequeath, assign, or otherwise convey the right to receive such restitution shall be void and unenforceable.

4. An individual who is determined to be actually innocent of a crime under this chapter shall automatically be granted an order of expungement from the court in which he or she pled guilty or was sentenced to expunge from all official records all recordations of his or her arrest, plea, trial or conviction. Upon granting of the order of expungement, the records and files maintained in any administrative or court proceeding in an associate or circuit division of the court shall be confidential and only available to the parties or by order of the court for good cause shown. The effect of such order shall be to restore such person to the status he or she occupied prior to such arrest, plea or conviction and as if such event had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction or expungement in response to any inquiry made of him or her for any purpose whatsoever and no such inquiry shall be made for information relating to an expungement under this section.

[456.023. POWER OF APPOINTMENT NOT EXERCISED BY WILL, WHEN. — A general residuary clause in a will, or a will making general disposition of all of the testator's property, does not exercise a power of appointment granted in an instrument creating or amending a trust unless specific reference is made to the power or there is some other indication of intention to include the property subject to the power.]

[456.590. POWER OF COURT TO PERMIT DEVIATIONS OR VARY TERMS. — 1. Where, in the management or administration of any property vested in trustees, any sale, lease, mortgage, surrender, release, or other disposition, or any purchase, investment, acquisition, expenditure, or other transaction is in the opinion of the court expedient, but the same cannot be effected by reason of the absence of any power for that purpose vested in the trustees by the trust instrument, if any, or by law, the court may by order confer upon the trustees, either generally or in any particular instance, the necessary power for the purpose, on such terms, and subject to such provisions and conditions, if any, as the court may think fit and may direct in what manner any money authorized to be expended, and the costs of any transaction, are to be paid or borne as between capital and income.

2. When all of the adult beneficiaries who are not disabled consent, the court may, upon finding that such variation will benefit the disabled, minor, unborn and unascertained beneficiaries, vary the terms of a private trust so as to reduce or eliminate the interests of some beneficiaries and increase those of others, to change the times or amounts of payments and distributions to beneficiaries, or to provide for termination of the trust at a time earlier or later than that specified by the terms.

3. The court may, from time to time, rescind or vary any order made under this section, or may make any new or further order.

4. An application to the court under this section may be made by the trustees, or by any of them, or by any person beneficially interested under the trust.]

[469.060. POWER EXERCISE MAY BE DISCLAIMED. — A power with respect to property shall be treated as an interest in such property and if releasable shall be

disclaimable in whole or in part under the provisions of this chapter by the holder of the power. An individual who is a potential object of a power exercise has an interest in the property that is disclaimable in whole or in part.]

[515.240. APPOINTMENT OF RECEIVER. — The court, or any judge thereof in vacation, shall have power to appoint a receiver, whenever such appointment shall be deemed necessary, whose duty it shall be to keep and preserve any money or other thing deposited in court, or that may be subject of a tender, and to keep and preserve all property and protect any business or business interest entrusted to him pending any legal or equitable proceeding concerning the same, subject to the order of the court.]

[515.250. BOND OF RECEIVER—POWERS. — Such receiver shall give bond, and have the same powers and be subject to all the provisions, as far as they may be applicable, enjoined upon a receiver appointed by virtue of the law providing for suits by attachment.]

[515.260. COMPENSATION OF RECEIVER. — The court shall allow such receiver such compensation for his services and expenses as may be reasonable and just, and cause the same to be taxed as costs, and paid as other costs in the cause.]

Approved July 13, 2016

HB 1816 [SS SCS HB 1816]

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

Adds provisions relating to the Health Care Providers

AN ACT to repeal sections 324.001, 334.040, 335.203, 335.300, 335.305, 335.310, 335.315, 335.320, 335.325, 335.330, 335.335, 335.340, 335.345, 335.350, 335.355, 336.020, 376.1237, and 630.175, RSMo, and to enact in lieu thereof thirty-two new sections relating to health care providers, with a contingent effective date for certain sections.

SECTION

- A. Enacting clause.
- 324.001. Division of professional registration established, duties — boards and commissions assigned to — reference to division in statutes — workforce data analysis, requirements.
- 334.040. Examination of applicants, how conducted, grades required, time limitations, extensions.
- 334.285. Maintenance of licensure or certification, requirement by state prohibited — definitions.
- 334.1200. Purpose.
- 334.1203. Definitions.
- 334.1206. State participation in the compact.
- 334.1209. Compact privilege.
- 334.1212. Active duty military personnel or their spouses.
- 334.1215. Adverse actions.
- 334.1218. Establishment of the physical therapy compact commission.
- 334.1221. Data system.
- 334.1224. Rulemaking.
- 334.1227. Oversight, dispute resolution, and enforcement.
- 334.1230. Date of implementation of the interstate commission for physical therapy practice and associated rules, withdrawal, and amendment.
- 334.1233. Construction and severability.
- 335.203. Nursing education incentive program established — grants authorized, limit, eligibility — administration — rulemaking authority.
- 335.360. Findings and declaration of purpose.
- 335.365. Definitions.

- 335.370. General provisions and jurisdiction.
 335.375. Applications for licensure in a party state.
 335.380. Additional authorities invested in party state licensing boards.
 335.385. Coordinated licensure information system and exchange of information.
 335.390. Establishment of the interstate commission of nurse licensure compact administrators.
 335.395. Rulemaking.
 335.400. Oversight, dispute resolution and enforcement.
 335.405. Effective date, withdrawal and amendment.
 335.410. Construction and severability.
 335.415. Head of the nurse licensing board defined.
 336.020. Unlawful to practice optometry without license.
 338.202. Maintenance medications, pharmacist may exercise professional judgment on quantity dispensed, when.
 376.1237. Refills for prescription eye drops, required, when — definitions — termination date.
 630.175. Physical and chemical restraints prohibited, exceptions — requirements for collaborative practice arrangements and supervision agreements — security escort devices and certain extraordinary measures not considered physical restraint.
 335.300. Findings and declaration of purpose. Findings and declaration of purpose.
 335.305. Definitions. Definitions.
 335.310. General provisions and jurisdiction. General provisions and jurisdiction.
 335.315. Applications for licensure in a party state. Applications for licensure in a party state.
 335.320. Adverse actions. Adverse actions.
 335.325. Additional authorities invested in party state nurse licensing boards. Additional authorities invested in party state nurse licensing boards.
 335.330. Coordinated licensure information system. Coordinated licensure information system.
 335.335. Compact administration and interchange of information. Compact administration and interchange of information.
 335.340. Immunity. Immunity.
 335.345. Entry into force, withdrawal and amendment. Entry into force, withdrawal and amendment.
 335.350. Construction and severability. Construction and severability.
 335.355. Applicability of compact. Applicability of compact
 B. Contingent effective date.

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

SECTION A. ENACTING CLAUSE. — Sections 324.001, 334.040, 335.203, 335.300, 335.305, 335.310, 335.315, 335.320, 335.325, 335.330, 335.335, 335.340, 335.345, 335.350, 335.355, 336.020, 376.1237, and 630.175, RSMo, are repealed and thirty-two new sections enacted in lieu thereof, to be known as sections 324.001, 334.040, 334.285, 334.1200, 334.1203, 334.1206, 334.1209, 334.1212, 334.1215, 334.1218, 334.1221, 334.1224, 334.1227, 334.1230, 334.1233, 335.203, 335.360, 335.365, 335.370, 335.375, 335.380, 335.385, 335.390, 335.395, 335.400, 335.405, 335.410, 335.415, 336.020, 338.202, 376.1237, and 630.175, to read as follows:

324.001. DIVISION OF PROFESSIONAL REGISTRATION ESTABLISHED, DUTIES — BOARDS AND COMMISSIONS ASSIGNED TO — REFERENCE TO DIVISION IN STATUTES — WORKFORCE DATA ANALYSIS, REQUIREMENTS. — 1. For the purposes of this section, the following terms mean:

- (1) "Department", the department of insurance, financial institutions and professional registration;
- (2) "Director", the director of the division of professional registration; and
- (3) "Division", the division of professional registration.

2. There is hereby established a "Division of Professional Registration" assigned to the department of insurance, financial institutions and professional registration as a type III transfer, headed by a director appointed by the governor with the advice and consent of the senate. All of the general provisions, definitions and powers enumerated in section 1 of the Omnibus State Reorganization Act of 1974 and Executive Order 06-04 shall apply to this department and its divisions, agencies, and personnel.

3. The director of the division of professional registration shall promulgate rules and regulations which designate for each board or commission assigned to the division the renewal

date for licenses or certificates. After the initial establishment of renewal dates, no director of the division shall promulgate a rule or regulation which would change the renewal date for licenses or certificates if such change in renewal date would occur prior to the date on which the renewal date in effect at the time such new renewal date is specified next occurs. Each board or commission shall by rule or regulation establish licensing periods of one, two, or three years. Registration fees set by a board or commission shall be effective for the entire licensing period involved, and shall not be increased during any current licensing period. Persons who are required to pay their first registration fees shall be allowed to pay the pro rata share of such fees for the remainder of the period remaining at the time the fees are paid. Each board or commission shall provide the necessary forms for initial registration, and thereafter the director may prescribe standard forms for renewal of licenses and certificates. Each board or commission shall by rule and regulation require each applicant to provide the information which is required to keep the board's records current. Each board or commission shall have the authority to collect and analyze information required to support workforce planning and policy development. Such information shall not be publicly disclosed so as to identify a specific health care provider, as defined in section 376.1350. Each board or commission shall issue the original license or certificate.

4. The division shall provide clerical and other staff services relating to the issuance and renewal of licenses for all the professional licensing and regulating boards and commissions assigned to the division. The division shall perform the financial management and clerical functions as they each relate to issuance and renewal of licenses and certificates. "Issuance and renewal of licenses and certificates" means the ministerial function of preparing and delivering licenses or certificates, and obtaining material and information for the board or commission in connection with the renewal thereof. It does not include any discretionary authority with regard to the original review of an applicant's qualifications for licensure or certification, or the subsequent review of licensee's or certificate holder's qualifications, or any disciplinary action contemplated against the licensee or certificate holder. The division may develop and implement microfilming systems and automated or manual management information systems.

5. The director of the division shall maintain a system of accounting and budgeting, in cooperation with the director of the department, the office of administration, and the state auditor's office, to ensure proper charges are made to the various boards for services rendered to them. The general assembly shall appropriate to the division and other state agencies from each board's funds moneys sufficient to reimburse the division and other state agencies for all services rendered and all facilities and supplies furnished to that board.

6. For accounting purposes, the appropriation to the division and to the office of administration for the payment of rent for quarters provided for the division shall be made from the "Professional Registration Fees Fund", which is hereby created, and is to be used solely for the purpose defined in subsection 5 of this section. The fund shall consist of moneys deposited into it from each board's fund. Each board shall contribute a prorated amount necessary to fund the division for services rendered and rent based upon the system of accounting and budgeting established by the director of the division as provided in subsection 5 of this section. Transfers of funds to the professional registration fees fund shall be made by each board on July first of each year; provided, however, that the director of the division may establish an alternative date or dates of transfers at the request of any board. Such transfers shall be made until they equal the prorated amount for services rendered and rent by the division. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue.

7. The director of the division shall be responsible for collecting and accounting for all moneys received by the division or its component agencies. Any money received by a board or commission shall be promptly given, identified by type and source, to the director. The director shall keep a record by board and state accounting system classification of the amount of revenue the director receives. The director shall promptly transmit all receipts to the department of

revenue for deposit in the state treasury to the credit of the appropriate fund. The director shall provide each board with all relevant financial information in a timely fashion. Each board shall cooperate with the director by providing necessary information.

8. All educational transcripts, test scores, complaints, investigatory reports, and information pertaining to any person who is an applicant or licensee of any agency assigned to the division of professional registration by statute or by the department are confidential and may not be disclosed to the public or any member of the public, except with the written consent of the person whose records are involved. The agency which possesses the records or information shall disclose the records or information if the person whose records or information is involved has consented to the disclosure. Each agency is entitled to the attorney-client privilege and work-product privilege to the same extent as any other person. Provided, however, that any board may disclose confidential information without the consent of the person involved in the course of voluntary interstate exchange of information, or in the course of any litigation concerning that person, or pursuant to a lawful request, or to other administrative or law enforcement agencies acting within the scope of their statutory authority. Information regarding identity, including names and addresses, registration, and currency of the license of the persons possessing licenses to engage in a professional occupation and the names and addresses of applicants for such licenses is not confidential information.

9. Any deliberations conducted and votes taken in rendering a final decision after a hearing before an agency assigned to the division shall be closed to the parties and the public. Once a final decision is rendered, that decision shall be made available to the parties and the public.

10. A compelling governmental interest shall be deemed to exist for the purposes of section 536.025 for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the division of professional registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue.

11. (1) The following boards and commissions are assigned by specific type transfers to the division of professional registration: Missouri state board of accountancy, chapter 326; board of cosmetology and barber examiners, chapters 328 and 329; Missouri board for architects, professional engineers, professional land surveyors and landscape architects, chapter 327; Missouri state board of chiropractic examiners, chapter 331; state board of registration for the healing arts, chapter 334; Missouri dental board, chapter 332; state board of embalmers and funeral directors, chapter 333; state board of optometry, chapter 336; Missouri state board of nursing, chapter 335; board of pharmacy, chapter 338; state board of podiatric medicine, chapter 330; Missouri real estate appraisers commission, chapter 339; and Missouri veterinary medical board, chapter 340. The governor shall appoint members of these boards by and with the advice and consent of the senate.

(2) The boards and commissions assigned to the division shall exercise all their respective statutory duties and powers, except those clerical and other staff services involving collecting and accounting for moneys and financial management relating to the issuance and renewal of licenses, which services shall be provided by the division, within the appropriation therefor. Nothing herein shall prohibit employment of professional examining or testing services from professional associations or others as required by the boards or commissions on contract. Nothing herein shall be construed to affect the power of a board or commission to expend its funds as appropriated. However, the division shall review the expense vouchers of each board. The results of such review shall be submitted to the board reviewed and to the house and senate appropriations committees annually.

(3) Notwithstanding any other provisions of law, the director of the division shall exercise only those management functions of the boards and commissions specifically provided in the Reorganization Act of 1974, and those relating to the allocation and assignment of space, personnel other than board personnel, and equipment.

(4) "Board personnel", as used in this section or chapters 317, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, and 345, shall mean personnel whose functions and

responsibilities are in areas not related to the clerical duties involving the issuance and renewal of licenses, to the collecting and accounting for moneys, or to financial management relating to issuance and renewal of licenses; specifically included are executive secretaries (or comparable positions), consultants, inspectors, investigators, counsel, and secretarial support staff for these positions; and such other positions as are established and authorized by statute for a particular board or commission. Boards and commissions may employ legal counsel, if authorized by law, and temporary personnel if the board is unable to meet its responsibilities with the employees authorized above. Any board or commission which hires temporary employees shall annually provide the division director and the appropriation committees of the general assembly with a complete list of all persons employed in the previous year, the length of their employment, the amount of their remuneration, and a description of their responsibilities.

(5) Board personnel for each board or commission shall be employed by and serve at the pleasure of the board or commission, shall be supervised as the board or commission designates, and shall have their duties and compensation prescribed by the board or commission, within appropriations for that purpose, except that compensation for board personnel shall not exceed that established for comparable positions as determined by the board or commission pursuant to the job and pay plan of the department of insurance, financial institutions and professional registration. Nothing herein shall be construed to permit salaries for any board personnel to be lowered except by board action.

12. All the powers, duties, and functions of the division of athletics, chapter 317, and others, are assigned by type I transfer to the division of professional registration.

13. Wherever the laws, rules, or regulations of this state make reference to the "division of professional registration of the department of economic development", such references shall be deemed to refer to the division of professional registration.

14. (1) The state board of nursing, board of pharmacy, Missouri dental board, state committee of psychologists, state board of chiropractic examiners, state board of optometry, Missouri board of occupational therapy, or state board of registration for the healing arts may individually or collectively enter into a contractual agreement with the department of health and senior services, a public institution of higher education, or a nonprofit entity for the purpose of collecting and analyzing workforce data from its licensees, registrants, or permit holders for future workforce planning and to assess the accessibility and availability of qualified health care services and practitioners in Missouri. The boards shall work collaboratively with other state governmental entities to ensure coordination and avoid duplication of efforts.

(2) The boards may expend appropriated funds necessary for operational expenses of the program formed under this subsection. Each board is authorized to accept grants to fund the collection or analysis authorized in this subsection. Any such funds shall be deposited in the respective board's fund.

(3) Data collection shall be controlled and approved by the applicable state board conducting or requesting the collection. Notwithstanding the provisions of sections 324.010 and 334.001, the boards may release identifying data to the contractor to facilitate data analysis of the health care workforce including, but not limited to, geographic, demographic, and practice or professional characteristics of licensees. The state board shall not request or be authorized to collect income or other financial earnings data.

(4) Data collected under this subsection shall be deemed the property of the state board requesting the data. Data shall be maintained by the state board in accordance with chapter 610, provided that any information deemed closed or confidential under subsection 8 of this section or any other provision of state law shall not be disclosed without consent of the applicable licensee or entity or as otherwise authorized by law. Data shall only be released in an aggregate form by geography, profession or professional specialization, or population characteristic in a manner that cannot be used to identify a specific individual or entity. Data suppression standards shall be addressed and established in the contractual agreement.

(5) Contractors shall maintain the security and confidentiality of data received or collected under this subsection and shall not use, disclose, or release any data without approval of the applicable state board. The contractual agreement between the applicable state board and contractor shall establish a data release and research review policy to include legal and institutional review board, or agency equivalent, approval.

(6) Each board may promulgate rules subject to the provisions of this subsection and chapter 536 to effectuate and implement the workforce data collection and analysis authorized by 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, 2016, shall be invalid and void.

334.040. EXAMINATION OF APPLICANTS, HOW CONDUCTED, GRADES REQUIRED, TIME LIMITATIONS, EXTENSIONS. — 1. Except as provided in section 334.260, all persons desiring to practice as physicians and surgeons in this state shall be examined as to their fitness to engage in such practice by the board. All persons applying for examination shall file a completed application with the board upon forms furnished by the board.

2. The examination shall be sufficient to test the applicant's fitness to practice as a physician and surgeon. The examination shall be conducted in such a manner as to conceal the identity of the applicant until all examinations have been scored. In all such examinations an average score of not less than seventy-five percent is required to pass; provided, however, that the board may require applicants to take the Federation Licensing Examination, also known as FLEX, or the United States Medical Licensing Examination (USMLE). If the FLEX examination is required, a weighted average score of no less than seventy-five is required to pass. Scores from one test administration of [the FLEX] **an examination** shall not be combined or averaged with scores from other test administrations to achieve a passing score. [The passing score of the United States Medical Licensing Examination shall be determined by the board through rule and regulation.] Applicants graduating from a medical or osteopathic college, as [defined] **described** in section 334.031 prior to January 1, 1994, shall provide proof of successful completion of the FLEX, USMLE, [an exam administered by] the National Board of Osteopathic Medical Examiners [(NBOME),] **Comprehensive Licensing Exam (COMLEX)**, a state board examination approved by the board, compliance with subsection 2 of section 334.031, or compliance with 20 CSR 2150-2.005. Applicants graduating from a medical or osteopathic college, as [defined] **described** in section 334.031 on or after January 1, 1994, must provide proof of **successful** completion of the USMLE or [an exam administered by NBOME] **the COMLEX** or provide proof of compliance with subsection 2 of section 334.031. The board shall not issue a permanent license as a physician and surgeon or allow the Missouri state board examination to be administered to any applicant who has failed to achieve a passing score within three attempts on licensing examinations administered in one or more states or territories of the United States, the District of Columbia or Canada. The steps one, two and three of the United States Medical Licensing Examination **or the National Board of Osteopathic Medical Examiners Comprehensive Licensing Exam** shall be taken within a seven-year period with no more than three attempts on any step of the examination; however, the board may grant an extension of the seven-year period if the applicant has obtained a MD/PhD degree in a program accredited by the Liaison Committee on Medical Education (LCME) and a regional university accrediting body or a DO/PhD degree accredited by the American Osteopathic Association and a regional university accrediting body. The board may waive the provisions of this section if the applicant is licensed to practice as a physician and surgeon in another state of the United States,

the District of Columbia or Canada and the applicant has achieved a passing score on a licensing examination administered in a state or territory of the United States or the District of Columbia and no license issued to the applicant has been disciplined in any state or territory of the United States or the District of Columbia [and the applicant is certified in the applicant's area of specialty by the American Board of Medical Specialties, the American Osteopathic Association, or other certifying agency approved by the board by rule].

3. If the board waives the provisions of this section, then the license issued to the applicant may be limited or restricted to the applicant's board specialty. The board shall not be permitted to favor any particular school or system of healing.

4. If an applicant has not actively engaged in the practice of clinical medicine or held a teaching or faculty position in a medical or osteopathic school approved by the American Medical Association, the Liaison Committee on Medical Education, or the American Osteopathic Association for any two years in the three-year period immediately preceding the filing of his or her application for licensure, the board may require successful completion of another examination, continuing medical education, or further training before issuing a permanent license. The board shall adopt rules to prescribe the form and manner of such reexamination, continuing medical education, and training.

334.285. MAINTENANCE OF LICENSURE OR CERTIFICATION, REQUIREMENT BY STATE PROHIBITED — DEFINITIONS. — 1. For purposes of this section, the following terms shall mean:

(1) "Continuing medical education", continued postgraduate medical education intended to provide medical professionals with knowledge of new developments in their field;

(2) "Maintenance of certification", any process requiring periodic recertification examinations to maintain specialty medical board certification;

(3) "Maintenance of licensure", the Federation of State Medical Boards' proprietary framework for physician license renewal including additional periodic testing other than continuing medical education;

(4) "Specialty medical board certification", certification by a board that specializes in one particular area of medicine and typically requires additional and more strenuous exams than state board of registration for the healing arts requirements to practice medicine.

2. The state shall not require any form of maintenance of licensure as a condition of physician licensure including requiring any form of maintenance of licensure tied to maintenance of certification. Current requirements including continuing medical education shall suffice to demonstrate professional competency.

3. The state shall not require any form of specialty medical board certification or any maintenance of certification to practice medicine within the state. There shall be no discrimination by the state board of registration for the healing arts or any other state agency against physicians who do not maintain specialty medical board certification including recertification.

334.1200. PURPOSE. — PURPOSE

The purpose of this compact is to facilitate interstate practice of physical therapy with the goal of improving public access to physical therapy services. The practice of physical therapy occurs in the state where the patient/client is located at the time of the patient/client encounter. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

This compact is designed to achieve the following objectives:

1. Increase public access to physical therapy services by providing for the mutual recognition of other member state licenses;

2. Enhance the states' ability to protect the public's health and safety;
3. Encourage the cooperation of member states in regulating multistate physical therapy practice;
4. Support spouses of relocating military members;
5. Enhance the exchange of licensure, investigative, and disciplinary information between member states; and
6. Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards.

334.1203. DEFINITIONS.—DEFINITIONS

As used in this compact, and except as otherwise provided, the following definitions shall apply:

1. "Active Duty Military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Section 1209 and 1211.
2. "Adverse Action" means disciplinary action taken by a physical therapy licensing board based upon misconduct, unacceptable performance, or a combination of both.
3. "Alternative Program" means a nondisciplinary monitoring or practice remediation process approved by a physical therapy licensing board. This includes, but is not limited to, substance abuse issues.
4. "Compact privilege" means the authorization granted by a remote state to allow a licensee from another member state to practice as a physical therapist or work as a physical therapist assistant in the remote state under its laws and rules. The practice of physical therapy occurs in the member state where the patient/client is located at the time of the patient/client encounter.
5. "Continuing competence" means a requirement, as a condition of license renewal, to provide evidence of participation in, and/or completion of, educational and professional activities relevant to practice or area of work.
6. "Data system" means a repository of information about licensees, including examination, licensure, investigative, compact privilege, and adverse action.
7. "Encumbered license" means a license that a physical therapy licensing board has limited in any way.
8. "Executive Board" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission.
9. "Home state" means the member state that is the licensee's primary state of residence.
10. "Investigative information" means information, records, and documents received or generated by a physical therapy licensing board pursuant to an investigation.
11. "Jurisprudence requirement" means the assessment of an individual's knowledge of the laws and rules governing the practice of physical therapy in a state.
12. "Licensee" means an individual who currently holds an authorization from the state to practice as a physical therapist or to work as a physical therapist assistant.
13. "Member state" means a state that has enacted the compact.
14. "Party state" means any member state in which a licensee holds a current license or compact privilege or is applying for a license or compact privilege.
15. "Physical therapist" means an individual who is licensed by a state to practice physical therapy.
16. "Physical therapist assistant" means an individual who is licensed/certified by a state and who assists the physical therapist in selected components of physical therapy.
17. "Physical therapy", "physical therapy practice", and "the practice of physical therapy" mean the care and services provided by or under the direction and supervision of a licensed physical therapist.

18. "Physical therapy compact commission" or "commission" means the national administrative body whose membership consists of all states that have enacted the compact.

19. "Physical therapy licensing board" or "licensing board" means the agency of a state that is responsible for the licensing and regulation of physical therapists and physical therapist assistants.

20. "Remote state" means a member state other than the home state, where a licensee is exercising or seeking to exercise the compact privilege.

21. "Rule" means a regulation, principle, or directive promulgated by the commission that has the force of law.

22. "State" means any state, commonwealth, district, or territory of the United States of America that regulates the practice of physical therapy.

334.1206. STATE PARTICIPATION IN THE COMPACT.—STATE PARTICIPATION IN THE COMPACT

A. To participate in the compact, a state must:

1. Participate fully in the commission's data system, including using the commission's unique identifier as defined in rules;

2. Have a mechanism in place for receiving and investigating complaints about licensees;

3. Notify the commission, in compliance with the terms of the compact and rules, of any adverse action or the availability of investigative information regarding a licensee;

4. Fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the Federal Bureau of Investigation record search on criminal background checks and use the results in making licensure decisions in accordance with section 334.1206.B.;

5. Comply with the rules of the commission;

6. Utilize a recognized national examination as a requirement for licensure pursuant to the rules of the commission; and

7. Have continuing competence requirements as a condition for license renewal.

B. Upon adoption of sections 334.1200 to 334.1233, the member state shall have the authority to obtain biometric-based information from each physical therapy licensure applicant and submit this information to the Federal Bureau of Investigation for a criminal background check in accordance with 28 U.S.C. Section 534 and 42 U.S.C. Section 14616.

C. A member state shall grant the compact privilege to a licensee holding a valid unencumbered license in another member state in accordance with the terms of the compact and rules.

D. Member states may charge a fee for granting a compact privilege.

334.1209. COMPACT PRIVILEGE.—COMPACT PRIVILEGE

A. To exercise the compact privilege under the terms and provisions of the compact, the licensee shall:

1. Hold a license in the home state;

2. Have no encumbrance on any state license;

3. Be eligible for a compact privilege in any member state in accordance with section 334.1209D, G and H;

4. Have not had any adverse action against any license or compact privilege within the previous 2 years;

5. Notify the commission that the licensee is seeking the compact privilege within a remote state(s);

6. Pay any applicable fees, including any state fee, for the compact privilege;

7. Meet any jurisprudence requirements established by the remote state(s) in which the licensee is seeking a compact privilege; and

8. Report to the commission adverse action taken by any nonmember state within thirty days from the date the adverse action is taken.

B. The compact privilege is valid until the expiration date of the home license. The licensee must comply with the requirements of section 334.1209A to maintain the compact privilege in the remote state.

C. A licensee providing physical therapy in a remote state under the compact privilege shall function within the laws and regulations of the remote state.

D. A licensee providing physical therapy in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's compact privilege in the remote state for a specific period of time, impose fines, and/or take any other necessary actions to protect the health and safety of its citizens. The licensee is not eligible for a compact privilege in any state until the specific time for removal has passed and all fines are paid.

E. If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until the following occur:

1. The home state license is no longer encumbered; and
2. Two years have elapsed from the date of the adverse action.

F. Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of section 334.1209A to obtain a compact privilege in any remote state.

G. If a licensee's compact privilege in any remote state is removed, the individual shall lose the compact privilege in any remote state until the following occur:

1. The specific period of time for which the compact privilege was removed has ended;
2. All fines have been paid; and
3. Two years have elapsed from the date of the adverse action.

H. Once the requirements of section 334.1209G have been met, the license must meet the requirements in section 334.1209A to obtain a compact privilege in a remote state.

334.1212. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES. — ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

A licensee who is active duty military or is the spouse of an individual who is active duty military may designate one of the following as the home state:

- A. Home of record;
- B. Permanent change of station (PCS); or
- C. State of current residence if it is different than the PCS state or home of record.

334.1215. ADVERSE ACTIONS. — ADVERSE ACTIONS

A. A home state shall have exclusive power to impose adverse action against a license issued by the home state.

B. A home state may take adverse action based on the investigative information of a remote state, so long as the home state follows its own procedures for imposing adverse action.

C. Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain nonpublic if required by the member state's laws. Member states must require licensees who enter any alternative programs in lieu of discipline to agree not to practice in any other member state during the term of the alternative program without prior authorization from such other member state.

D. Any member state may investigate actual or alleged violations of the statutes and rules authorizing the practice of physical therapy in any other member state in which a physical therapist or physical therapist assistant holds a license or compact privilege.

E. A remote state shall have the authority to:

1. Take adverse actions as set forth in section 334.1209.D. against a licensee's compact privilege in the state;

2. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, and the production of evidence. Subpoenas issued by a physical therapy licensing board in a party state for the attendance and testimony of witnesses, and/or the production of evidence from another party state, shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses and/or evidence are located; and

3. If otherwise permitted by state law, recover from the licensee the costs of investigations and disposition of cases resulting from any adverse action taken against that licensee.

F. Joint Investigations

1. In addition to the authority granted to a member state by its respective physical therapy practice act or other applicable state law, a member state may participate with other member states in joint investigations of licensees.

2. Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

334.1218. ESTABLISHMENT OF THE PHYSICAL THERAPY COMPACT COMMISSION. — ESTABLISHMENT OF THE PHYSICAL THERAPY COMPACT COMMISSION.

A. The compact member states hereby create and establish a joint public agency known as the physical therapy compact commission:

1. The commission is an instrumentality of the compact states.

2. Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3. Nothing in this compact shall be construed to be a waiver of sovereign immunity.

B. Membership, Voting, and Meetings

1. Each member state shall have and be limited to one delegate selected by that member state's licensing board.

2. The delegate shall be a current member of the licensing board, who is a physical therapist, physical therapist assistant, public member, or the board administrator.

3. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed.

4. The member state board shall fill any vacancy occurring in the commission.

5. Each delegate shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission.

6. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

7. The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

C. The commission shall have the following powers and duties:

1. Establish the fiscal year of the commission;

2. Establish bylaws;

3. Maintain its financial records in accordance with the bylaws;

4. Meet and take such actions as are consistent with the provisions of this compact and the bylaws;

5. Promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all member states;

6. Bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state physical therapy licensing board to sue or be sued under applicable law shall not be affected;

7. Purchase and maintain insurance and bonds;

8. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a member state;

9. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

10. Accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the commission shall avoid any appearance of impropriety and/or conflict of interest;

11. Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the commission shall avoid any appearance of impropriety;

12. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

13. Establish a budget and make expenditures;

14. Borrow money;

15. Appoint committees, including standing committees comprised of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws;

16. Provide and receive information from, and cooperate with, law enforcement agencies;

17. Establish and elect an executive board; and

18. Perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of physical therapy licensure and practice.

D. The Executive Board

The executive board shall have the power to act on behalf of the commission according to the terms of this compact.

1. The executive board shall be comprised of nine members:

a. Seven voting members who are elected by the commission from the current membership of the commission;

b. One ex officio, nonvoting member from the recognized national physical therapy professional association; and

c. One ex officio, nonvoting member from the recognized membership organization of the physical therapy licensing boards.

2. The ex officio members will be selected by their respective organizations.

3. The commission may remove any member of the executive board as provided in bylaws.

4. The executive board shall meet at least annually.

5. The executive board shall have the following duties and responsibilities:

a. Recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact member states such as annual dues, and any commission compact fee charged to licensees for the compact privilege;

b. Ensure compact administration services are appropriately provided, contractual or otherwise;

c. Prepare and recommend the budget;

d. Maintain financial records on behalf of the commission;

e. Monitor compact compliance of member states and provide compliance reports to the commission;

f. Establish additional committees as necessary; and

g. Other duties as provided in rules or bylaws.

E. Meetings of the Commission

1. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in section 334.1224.

2. The commission or the executive board or other committees of the commission may convene in a closed, nonpublic meeting if the commission or executive board or other committees of the commission must discuss:

a. Noncompliance of a member state with its obligations under the compact;

b. The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;

c. Current, threatened, or reasonably anticipated litigation;

d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

e. Accusing any person of a crime or formally censuring any person;

f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

h. Disclosure of investigative records compiled for law enforcement purposes;

i. Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact; or

j. Matters specifically exempted from disclosure by federal or member state statute.

3. If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

4. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

F. Financing of the Commission

1. The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

3. The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states.

4. The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state.

5. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission.

G. Qualified Immunity, Defense, and Indemnification

1. The members, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

2. The commission shall defend any member, officer, executive director, employee or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

334.1221. DATA SYSTEM.—DATA SYSTEM

A. The commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.

B. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the commission, including:

1. Identifying information;
2. Licensure data;
3. Adverse actions against a license or compact privilege;
4. Nonconfidential information related to alternative program participation;
5. Any denial of application for licensure, and the reason(s) for such denial; and
6. Other information that may facilitate the administration of this compact, as determined by the rules of the commission.

C. Investigative information pertaining to a licensee in any member state will only be available to other party states.

D. The commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state will be available to any other member state.

E. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

F. Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

334.1224. RULEMAKING.—RULEMAKING

A. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

B. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.

C. Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

D. Prior to promulgation and adoption of a final rule or rules by the commission, and at least thirty days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

1. On the website of the commission or other publicly accessible platform; and
2. On the website of each member state physical therapy licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

E. The notice of proposed rulemaking shall include:

1. The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;
2. The text of the proposed rule or amendment and the reason for the proposed rule;
3. A request for comments on the proposed rule from any interested person; and
4. The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

F. Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

G. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

1. At least twenty-five persons;
2. A state or federal governmental subdivision or agency; or
3. An association having at least twenty-five members.

H. If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the commission shall publish the mechanism for access to the electronic hearing.

1. All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing.

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

3. All hearings will be recorded. A copy of the recording will be made available on request.

4. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

I. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

J. If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

K. The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

L. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;
2. Prevent a loss of commission or member state funds;
3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
4. Protect public health and safety.

M. The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

334.1227. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT. — OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Oversight

1. The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the commission.

3. The commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact, or promulgated rules.

B. Default, Technical Assistance, and Termination

1. If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

a. Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default and/or any other action to be taken by the commission; and

b. Provide remedial training and specific technical assistance regarding the default.

2. If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the member states, and all rights, privileges and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

3. Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

4. A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

5. The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

6. The defaulting state may appeal the action of the commission by petitioning the United States District Court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

C. Dispute Resolution

1. Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.

2. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

D. Enforcement

1. The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

2. By majority vote, the commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

334.1230. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR PHYSICAL THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT. — DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR PHYSICAL THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

A. The compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

B. Any state that joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

C. Any member state may withdraw from this compact by enacting a statute repealing the same.

1. A member state's withdrawal shall not take effect until six months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing state's physical therapy licensing board to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

D. Nothing contained in this compact shall be construed to invalidate or prevent any physical therapy licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.

E. This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

334.1233. CONSTRUCTION AND SEVERABILITY. — CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any party state, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

335.203. NURSING EDUCATION INCENTIVE PROGRAM ESTABLISHED — GRANTS AUTHORIZED, LIMIT, ELIGIBILITY — ADMINISTRATION — RULEMAKING AUTHORITY. — 1. There is hereby established the "Nursing Education Incentive Program" within the [department of higher education] **state board of nursing.**

2. Subject to appropriation and board disbursement, grants shall be awarded through the nursing education incentive program to eligible institutions of higher education based on criteria jointly determined by the board and the department of higher education. Grant award amounts shall not exceed one hundred fifty thousand dollars. No campus shall receive more than one grant per year.

3. To be considered for a grant, an eligible institution of higher education shall offer a program of nursing that meets the predetermined category and area of need as established by the board and the department under subsection 4 of this section.

4. The board and the department shall determine categories and areas of need for designating grants to eligible institutions of higher education. In establishing categories and areas of need, the board and department may consider criteria including, but not limited to:

(1) Data generated from licensure renewal data and the department of health and senior services; and

(2) National nursing statistical data and trends that have identified nursing shortages.

5. The [department] **board shall be the administrative agency responsible for implementation of the program established under sections 335.200 to 335.203, and shall promulgate reasonable rules for the exercise of its functions and the effectuation of the purposes**

of sections 335.200 to 335.203. The [department] **board** shall, by rule, prescribe the form, time, and method of filing applications and shall supervise the processing of such applications.

6. 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, 2011, shall be invalid and void.

335.360. FINDINGS AND DECLARATION OF PURPOSE. — 1. The party states find that:

(1) **The health and safety of the public are affected by the degree of compliance with and the effectiveness of enforcement activities related to state nurse licensure laws;**

(2) **Violations of nurse licensure and other laws regulating the practice of nursing may result in injury or harm to the public;**

(3) **The expanded mobility of nurses and the use of advanced communication technologies as part of our nation's health care delivery system require greater coordination and cooperation among states in the areas of nurse licensure and regulation;**

(4) **New practice modalities and technology make compliance with individual state nurse licensure laws difficult and complex;**

(5) **The current system of duplicative licensure for nurses practicing in multiple states is cumbersome and redundant to both nurses and states; and**

(6) **Uniformity of nurse licensure requirements throughout the states promotes public safety and public health benefits.**

2. The general purposes of this compact are to:

(1) **Facilitate the states' responsibility to protect the public's health and safety;**

(2) **Ensure and encourage the cooperation of party states in the areas of nurse licensure and regulation;**

(3) **Facilitate the exchange of information between party states in the areas of nurse regulation, investigation, and adverse actions;**

(4) **Promote compliance with the laws governing the practice of nursing in each jurisdiction;**

(5) **Invest all party states with the authority to hold a nurse accountable for meeting all state practice laws in the state in which the patient is located at the time care is rendered through the mutual recognition of party state licenses;**

(6) **Decrease redundancies in the consideration and issuance of nurse licenses; and**

(7) **Provide opportunities for interstate practice by nurses who meet uniform licensure requirements.**

335.365. DEFINITIONS.—As used in this compact, the following terms shall mean:

(1) **"Adverse action", any administrative, civil, equitable, or criminal action permitted by a state's laws which is imposed by a licensing board or other authority against a nurse, including actions against an individual's license or multistate licensure privilege such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other encumbrance on licensure affecting a nurse's authorization to practice, including issuance of a cease and desist action;**

(2) **"Alternative program", a nondisciplinary monitoring program approved by a licensing board;**

(3) **"Coordinated licensure information system", an integrated process for collecting, storing, and sharing information on nurse licensure and enforcement activities related to nurse licensure laws that is administered by a nonprofit organization composed of and controlled by licensing boards;**

- (4) "Current significant investigative information":
- (a) Investigative information that a licensing board, after a preliminary inquiry that includes notification and an opportunity for the nurse to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or
- (b) Investigative information that indicates that the nurse represents an immediate threat to public health and safety, regardless of whether the nurse has been notified and had an opportunity to respond;
- (5) "Encumbrance", a revocation or suspension of, or any limitation on, the full and unrestricted practice of nursing imposed by a licensing board;
- (6) "Home state", the party state which is the nurse's primary state of residence;
- (7) "Licensing board", a party state's regulatory body responsible for issuing nurse licenses;
- (8) "Multistate license", a license to practice as a registered nurse, "RN", or a licensed practical or vocational nurse, "LPN" or "VN", issued by a home state licensing board that authorizes the licensed nurse to practice in all party states under a multistate licensure privilege;
- (9) "Multistate licensure privilege", a legal authorization associated with a multistate license permitting the practice of nursing as either an RN, LPN, or VN in a remote state;
- (10) "Nurse", an RN, LPN, or VN, as those terms are defined by each party state's practice laws;
- (11) "Party state", any state that has adopted this compact;
- (12) "Remote state", a party state, other than the home state;
- (13) "Single-state license", a nurse license issued by a party state that authorizes practice only within the issuing state and does not include a multistate licensure privilege to practice in any other party state;
- (14) "State", a state, territory, or possession of the United States and the District of Columbia;
- (15) "State practice laws", a party state's laws, rules, and regulations that govern the practice of nursing, define the scope of nursing practice, and create the methods and grounds for imposing discipline. State practice laws do not include requirements necessary to obtain and retain a license, except for qualifications or requirements of the home state.

335.370. GENERAL PROVISIONS AND JURISDICTION. — 1. A multistate license to practice registered or licensed practical or vocational nursing issued by a home state to a resident in that state shall be recognized by each party state as authorizing a nurse to practice as a registered nurse, "RN", or as a licensed practical or vocational nurse, "LPN" or "VN", under a multistate licensure privilege, in each party state.

2. A state must implement procedures for considering the criminal history records of applicants for initial multistate license or licensure by endorsement. Such procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records.

3. Each party state shall require the following for an applicant to obtain or retain a multistate license in the home state:

- (1) Meets the home state's qualifications for licensure or renewal of licensure as well as all other applicable state laws;
- (2) (a) Has graduated or is eligible to graduate from a licensing board-approved RN or LPN or VN precensure education program; or
- (b) Has graduated from a foreign RN or LPN or VN precensure education program that has been approved by the authorized accrediting body in the applicable

country and has been verified by an independent credentials review agency to be comparable to a licensing board-approved prelicensure education program;

(3) Has, if a graduate of a foreign prelicensure education program not taught in English or if English is not the individual's native language, successfully passed an English proficiency examination that includes the components of reading, speaking, writing, and listening;

(4) Has successfully passed an NCLEX-RN or NCLEX-PN examination or recognized predecessor, as applicable;

(5) Is eligible for or holds an active, unencumbered license;

(6) Has submitted, in connection with an application for initial licensure or licensure by endorsement, fingerprints or other biometric data for the purpose of obtaining criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records;

(7) Has not been convicted or found guilty, or has entered into an agreed disposition, of a felony offense under applicable state or federal criminal law;

(8) Has not been convicted or found guilty, or has entered into an agreed disposition, of a misdemeanor offense related to the practice of nursing as determined on a case-by-case basis;

(9) Is not currently enrolled in an alternative program;

(10) Is subject to self-disclosure requirements regarding current participation in an alternative program; and

(11) Has a valid United States Social Security number.

4. All party states shall be authorized, in accordance with existing state due process law, to take adverse action against a nurse's multistate licensure privilege such as revocation, suspension, probation, or any other action that affects a nurse's authorization to practice under a multistate licensure privilege, including cease and desist actions. If a party state takes such action, it shall promptly notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the home state of any such actions by remote states.

5. A nurse practicing in a party state shall comply with the state practice laws of the state in which the client is located at the time service is provided. The practice of nursing is not limited to patient care, but shall include all nursing practice as defined by the state practice laws of the party state in which the client is located. The practice of nursing in a party state under a multistate licensure privilege shall subject a nurse to the jurisdiction of the licensing board, the courts, and the laws of the party state in which the client is located at the time service is provided.

6. Individuals not residing in a party state shall continue to be able to apply for a party state's single-state license as provided under the laws of each party state. However, the single-state license granted to these individuals shall not be recognized as granting the privilege to practice nursing in any other party state. Nothing in this compact shall affect the requirements established by a party state for the issuance of a single-state license.

7. Any nurse holding a home state multistate license on the effective date of this compact may retain and renew the multistate license issued by the nurse's then current home state, provided that:

(1) A nurse who changes primary state of residence after this compact's effective date shall meet all applicable requirements as provided in subsection 3 of this section to obtain a multistate license from a new home state;

(2) A nurse who fails to satisfy the multistate licensure requirements in subsection 3 of this section due to a disqualifying event occurring after this compact's effective date shall be ineligible to retain or renew a multistate license, and the nurse's multistate license shall be revoked or deactivated in accordance with applicable rules adopted by the Interstate Commission of Nurse Licensure Compact Administrators commission.

335.375. APPLICATIONS FOR LICENSURE IN A PARTY STATE. — 1. Upon application for a multistate license, the licensing board in the issuing party state shall ascertain, through the coordinated licensure information system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any encumbrances on any license or multistate licensure privilege held by the applicant, whether any adverse action has been taken against any license or multistate licensure privilege held by the applicant, and whether the applicant is currently participating in an alternative program.

2. A nurse shall hold a multistate license, issued by the home state, in only one party state at a time.

3. If a nurse changes primary state of residence by moving between two party states, the nurse shall apply for licensure in the new home state, and the multistate license issued by the prior home state shall be deactivated in accordance with applicable rules adopted by the commission.

(1) The nurse may apply for licensure in advance of a change in primary state of residence.

(2) A multistate license shall not be issued by the new home state until the nurse provides satisfactory evidence of a change in primary state of residence to the new home state and satisfies all applicable requirements to obtain a multistate license from the new home state.

4. If a nurse changes primary state of residence by moving from a party state to a non-party state, the multistate license issued by the prior home state shall convert to a single-state license, valid only in the former home state.

335.380. ADDITIONAL AUTHORITIES INVESTED IN PARTY STATE LICENSING BOARDS. —

1. In addition to the other powers conferred by state law, a licensing board shall have the authority to:

(1) Take adverse action against a nurse's multistate licensure privilege to practice within that party state;

(a) Only the home state shall have the power to take adverse action against a nurse's license issued by the home state;

(b) For purposes of taking adverse action, the home state licensing board shall give the same priority and effect to reported conduct received from a remote state as it would if such conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action;

(2) Issue cease and desist orders or impose an encumbrance on a nurse's authority to practice within that party state;

(3) Complete any pending investigations of a nurse who changes primary state of residence during the course of such investigations. The licensing board shall also have the authority to take appropriate action and shall promptly report the conclusions of such investigations to the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any such actions;

(4) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing board in a party state for the attendance and testimony of witnesses or the production of evidence from another party state shall be enforced in the latter state by any court of competent jurisdiction according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence are located;

(5) Obtain and submit, for each nurse licensure applicant, fingerprint or other biometric based information to the Federal Bureau of Investigation for criminal

background checks, receive the results of the Federal Bureau of Investigation record search on criminal background checks, and use the results in making licensure decisions;

(6) If otherwise permitted by state law, recover from the affected nurse the costs of investigations and disposition of cases resulting from any adverse action taken against that nurse; and

(7) Take adverse action based on the factual findings of the remote state; provided that, the licensing board follows its own procedures for taking such adverse action.

2. If adverse action is taken by the home state against a nurse's multistate license, the nurse's multistate licensure privilege to practice in all other party states shall be deactivated until all encumbrances have been removed from the multistate license. All home state disciplinary orders that impose adverse action against a nurse's multistate license shall include a statement that the nurse's multistate licensure privilege is deactivated in all party states during the pendency of the order.

3. Nothing in this compact shall override a party state's decision that participation in an alternative program may be used in lieu of adverse action. The home state licensing board shall deactivate the multistate licensure privilege under the multistate license of any nurse for the duration of the nurse's participation in an alternative program.

335.385. COORDINATED LICENSURE INFORMATION SYSTEM AND EXCHANGE OF INFORMATION. — 1. All party states shall participate in a coordinated licensure information system of all licensed registered nurses, "RNs", and licensed practical or vocational nurses, "LPNs" or "VNs". This system shall include information on the licensure and disciplinary history of each nurse, as submitted by party states, to assist in the coordination of nurse licensure and enforcement efforts.

2. The commission, in consultation with the administrator of the coordinated licensure information system, shall formulate necessary and proper procedures for the identification, collection, and exchange of information under this compact.

3. All licensing boards shall promptly report to the coordinated licensure information system any adverse action, any current significant investigative information, denials of applications with the reasons for such denials, and nurse participation in alternative programs known to the licensing board regardless of whether such participation is deemed nonpublic or confidential under state law.

4. Current significant investigative information and participation in nonpublic or confidential alternative programs shall be transmitted through the coordinated licensure information system only to party state licensing boards.

5. Notwithstanding any other provision of law, all party state licensing boards contributing information to the coordinated licensure information system may designate information that shall not be shared with non-party states or disclosed to other entities or individuals without the express permission of the contributing state.

6. Any personally identifiable information obtained from the coordinated licensure information system by a party state licensing board shall not be shared with non-party states or disclosed to other entities or individuals except to the extent permitted by the laws of the party state contributing the information.

7. Any information contributed to the coordinated licensure information system that is subsequently required to be expunged by the laws of the party state contributing that information shall also be expunged from the coordinated licensure information system.

8. The compact administrator of each party state shall furnish a uniform data set to the compact administrator of each other party state, which shall include, at a minimum:

(1) Identifying information;

(2) Licensure data;

(3) Information related to alternative program participation; and

(4) Other information that may facilitate the administration of this compact, as determined by commission rules.

9. The compact administrator of a party state shall provide all investigative documents and information requested by another party state.

335.390. ESTABLISHMENT OF THE INTERSTATE COMMISSION OF NURSE LICENSURE COMPACT ADMINISTRATORS. — 1. The party states hereby create and establish a joint public entity known as the "Interstate Commission of Nurse Licensure Compact Administrators".

(1) The commission is an instrumentality of the party states.

(2) Venue is proper, and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

(3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

2. (1) Each party state shall have and be limited to one administrator. The head of the state licensing board or designee shall be the administrator of this compact for each party state. Any administrator may be removed or suspended from office as provided by the law of the state from which the administrator is appointed. Any vacancy occurring in the commission shall be filled in accordance with the laws of the party state in which the vacancy exists.

(2) Each administrator shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. An administrator shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for an administrator's participation in meetings by telephone or other means of communication.

(3) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws or rules of the commission.

(4) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in section 335.395.

(5) The commission may convene in a closed, nonpublic meeting if the commission must discuss:

(a) Noncompliance of a party state with its obligations under this compact;

(b) The employment, compensation, discipline, or other personnel matters, practices, or procedures related to specific employees, or other matters related to the commission's internal personnel practices and procedures;

(c) Current, threatened, or reasonably anticipated litigation;

(d) Negotiation of contracts for the purchase or sale of goods, services, or real estate;

(e) Accusing any person of a crime or formally censuring any person;

(f) Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

(g) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(h) Disclosure of investigatory records compiled for law enforcement purposes;

(i) Disclosure of information related to any reports prepared by or on behalf of the commission for the purpose of investigation of compliance with this compact; or

(j) Matters specifically exempted from disclosure by federal or state statute.

(6) If a meeting, or portion of a meeting, is closed pursuant to subdivision (5) of this subsection, the commission's legal counsel or designee shall certify that the meeting shall be closed and shall reference each relevant exempting provision. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an

action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

3. The commission shall, by a majority vote of the administrators, prescribe bylaws or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of this compact including, but not limited to:

- (1) Establishing the fiscal year of the commission;
- (2) Providing reasonable standards and procedures:
 - (a) For the establishment and meetings of other committees; and
 - (b) Governing any general or specific delegation of any authority or function of the commission;
- (3) Providing reasonable procedures for calling and conducting meetings of the commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals, and proprietary information, including trade secrets. The commission may meet in closed session only after a majority of the administrators vote to close a meeting in whole or in part. As soon as practicable, the commission must make public a copy of the vote to close the meeting revealing the vote of each administrator, with no proxy votes allowed;
- (4) Establishing the titles, duties, and authority and reasonable procedures for the election of the officers of the commission;
- (5) Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the commission. Notwithstanding any civil service or other similar laws of any party state, the bylaws shall exclusively govern the personnel policies and programs of the commission; and
- (6) Providing a mechanism for winding up the operations of the commission and the equitable disposition of any surplus funds that may exist after the termination of this compact after the payment or reserving of all of its debts and obligations.

4. The commission shall publish its bylaws and rules, and any amendments thereto, in a convenient form on the website of the commission.

5. The commission shall maintain its financial records in accordance with the bylaws.

6. The commission shall meet and take such actions as are consistent with the provisions of this compact and the bylaws.

7. The commission shall have the following powers:

- (1) To promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all party states;
 - (2) To bring and prosecute legal proceedings or actions in the name of the commission; provided that, the standing of any licensing board to sue or be sued under applicable law shall not be affected;
 - (3) To purchase and maintain insurance and bonds;
 - (4) To borrow, accept, or contract for services of personnel including, but not limited to, employees of a party state or nonprofit organizations;
 - (5) To cooperate with other organizations that administer state compacts related to the regulation of nursing including, but not limited to, sharing administrative or staff expenses, office space, or other resources;
 - (6) To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of this compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;
 - (7) To accept any and all appropriate donations, grants and gifts of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the
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same; provided that, at all times the commission shall avoid any appearance of impropriety or conflict of interest;

(8) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve, or use, any property, whether real, personal, or mixed; provided that, at all times the commission shall avoid any appearance of impropriety;

(9) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, whether real, personal, or mixed;

(10) To establish a budget and make expenditures;

(11) To borrow money;

(12) To appoint committees, including advisory committees comprised of administrators, state nursing regulators, state legislators or their representatives, consumer representatives, and other such interested persons;

(13) To provide and receive information from, and to cooperate with, law enforcement agencies;

(14) To adopt and use an official seal; and

(15) To perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of nurse licensure and practice.

8. (1) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(2) The commission may also levy on and collect an annual assessment from each party state to cover the cost of its operations, activities, and staff in its annual budget as approved each year. The aggregate annual assessment amount, if any, shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule that is binding upon all party states.

(3) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the party states, except by and with the authority of such party state.

(4) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission.

9. (1) The administrators, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property, personal injury, or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred, within the scope of commission employment, duties, or responsibilities; provided that, nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional, willful, or wanton misconduct of that person.

(2) The commission shall defend any administrator, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that, nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further that the actual or alleged act, error, or omission did not result from that person's intentional, willful, or wanton misconduct.

(3) The commission shall indemnify and hold harmless any administrator, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that, the actual or alleged act, error, or omission did not result from the intentional, willful, or wanton misconduct of that person.

335.395. RULEMAKING. — 1. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment and shall have the same force and effect as provisions of this compact.

2. Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

3. Prior to promulgation and adoption of a final rule or rules by the commission, and at least sixty days in advance of the meeting at which the rule shall be considered and voted upon, the commission shall file a notice of proposed rulemaking:

(1) On the website of the commission; and

(2) On the website of each licensing board or the publication in which each state would otherwise publish proposed rules.

4. The notice of proposed rulemaking shall include:

(1) The proposed time, date, and location of the meeting in which the rule shall be considered and voted upon;

(2) The text of the proposed rule or amendment, and the reason for the proposed rule;

(3) A request for comments on the proposed rule from any interested person;

(4) The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

5. Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

6. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment.

7. The commission shall publish the place, time, and date of the scheduled public hearing.

(1) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing. All hearings shall be recorded, and a copy shall be made available upon request.

(2) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

8. If no one appears at the public hearing, the commission may proceed with promulgation of the proposed rule.

9. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

10. The commission shall, by majority vote of all administrators, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

11. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing; provided that, the usual rulemaking procedures provided in this compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event

later than ninety days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that shall be adopted immediately in order to:

- (1) Meet an imminent threat to public health, safety, or welfare;
- (2) Prevent a loss of commission or party state funds; or
- (3) Meet a deadline for the promulgation of an administrative rule that is required by federal law or rule.

12. The commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision shall be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the commission prior to the end of the notice period. If no challenge is made, the revision shall take effect without further action. If the revision is challenged, the revision shall not take effect without the approval of the commission.

335.400. OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT. — 1. (1) Each party state shall enforce this compact and take all actions necessary and appropriate to effectuate this compact's purposes and intent.

(2) The commission shall be entitled to receive service of process in any proceeding that may affect the powers, responsibilities, or actions of the commission, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process in such proceeding to the commission shall render a judgment or order void as to the commission, this compact, or promulgated rules.

2. (1) If the commission determines that a party state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

(a) Provide written notice to the defaulting state and other party states of the nature of the default, the proposed means of curing the default, or any other action to be taken by the commission; and

(b) Provide remedial training and specific technical assistance regarding the default.

(2) If a state in default fails to cure the default, the defaulting state's membership in this compact shall be terminated upon an affirmative vote of a majority of the administrators, and all rights, privileges, and benefits conferred by this compact shall be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(3) Termination of membership in this compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor of the defaulting state, to the executive officer of the defaulting state's licensing board, and each of the party states.

(4) A state whose membership in this compact has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(5) The commission shall not bear any costs related to a state that is found to be in default or whose membership in this compact has been terminated unless agreed upon in writing between the commission and the defaulting state.

(6) The defaulting state may appeal the action of the commission by petitioning the United States District Court for the District of Columbia or the federal district in which the commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.

3. (1) Upon request by a party state, the commission shall attempt to resolve disputes related to the compact that arise among party states and between party and non-party states.

(2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes, as appropriate.

(3) In the event the commission cannot resolve disputes among party states arising under this compact:

(a) The party states shall submit the issues in dispute to an arbitration panel, which shall be comprised of individuals appointed by the compact administrator in each of the affected party states and an individual mutually agreed upon by the compact administrators of all the party states involved in the dispute.

(b) The decision of a majority of the arbitrators shall be final and binding.

4. (1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

(2) By majority vote, the commission may initiate legal action in the United States District Court for the District of Columbia or the federal district in which the commission has its principal offices against a party state that is in default to enforce compliance with the provisions of this compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.

(3) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

335.405. EFFECTIVE DATE, WITHDRAWAL AND AMENDMENT. — 1. This compact shall become effective and binding on the earlier of the date of legislative enactment of this compact into law by no less than twenty-six states or December 31, 2018. All party states to this compact that also were parties to the prior Nurse Licensure Compact superseded by this compact "prior compact" shall be deemed to have withdrawn from said prior compact within six months after the effective date of this compact.

2. Each party state to this compact shall continue to recognize a nurse's multistate licensure privilege to practice in that party state issued under the prior compact until such party state has withdrawn from the prior compact.

3. Any party state may withdraw from this compact by enacting a statute repealing the same. A party state's withdrawal shall not take effect until six months after enactment of the repealing statute.

4. A party state's withdrawal or termination shall not affect the continuing requirement of the withdrawing or terminated state's licensing board to report adverse actions and significant investigations occurring prior to the effective date of such withdrawal or termination.

5. Nothing contained in this compact shall be construed to invalidate or prevent any nurse licensure agreement or other cooperative arrangement between a party state and a non-party state that is made in accordance with the other provisions of this compact.

6. This compact may be amended by the party states. No amendment to this compact shall become effective and binding upon the party states unless and until it is enacted into the laws of all party states.

7. Representatives of non-party states to this compact shall be invited to participate in the activities of the commission on a nonvoting basis prior to the adoption of this compact by all states.

335.410. CONSTRUCTION AND SEVERABILITY. — This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid,

the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any party state, this compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

335.415. HEAD OF THE NURSE LICENSING BOARD DEFINED. — 1. The term "head of the nurse licensing board" as referred to in section 335.390 of this compact shall mean the executive director of the Missouri state board of nursing.

2. This compact is designed to facilitate the regulation of nurses, and does not relieve employers from complying with statutorily imposed obligations.

3. This compact does not supersede existing state labor laws.

336.020. UNLAWFUL TO PRACTICE OPTOMETRY WITHOUT LICENSE. — It shall be unlawful for any person to practice, to attempt to practice, or to offer to practice optometry, or to be employed by any person, corporation, partnership, association, or other entity that practice or attempts to practice without a license as an optometrist issued by the board. Nothing in this section shall be construed to prohibit a person licensed or registered under chapter 334 whose license is in good standing from acting within the scope of his or her practice or a person licensed as an optometrist in any state to serve as an expert witness in a civil, criminal, or administrative proceeding **or optometry students in any accredited optometry school from training in the practice of optometry under the direct supervision of a physician licensed under chapter 334 or an optometrist licensed under chapter 336.**

338.202. MAINTENANCE MEDICATIONS, PHARMACIST MAY EXERCISE PROFESSIONAL JUDGMENT ON QUANTITY DISPENSED, WHEN. — 1. Notwithstanding any other provision of law to the contrary, unless the prescriber has specified on the prescription that dispensing a prescription for a maintenance medication in an initial amount followed by periodic refills is medically necessary, a pharmacist may exercise his or her professional judgment to dispense varying quantities of maintenance medication per fill up to the total number of dosage units as authorized by the prescriber on the original prescription, including any refills. Dispensing of the maintenance medication based on refills authorized by the prescriber on the prescription shall be limited to no more than a ninety-day supply of the medication, and the maintenance medication shall have been previously prescribed to the patient for at least a three-month period.

2. For the purposes of this section "maintenance medication" is a medication prescribed for chronic, long-term conditions and is taken on a regular, recurring basis, except that it shall not include controlled substances as defined in section 195.010.

376.1237. REFILLS FOR PRESCRIPTION EYE DROPS, REQUIRED, WHEN — DEFINITIONS — TERMINATION DATE. — 1. Each health carrier or health benefit plan that offers or issues health benefit plans which are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2014, and that provides coverage for prescription eye drops shall provide coverage for the refilling of an eye drop prescription prior to the last day of the prescribed dosage period without regard to a coverage restriction for early refill of prescription renewals as long as the prescribing health care provider authorizes such early refill, and the health carrier or the health benefit plan is notified.

2. For the purposes of this section, health carrier and health benefit plan shall have the same meaning as defined in section 376.1350.

3. The coverage required by this section shall not be subject to any greater deductible or co-payment than other similar health care services provided by the health benefit plan.

4. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months' or less duration, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

5. The provisions of this section shall terminate on January 1, [2017] 2020.

630.175. PHYSICAL AND CHEMICAL RESTRAINTS PROHIBITED, EXCEPTIONS — REQUIREMENTS FOR COLLABORATIVE PRACTICE ARRANGEMENTS AND SUPERVISION AGREEMENTS — SECURITY ESCORT DEVICES AND CERTAIN EXTRAORDINARY MEASURES NOT CONSIDERED PHYSICAL RESTRAINT. — 1. No person admitted on a voluntary or involuntary basis to any mental health facility or mental health program in which people are civilly detained pursuant to chapter 632 and no patient, resident or client of a residential facility or day program operated, funded or licensed by the department shall be subject to physical or chemical restraint, isolation or seclusion unless it is determined by the head of the facility, the attending licensed physician, or in the circumstances specifically set forth in this section, by an advanced practice registered nurse in a collaborative practice arrangement, **or a physician assistant or an assistant physician with a supervision agreement**, with the attending licensed physician that the chosen intervention is imminently necessary to protect the health and safety of the patient, resident, client or others and that it provides the least restrictive environment. An advanced practice registered nurse in a collaborative practice arrangement, **or a physician assistant or an assistant physician with a supervision agreement**, with the attending licensed physician may make a determination that the chosen intervention is necessary for patients, residents, or clients of facilities or programs operated by the department, in hospitals as defined in section 197.020 that only provide psychiatric care and in dedicated psychiatric units of general acute care hospitals as hospitals are defined in section 197.020. Any determination made by the advanced practice registered nurse, **physician assistant, or assistant physician** shall be documented as required in subsection 2 of this section and reviewed in person by the attending licensed physician if the episode of restraint is to extend beyond:

- (1) Four hours duration in the case of a person under eighteen years of age;
- (2) Eight hours duration in the case of a person eighteen years of age or older; or
- (3) For any total length of restraint lasting more than four hours duration in a twenty-four-hour period in the case of a person under eighteen years of age or beyond eight hours duration in the case of a person eighteen years of age or older in a twenty-four-hour period.

The review shall occur prior to the time limit specified under subsection 6 of this section and shall be documented by the licensed physician under subsection 2 of this section.

2. Every use of physical or chemical restraint, isolation or seclusion and the reasons therefor shall be made a part of the clinical record of the patient, resident or client under the signature of the head of the facility, or the attending licensed physician, or the advanced practice registered nurse in a collaborative practice arrangement, **or a physician assistant or an assistant physician with a supervision agreement**, with the attending licensed physician.

3. Physical or chemical restraint, isolation or seclusion shall not be considered standard treatment or habilitation and shall cease as soon as the circumstances causing the need for such action have ended.

4. The use of security escort devices, including devices designed to restrict physical movement, which are used to maintain safety and security and to prevent escape during transport outside of a facility shall not be considered physical restraint within the meaning of this section. Individuals who have been civilly detained under sections 632.300 to 632.475 may be placed in security escort devices when transported outside of the facility if it is determined by the head of the facility, or the attending licensed physician, or the advanced practice registered nurse in

a collaborative practice arrangement, **or a physician assistant or an assistant physician with a supervision agreement**, with the attending licensed physician that the use of security escort devices is necessary to protect the health and safety of the patient, resident, client, or other persons or is necessary to prevent escape. Individuals who have been civilly detained under sections 632.480 to 632.513 or committed under chapter 552 shall be placed in security escort devices when transported outside of the facility unless it is determined by the head of the facility, or the attending licensed physician, or the advanced practice registered nurse in a collaborative practice arrangement, **or a physician assistant or an assistant physician with a supervision agreement**, with the attending licensed physician that security escort devices are not necessary to protect the health and safety of the patient, resident, client, or other persons or is not necessary to prevent escape.

5. Extraordinary measures employed by the head of the facility to ensure the safety and security of patients, residents, clients, and other persons during times of natural or man-made disasters shall not be considered restraint, isolation, or seclusion within the meaning of this section.

6. Orders issued under this section by the advanced practice registered nurse in a collaborative practice arrangement, **or a physician assistant or an assistant physician with a supervision agreement**, with the attending licensed physician shall be reviewed in person by the attending licensed physician of the facility within twenty-four hours or the next regular working day of the order being issued, and such review shall be documented in the clinical record of the patient, resident, or client.

7. For purposes of this subsection, "division" shall mean the division of developmental disabilities. Restraint or seclusion shall not be used in habilitation centers or community programs that serve persons with developmental disabilities that are operated or funded by the division unless such procedure is part of an emergency intervention system approved by the division and is identified in such person's individual support plan. Direct-care staff that serve persons with developmental disabilities in habilitation centers or community programs operated or funded by the division shall be trained in an emergency intervention system approved by the division when such emergency intervention system is identified in a consumer's individual support plan.

[335.300. FINDINGS AND DECLARATION OF PURPOSE. FINDINGS AND DECLARATION OF PURPOSE.—1. The party states find that:

(1) The health and safety of the public are affected by the degree of compliance with and the effectiveness of enforcement activities related to state nurse licensure laws;

(2) Violations of nurse licensure and other laws regulating the practice of nursing may result in injury or harm to the public;

(3) The expanded mobility of nurses and the use of advanced communication technologies as part of our nation's health care delivery system require greater coordination and cooperation among states in the areas of nurse licensure and regulation;

(4) New practice modalities and technology make compliance with individual state nurse licensure laws difficult and complex;

(5) The current system of duplicative licensure for nurses practicing in multiple states is cumbersome and redundant to both nurses and states.

2. The general purposes of this compact are to:

(1) Facilitate the states' responsibility to protect the public's health and safety;

(2) Ensure and encourage the cooperation of party states in the areas of nurse licensure and regulation;

(3) Facilitate the exchange of information between party states in the areas of nurse regulation, investigation, and adverse actions;

(4) Promote compliance with the laws governing the practice of nursing in each jurisdiction;

(5) Invest all party states with the authority to hold a nurse accountable for meeting all state practice laws in the state in which the patient is located at the time care is rendered through the mutual recognition of party state licenses.]

[335.305. DEFINITIONS. DEFINITIONS. — As used in this compact, the following terms shall mean:

- (1) "Adverse action", a home or remote state action;
- (2) "Alternative program", a voluntary, nondisciplinary monitoring program approved by a nurse licensing board;
- (3) "Coordinated licensure information system", an integrated process for collecting, storing, and sharing information on nurse licensure and enforcement activities related to nurse licensure laws, which is administered by a nonprofit organization composed of and controlled by state nurse licensing boards;
- (4) "Current significant investigative information":
 - (a) Investigative information that a licensing board, after a preliminary inquiry that includes notification and an opportunity for the nurse to respond if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or
 - (b) Investigative information that indicates that the nurse represents an immediate threat to public health and safety regardless of whether the nurse has been notified and had an opportunity to respond;
- (5) "Home state", the party state that is the nurse's primary state of residence;
- (6) "Home state action", any administrative, civil, equitable, or criminal action permitted by the home state's laws that are imposed on a nurse by the home state's licensing board or other authority including actions against an individual's license such as: revocation, suspension, probation, or any other action affecting a nurse's authorization to practice;
- (7) "Licensing board", a party state's regulatory body responsible for issuing nurse licenses;
- (8) "Multistate licensing privilege", current, official authority from a remote state permitting the practice of nursing as either a registered nurse or a licensed practical/vocational nurse in such party state. All party states have the authority, in accordance with existing state due process law, to take actions against the nurse's privilege such as: revocation, suspension, probation, or any other action that affects a nurse's authorization to practice;
- (9) "Nurse", a registered nurse or licensed/vocational nurse, as those terms are defined by each state's practice laws;
- (10) "Party state", any state that has adopted this compact;
- (11) "Remote state", a party state, other than the home state:
 - (a) Where a patient is located at the time nursing care is provided; or
 - (b) In the case of the practice of nursing not involving a patient, in such party state where the recipient of nursing practice is located;
- (12) "Remote state action":
 - (a) Any administrative, civil, equitable, or criminal action permitted by a remote state's laws which are imposed on a nurse by the remote state's licensing board or other authority including actions against an individual's multistate licensure privilege to practice in the remote state; and
 - (b) Cease and desist and other injunctive or equitable orders issued by remote states or the licensing boards thereof;
- (13) "State", a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico;

(14) "State practice laws", those individual party's state laws and regulations that govern the practice of nursing, define the scope of nursing practice, and create the methods and grounds for imposing discipline. State practice laws does not include the initial qualifications for licensure or requirements necessary to obtain and retain a license, except for qualifications or requirements of the home state.]

[335.310. GENERAL PROVISIONS AND JURISDICTION. GENERAL PROVISIONS AND JURISDICTION. — 1. A license to practice registered nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a multistate licensure privilege to practice as a registered nurse in such party state. A license to practice licensed practical/vocational nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a multistate licensure privilege to practice as a licensed practical/vocational nurse in such party state. In order to obtain or retain a license, an applicant must meet the home state's qualifications for licensure and license renewal as well as all other applicable state laws.

2. Party states may, in accordance with state due process laws, limit or revoke the multistate licensure privilege of any nurse to practice in their state and may take any other actions under their applicable state laws necessary to protect the health and safety of their citizens. If a party state takes such action, it shall promptly notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the home state of any such actions by remote states.

3. Every nurse practicing in a party state must comply with the state practice laws of the state in which the patient is located at the time care is rendered. In addition, the practice of nursing is not limited to patient care, but shall include all nursing practice as defined by the state practice laws of a party state. The practice of nursing will subject a nurse to the jurisdiction of the nurse licensing board and the courts, as well as the laws, in that party state.

4. This compact does not affect additional requirements imposed by states for advanced practice registered nursing. However, a multistate licensure privilege to practice registered nursing granted by a party state shall be recognized by other party states as a license to practice registered nursing if one is required by state law as a precondition for qualifying for advanced practice registered nurse authorization.

5. Individuals not residing in a party state shall continue to be able to apply for nurse licensure as provided for under the laws of each party state. However, the license granted to these individuals will not be recognized as granting the privilege to practice nursing in any other party state unless explicitly agreed to by that party state.]

[335.315. APPLICATIONS FOR LICENSURE IN A PARTY STATE. APPLICATIONS FOR LICENSURE IN A PARTY STATE. — 1. Upon application for a license, the licensing board in a party state shall ascertain, through the coordinated licensure information system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any restrictions on the multistate licensure privilege, and whether any other adverse action by any state has been taken against the license.

2. A nurse in a party state shall hold licensure in only one party state at a time, issued by the home state.

3. A nurse who intends to change primary state of residence may apply for licensure in the new home state in advance of such change. However, new licenses will not be issued by a party state until after a nurse provides evidence of change in primary state of residence satisfactory to the new home state's licensing board.

4. When a nurse changes primary state of residence by:

- (1) Moving between two party states, and obtains a license from the new home state, the license from the former home state is no longer valid;
- (2) Moving from a nonparty state to a party state, and obtains a license from the new home state, the individual state license issued by the nonparty state is not affected and will remain in full force if so provided by the laws of the nonparty state;
- (3) Moving from a party state to a nonparty state, the license issued by the prior home state converts to an individual state license, valid only in the former home state, without the multistate licensure privilege to practice in other party states.]

[335.320. ADVERSE ACTIONS. ADVERSE ACTIONS. — In addition to the general provisions described in article III of this compact, the following provisions apply:

(1) The licensing board of a remote state shall promptly report to the administrator of the coordinated licensure information system any remote state actions including the factual and legal basis for such action, if known. The licensing board of a remote state shall also promptly report any significant current investigative information yet to result in a remote state action. The administrator of the coordinated licensure information system shall promptly notify the home state of any such reports;

(2) The licensing board of a party state shall have the authority to complete any pending investigations for a nurse who changes primary state of residence during the course of such investigations. It shall also have the authority to take appropriate actions, and shall promptly report the conclusions of such investigations to the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any such actions;

(3) A remote state may take adverse action affecting the multistate licensure privilege to practice within that party state. However, only the home state shall have the power to impose adverse action against the license issued by the home state;

(4) For purposes of imposing adverse action, the licensing board of the home state shall give the same priority and effect to reported conduct received from a remote state as it would if such conduct had occurred within the home state, in so doing, it shall apply its own state laws to determine appropriate action;

(5) The home state may take adverse action based on the factual findings of the remote state, so long as each state follows its own procedures for imposing such adverse action;

(6) Nothing in this compact shall override a party state's decision that participation in an alternative program may be used in lieu of licensure action and that such participation shall remain nonpublic if required by the party state's laws. Party states must require nurses who enter any alternative programs to agree not to practice in any other party state during the term of the alternative program without prior authorization from such other party state.]

[335.325. ADDITIONAL AUTHORITIES INVESTED IN PARTY STATE NURSE LICENSING BOARDS. ADDITIONAL AUTHORITIES INVESTED IN PARTY STATE NURSE LICENSING BOARDS. — Notwithstanding any other powers, party state nurse licensing boards shall have the authority to:

(1) If otherwise permitted by state law, recover from the affected nurse the costs of investigations and disposition of cases resulting from any adverse action taken against that nurse;

(2) Issue subpoenas for both hearings and investigations which require the attendance and testimony of witnesses, and the production of evidence. Subpoenas issued by a nurse licensing board in a party state for the attendance and testimony of witnesses, and/or the production of evidence from another party state, shall be enforced

in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses and evidence are located;

(3) Issue cease and desist orders to limit or revoke a nurse's authority to practice in their state;

(4) Promulgate uniform rules and regulations as provided for in subsection 3 of section 335.335.]

[335.330. COORDINATED LICENSURE INFORMATION SYSTEM. COORDINATED LICENSURE INFORMATION SYSTEM. — 1. All party states shall participate in a cooperative effort to create a coordinated database of all licensed registered nurses and licensed practical/vocational nurses. This system will include information on the licensure and disciplinary history of each nurse, as contributed by party states, to assist in the coordination of nurse licensure and enforcement efforts.

2. Notwithstanding any other provision of law, all party states' licensing boards shall promptly report adverse actions, actions against multistate licensure privileges, any current significant investigative information yet to result in adverse action, denials of applications, and the reasons for such denials to the coordinated licensure information system.

3. Current significant investigative information shall be transmitted through the coordinated licensure information system only to party state licensing boards.

4. Notwithstanding any other provision of law, all party states' licensing boards contributing information to the coordinated licensure information system may designate information that may not be shared with nonparty states or disclosed to other entities or individuals without the express permission of the contributing state.

5. Any personally identifiable information obtained by a party state's licensing board from the coordinated licensure information system may not be shared with nonparty states or disclosed to other entities or individuals except to the extent permitted by the laws of the party state contributing the information.

6. Any information contributed to the coordinated licensure information system that is subsequently required to be expunged by the laws of the party state contributing that information shall also be expunged from the coordinated licensure information system.

7. The compact administrators, acting jointly with each other and in consultation with the administrator of the coordinated licensure information system, shall formulate necessary and proper procedures for the identification, collection, and exchange of information under this compact.]

[335.335. COMPACT ADMINISTRATION AND INTERCHANGE OF INFORMATION. COMPACT ADMINISTRATION AND INTERCHANGE OF INFORMATION. — 1. The head of the nurse licensing board, or his/her designee, of each party state shall be the administrator of this compact for his/her state.

2. The compact administrator of each party shall furnish to the compact administrator of each other party state any information and documents including, but not limited to, a uniform data set of investigations, identifying information, licensure data, and disclosable alternative program participation information to facilitate the administration of this compact.

3. Compact administrators shall have the authority to develop uniform rules to facilitate and coordinate implementation of this compact. These uniform rules shall be

adopted by party states, under the authority invested under subsection 4 of section 335.325.]

[335.340. IMMUNITY. IMMUNITY. — No party state or the officers or employees or agents of a party state's nurse licensing board who acts in accordance with the provisions of this compact shall be liable on account of any act or omission in good faith while engaged in the performance of their duties under this compact. Good faith in this article shall not include willful misconduct, gross negligence, or recklessness.]

[335.345. ENTRY INTO FORCE, WITHDRAWAL AND AMENDMENT. ENTRY INTO FORCE, WITHDRAWAL AND AMENDMENT. — 1. This compact shall enter into force and become effective as to any state when it has been enacted into the laws of that state. Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until six months after the withdrawing state has given notice of the withdrawal to the executive heads of all other party states.

2. No withdrawal shall affect the validity or applicability by the licensing boards of states remaining party to the compact of any report of adverse action occurring prior to the withdrawal.

3. Nothing contained in this compact shall be construed to invalidate or prevent any nurse licensure agreement or other cooperative arrangement between a party state and a non-party state that is made in accordance with the other provisions of this compact.

4. This compact may be amended by the party states. No amendment to this compact shall become effective and binding upon the party states unless and until it is enacted into the laws of all party states.]

[335.350. CONSTRUCTION AND SEVERABILITY. CONSTRUCTION AND SEVERABILITY. — 1. This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

2. In the event party states find a need for settling disputes arising under this compact:

(1) The party states may submit the issues in dispute to an arbitration panel which will be comprised of an individual appointed by the compact administrator in the home state, an individual appointed by the compact administrator in the remote states involved, and an individual mutually agreed upon by the compact administrators of all the party states involved in the dispute;

(2) The decision of a majority of the arbitrators shall be final and binding.]

[335.355. APPLICABILITY OF COMPACT. APPLICABILITY OF COMPACT — 1. The term "head of the nurse licensing board" as referred to in article VIII of this compact shall mean the executive director of the Missouri state board of nursing.

2. A person who is extended the privilege to practice in this state pursuant to the nurse licensure compact is subject to discipline by the board, as set forth in this chapter,

for violation of this chapter or the rules and regulations promulgated herein. A person extended the privilege to practice in this state pursuant to the nurse licensure compact shall be subject to adhere to all requirements of this chapter, as if such person were originally licensed in this state.

3. Sections 335.300 to 335.355 are applicable only to nurses whose home states are determined by the Missouri state board of nursing to have licensure requirements that are substantially equivalent or more stringent than those of Missouri.

4. This compact is designed to facilitate the regulation of nurses, and does not relieve employers from complying with statutorily imposed obligations.

5. This compact does not supercede existing state labor laws.]

SECTION B. CONTINGENT EFFECTIVE DATE. — The repeal of sections 335.300, 335.305, 335.310, 335.315, 335.320, 335.325, 335.330, 335.335, 335.340, 335.345, 335.350, and 335.355 of this act, and the enactment of sections 335.360 to 335.415 of this act shall become effective on December 31, 2018, or upon the enactment of sections 335.360, 335.365, 335.370, 335.375, 335.380, 335.385, 335.390, 335.395, 335.400, 335.405, 335.410, and 335.415, of this act by no less than twenty-six states and notification of such enactment to the revisor of statutes by the Interstate Commission of Nurse Licensure Compact Administrators, whichever occurs first.

Approved July 5, 2016

HB 1851 [SCS HB 1851]

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 "German Heritage Corridor of Missouri"

AN ACT to amend chapter 226, RSMo, by adding thereto one new section relating to the designation of the German Heritage Corridor of Missouri.

SECTION

A. Enacting clause.
 226.1150. German heritage corridor of Missouri designated for certain counties located along the Missouri River — signage.

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

SECTION A. ENACTING CLAUSE. — Chapter 226, RSMo, is amended by adding thereto one new section, to be known as section 226.1150, to read as follows:

226.1150. GERMAN HERITAGE CORRIDOR OF MISSOURI DESIGNATED FOR CERTAIN COUNTIES LOCATED ALONG THE MISSOURI RIVER — SIGNAGE. — **The counties located along the Missouri River that were greatly influenced by early German settlers including Boone, Chariton, Saline, Lafayette, Cooper, Howard, Moniteau, Cole, Callaway, Osage, Gasconade, Montgomery, Warren, Franklin, St. Charles, and St. Louis, and the city of St. Louis, shall be designated the "German Heritage Corridor of Missouri". The department of transportation may place suitable markings and informational signs in the designated areas. Costs for such designation shall be paid by private donations.**

Approved July 1, 2016

HB 1862 [SS SCS HCS HB 1862]

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 landlord tenant law

AN ACT to repeal sections 534.350, 534.360, 535.030, 535.110, 535.160, and 535.300, RSMo, and to enact in lieu thereof five new sections relating to landlords and tenants.

SECTION

- A. Enacting clause.
- 534.350. Execution — when issued and levied.
- 535.030. Service of summons — court date included in summons.
- 535.110. Appeals, defendant to furnish bond to stay execution — additional conditions.
- 535.160. Tender of rent and costs on judgment date, effect — not bar to landlord's appeal — no stay of execution if no money judgment, exceptions.
- 535.300. Security deposits, limitation — holding of security deposits, requirements — return of deposit or notice of damages, when — withholding deposit, when — tenant's right to damages — security deposit defined.
- 534.360. Execution, when defendant is about to abscond.

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

SECTION A. ENACTING CLAUSE. — Sections 534.350, 534.360, 535.030, 535.110, 535.160, and 535.300, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 534.350, 535.030, 535.110, 535.160, and 535.300, to read as follows:

534.350. EXECUTION — WHEN ISSUED AND LEVIED. — The judge rendering judgment in any such cause may issue execution at any time after judgment, but such execution shall not be levied until after the expiration of the time allowed for the taking of an appeal, except [as in the next succeeding section is provided:] **execution for the purpose of restoring possession shall be issued no sooner than ten days after the judgment. However, the execution for purposes of restoring possession shall be stayed pending an appeal if the losing party posts an appeal bond.**

535.030. SERVICE OF SUMMONS — COURT DATE INCLUDED IN SUMMONS. — 1. Such summons shall be served as in other civil cases at least four days before the court date in the summons. The summons shall include a court date which shall not be more than twenty-one business days from the date the summons is issued unless at the time of filing the affidavit the plaintiff or plaintiff's attorney consents in writing to a later date.

2. In addition to attempted personal service, the plaintiff may request, and thereupon the clerk of the court shall make an order directing that the officer, or other person empowered to execute the summons, shall also serve the same by securely affixing a copy of such summons and the complaint in a conspicuous place on the dwelling of the premises in question at least ten days before the court date in such summons, and by also mailing a copy of the summons and complaint to the defendant at the defendant's last known address by ordinary mail at least ten days before the court date. If the officer, or other person empowered to execute the summons, shall return that the defendant is not found, or that the defendant has absconded or vacated his or her usual place of abode in this state, and if proof be made by affidavit of the posting and of the mailing of a copy of the summons and complaint, the judge shall at the request of the plaintiff proceed to hear the case as if there had been personal service, and judgment shall be rendered and proceedings had as in other cases, except that no money judgment shall be granted the plaintiff where the defendant is in default and service is by the posting and mailing procedure set forth in this section.

3. If the plaintiff does not request service of the original summons by posting and mailing as provided in subsection 2 of this section, and if the officer, or other person empowered to execute the summons, makes return that the defendant is not found, or that the defendant has absconded or vacated the defendant's usual place of abode in this state, the plaintiff may request the issuance of an alias summons and service of the same by posting and mailing in the time and manner provided in subsection 2 of this section. In addition, the plaintiff or an agent of the plaintiff who is at least eighteen years of age may serve the summons by posting and mailing a copy of the summons in the time and manner provided in subsection 2 of this section. Upon proof by affidavit of the posting and of the mailing of a copy of the summons or alias summons and the complaint, the judge shall proceed to hear the case as if there had been personal service, and judgment shall be rendered and proceedings had as in other cases, except that no money judgment shall be granted the plaintiff where the defendant is in default and service is by the posting and mailing procedure provided in subsection 2 of this section.

4. [On the date judgment is rendered as provided in this section where the defendant is in default, the clerk of the court shall mail to the defendant at the defendant's last known address by ordinary mail a notice informing the defendant of the judgment and the date it was entered, and stating that] The defendant has ten days from the date of the judgment to file a motion to set aside the judgment [in the circuit court, as the case may be,] and [that] unless the judgment is set aside within ten days, the judgment **for possession** will become final and the defendant will be subject to eviction from the premises without further notice. **On the date judgment is rendered if the defendant is in default, the clerk of the court shall mail to the defendant at the defendant's last known address by ordinary mail a notice informing the defendant of the foregoing.**

535.110. APPEALS, DEFENDANT TO FURNISH BOND TO STAY EXECUTION — ADDITIONAL CONDITIONS. — Applications for appeals shall be allowed and conducted in the manner provided as in other civil cases; but no application for an appeal shall stay execution unless the defendant give bond, with security sufficient to secure the payment of all damages, costs and rent then due, [and with condition to stay waste and to pay all subsequently accruing rent, if any,] into court within ten days [after it becomes due,] **after an entry of the judgment by the trial court, all other provisions of law to the contrary notwithstanding. Additional conditions of the appeal bond shall be to stay waste and to pay all subsequently accruing rent, if any, into court within ten days after it becomes due, pending determination of the appeal. Execution for the purposes of restoring possession shall be stayed pending an appeal if the losing party posts a sufficient appeal bond.**

535.160. TENDER OF RENT AND COSTS ON JUDGMENT DATE, EFFECT — NOT BAR TO LANDLORD'S APPEAL — NO STAY OF EXECUTION IF NO MONEY JUDGMENT, EXCEPTIONS. — If the defendant, on the date any money judgment is given in any action pursuant to this chapter, either tenders to the landlord, or brings into the court where the suit is pending, all the rent then in arrears, and all the costs, further proceedings in the action shall cease and be stayed. If on any date after the date of any original trial, **but before the judgment becomes final**, the defendant shall satisfy such money judgment and pay all costs, any execution for possession of the subject premises shall cease and be stayed; except that the landlord shall not thereby be precluded from making application for appeal from such money judgment. If for any reason no money judgment is entered against the defendant and judgment for the plaintiff is limited only to possession of the subject premises, no stay of execution shall be had, except as provided by the provisions of section 535.110 or the rules of civil procedure or by agreement of the parties.

535.300. SECURITY DEPOSITS, LIMITATION — HOLDING OF SECURITY DEPOSITS, REQUIREMENTS — RETURN OF DEPOSIT OR NOTICE OF DAMAGES, WHEN — WITHHOLDING DEPOSIT, WHEN — TENANT'S RIGHT TO DAMAGES — SECURITY DEPOSIT DEFINED. — 1. A landlord may not demand or receive a security deposit in excess of two months' rent.

2. All security deposits shall be held by the landlord for the tenant, who is a party to the rental agreement, in a bank, credit union, or depository institution which is insured by an agency of the federal government. Security deposits shall not be commingled with other funds of the landlord. All security deposits shall be held in a trust established by the landlord and deposited in a bank, credit union, or depository institution account in the name of the trustee. Any interest earned on a security deposit shall be the property of the landlord. A landlord licensed under and subject to the requirements of chapter 339, in lieu of complying with this subsection, shall maintain all tenant security deposits in a bank, credit union, financial or depository institution account, and shall not commingle such security deposits with other funds of the landlord except as provided in section 339.105. A housing authority created under section 99.040 or any other government entity acting as a landlord shall not be subject to this subsection.

3. Within thirty days after the date of termination of the tenancy, the landlord shall:

(1) Return the full amount of the security deposit; or

(2) Furnish to the tenant a written itemized list of the damages for which the security deposit or any portion thereof is withheld, along with the balance of the security deposit. The landlord shall have complied with this subsection by mailing such statement and any payment to the last known address of the tenant.

[3.] 4. The landlord may withhold from the security deposit only such amounts as are reasonably necessary for the following reasons:

(1) To remedy a tenant's default in the payment of rent due to the landlord, pursuant to the rental agreement;

(2) To restore the dwelling unit to its condition at the commencement of the tenancy, ordinary wear and tear excepted; **provided, however, that this subdivision does not preclude a landlord and tenant from agreeing, in the rental agreement between them, upon amounts or fees to be charged for cleaning of the carpet, and such amounts actually expended for carpet cleaning can be withheld from the security deposit, so long as the rental agreement also includes a provision notifying the tenant that he or she may be liable for actual costs for carpet cleaning that exceed ordinary wear and tear, which may also be withheld from the security deposit. Within thirty days of the end of the tenancy, the landlord shall provide the tenant a receipt for the actual carpet cleaning costs;** or

(3) To compensate the landlord for actual damages sustained as a result of the tenant's failure to give adequate notice to terminate the tenancy pursuant to law or the rental agreement; provided that the landlord makes reasonable efforts to mitigate damages.

[4.] 5. The landlord shall give the tenant or his representative reasonable notice in writing at his last known address or in person of the date and time when the landlord will inspect the dwelling unit following the termination of the rental agreement to determine the amount of the security deposit to be withheld, and the inspection shall be held at a reasonable time. The tenant shall have the right to be present at the inspection of the dwelling unit at the time and date scheduled by the landlord.

[5.] 6. If the landlord wrongfully withholds all or any portion of the security deposit in violation of this section, the tenant shall recover as damages [not more than] twice the amount wrongfully withheld.

[6.] 7. Nothing in this section shall be construed to limit the right of the landlord to recover actual damages in excess of the security deposit, or to permit a tenant to apply or deduct any portion of the security deposit at any time in lieu of payment of rent.

[7.] 8. As used in this section, the term "security deposit" means any deposit of money or property, however denominated, which is furnished by a tenant to a landlord to secure the performance of any part of the rental agreement, including damages to the dwelling unit. This term does not include any money or property denominated as a deposit for a pet on the premises.

[534.360. EXECUTION, WHEN DEFENDANT IS ABOUT TO ABSCOND. — If it shall appear to the officer having charge of the execution that the defendant therein is about to remove, conceal or dispose of his property, so as to hinder or delay the levy, the rents and profits, damages and costs may be levied before the expiration of the time allowed for taking an appeal.]

Approved July 14, 2016

HB 1877 [SS HCS HB 1877]

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 child abuse and neglect central registry and the reentry of children previously released from Children's Division custody

AN ACT to repeal sections 210.110, 210.180, 211.031, and 211.036, RSMo, and to enact in lieu thereof twelve new sections relating to the children's division.

SECTION

- A. Enacting clause.
- 210.110. Definitions.
- 210.118. Court finding of abuse by preponderance of evidence, responsible party to be listed in registry — procedure.
- 210.146. Evaluation by SAFE CARE provider required, when — referral to juvenile officer, when.
- 210.154. Missouri task force on the prevention of infant abuse and neglect created, members, report.
- 210.180. Division employees to be trained.
- 210.660. Definitions.
- 210.665. Designated caregiver, court and parties to defer to reasonable decisions of — onsite caregiver to be designated by division — training — immunity from liability, when.
- 210.670. Case plans, foster children fourteen and over to be consulted — copy of rights provided to foster child — documents provided to child upon leaving foster care.
- 210.675. Permanency plan of another planned permanent living arrangement, prohibited for foster children under sixteen — findings required at hearing for such plan.
- 210.680. Rulemaking authority.
- 211.031. Juvenile court to have exclusive jurisdiction, when — exceptions — home schooling, attendance violations, how treated.
- 211.036. Custody of released youth may be returned to children's division, when — factors considered by court — termination of care and supervision before 21, when — appointment of GAL, when — hearings, when held.

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

SECTION A. ENACTING CLAUSE. — Sections 210.110, 210.180, 211.031, and 211.036, RSMo, are repealed and twelve new sections enacted in lieu thereof, to be known as sections 210.110, 210.118, 210.146, 210.154, 210.180, 210.660, 210.665, 210.670, 210.675, 210.680, 211.031, and 211.036, to read as follows:

210.110. DEFINITIONS. — As used in sections 210.109 to 210.165, and sections 210.180 to 210.183, the following terms mean:

(1) "Abuse", any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by those responsible for the child's care, custody, and control, except that discipline including spanking, administered in a reasonable manner, shall not be construed to be abuse;

(2) "Assessment and treatment services for children under ten years old", an approach to be developed by the children's division which will recognize and treat the specific needs of at-risk

and abused or neglected children under the age of ten. The developmental and medical assessment may be a broad physical, developmental, and mental health screening to be completed within thirty days of a child's entry into custody and every six months thereafter as long as the child remains in care. Screenings may be offered at a centralized location and include, at a minimum, the following:

(a) Complete physical to be performed by a pediatrician familiar with the effects of abuse and neglect on young children;

(b) Developmental, behavioral, and emotional screening in addition to early periodic screening, diagnosis, and treatment services, including a core set of standardized and recognized instruments as well as interviews with the child and appropriate caregivers. The screening battery may be performed by a licensed mental health professional familiar with the effects of abuse and neglect on young children, who will then serve as the liaison between all service providers in ensuring that needed services are provided. Such treatment services may include in-home services, out-of-home placement, intensive twenty-four-hour treatment services, family counseling, parenting training and other best practices. Children whose screenings indicate an area of concern may complete a comprehensive, in-depth health, psychodiagnostic, or developmental assessment within sixty days of entry into custody;

(3) "Central registry", a registry of persons where the division has found probable cause to believe prior to August 28, 2004, or by a preponderance of the evidence after August 28, 2004, or a court has substantiated through court adjudication that the individual has committed child abuse or neglect or the person has pled guilty or has been found guilty of a crime pursuant to section 565.020, 565.021, 565.023, 565.024 [or], 565.050, **566.030, 566.060, or 567.050** if the victim is a child less than eighteen years of age], section 566.030 or 566.060 if the victim is a child less than eighteen years of age], or **any** other crime pursuant to chapter 566 if the victim is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older, [section 567.050 if the victim is a child less than eighteen years of age,] **a crime under** section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, [or] 568.090, [section] **573.023, 573.025 [or], 573.035, 573.037, 573.040, 573.200, or 573.205**, or an attempt to commit any such crimes. Any persons placed on the registry prior to August 28, 2004, shall remain on the registry for the duration of time required by section 210.152;

(4) "Child", any person, regardless of physical or mental condition, under eighteen years of age;

(5) "Children's services providers and agencies", any public, quasi-public, or private entity with the appropriate and relevant training and expertise in delivering services to children and their families as determined by the children's division, and capable of providing direct services and other family services for children in the custody of the children's division or any such entities or agencies that are receiving state moneys for such services;

(6) "Director", the director of the Missouri children's division within the department of social services;

(7) "Division", the Missouri children's division within the department of social services;

(8) "Family assessment and services", an approach to be developed by the children's division which will provide for a prompt assessment of a child who has been reported to the division as a victim of abuse or neglect by a person responsible for that child's care, custody or control and of that child's family, including risk of abuse and neglect and, if necessary, the provision of community-based services to reduce the risk and support the family;

(9) "Family support team meeting" or "team meeting", a meeting convened by the division or children's services provider in behalf of the family and/or child for the purpose of determining service and treatment needs, determining the need for placement and developing a plan for reunification or other permanency options, determining the appropriate placement of the child, evaluating case progress, and establishing and revising the case plan;

(10) "Investigation", the collection of physical and verbal evidence to determine if a child has been abused or neglected;

(11) "Jail or detention center personnel", employees and volunteers working in any premises or institution where incarceration, evaluation, care, treatment or rehabilitation is provided to persons who are being held under custody of the law;

(12) "Neglect", failure to provide, by those responsible for the care, custody, and control of the child, the proper or necessary support, education as required by law, nutrition or medical, surgical, or any other care necessary for the child's well-being;

(13) "Preponderance of the evidence", that degree of evidence that is of greater weight or more convincing than the evidence which is offered in opposition to it or evidence which as a whole shows the fact to be proved to be more probable than not;

(14) "Probable cause", available facts when viewed in the light of surrounding circumstances which would cause a reasonable person to believe a child was abused or neglected;

(15) "Report", the communication of an allegation of child abuse or neglect to the division pursuant to section 210.115;

(16) "Those responsible for the care, custody, and control of the child", those included but not limited to the parents or guardian of a child, other members of the child's household, or those exercising supervision over a child for any part of a twenty-four-hour day. Those responsible for the care, custody and control shall also include any adult who, based on relationship to the parents of the child, members of the child's household or the family, has access to the child.

210.118. COURT FINDING OF ABUSE BY PREPONDERANCE OF EVIDENCE, RESPONSIBLE PARTY TO BE LISTED IN REGISTRY — PROCEDURE. — 1. Except for actions under the uniform parentage act, sections 210.817 to 210.852, in any action under chapter 210 or 211 in which the court finds by a preponderance of the evidence that a party is responsible for child abuse or neglect, as those terms are defined in section 210.110, the clerk shall send a certified copy of the judgment or order to the children's division and to the appropriate prosecuting attorney. Upon receipt of the order, the children's division shall list the individual as a perpetrator of child abuse or neglect in the central registry.

2. In every case in which the person has pled guilty to or been found guilty of:

(1) A crime under section 565.020, 565.021, 565.023, 565.024, 565.050, 566.030, 566.060, or 567.050 and the victim is a child under eighteen years of age;

(2) Any other crime in chapter 566 if the victim is a child under eighteen years of age and the perpetrator is twenty-one years of age or older;

(3) A crime under section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, 568.090, 573.023, 573.025, 573.035, 573.037, 573.040, 573.200, or 573.205; or

(4) An attempt to commit any such crimes;

the court shall enter an order directing the children's division to list the individual as a perpetrator of child abuse or neglect in the central registry. The clerk shall send a certified copy of the order to the children's division. Upon receipt of the order, the children's division shall list the individual as a perpetrator of child abuse or neglect in the central registry.

210.146. EVALUATION BY SAFE CARE PROVIDER REQUIRED, WHEN — REFERRAL TO JUVENILE OFFICER, WHEN. — 1. Upon receipt of a report of child abuse or neglect concerning a child three years of age or younger and the children's division's determination that such report merits an investigation, such investigation shall include an evaluation of the child by a SAFE CARE provider, as defined in section 334.950, or a review of the child's case file and photographs of the child's injuries by a SAFE CARE provider.

2. When a SAFE CARE provider makes a diagnosis that a child three years of age or younger has been subjected to physical abuse, including but not limited to symptoms indicative of abusive bruising, fractures, burns, abdominal injuries, or head trauma, and

reports such diagnosis to the children's division, the division shall immediately submit a referral to the juvenile officer. The referral shall include the division's recommendations to the juvenile officer regarding the care, safety, and placement of the child and the reasons for those recommendations.

210.154. MISSOURI TASK FORCE ON THE PREVENTION OF INFANT ABUSE AND NEGLECT CREATED, MEMBERS, REPORT. — 1. There is hereby created within the department of social services the "Missouri Task Force on the Prevention of Infant Abuse and Neglect" to study and make recommendations to the governor and general assembly concerning the prevention of infant abuse and neglect in Missouri. The task force shall consist of the following nine members:

- (1) Two members of the senate from different political parties, appointed by the president pro tempore of the senate;
- (2) Two members of the house of representatives from different political parties, appointed by the speaker of the house of representatives;
- (3) The director of the department of social services, or his or her designee;
- (4) The director of the department of health and senior services, or his or her designee;
- (5) A SAFE CARE provider as described in section 334.950;
- (6) A representative of a child advocacy organization specializing in prevention of child abuse and neglect; and
- (7) A representative of a licensed Missouri hospital or licensed Missouri birthing center.

Members of the task force, other than the legislative members and the directors of state departments, shall be appointed by the governor with the advice and consent of the senate by September 15, 2016.

2. A majority vote of a quorum of the task force is required for any action.
3. The task force shall elect a chair and vice-chair at its first meeting, which shall be convened by the director of the department of social services, or his or her designee, no later than October 1, 2016. Meetings may be held by telephone or video conference at the discretion of the chair.
4. Members shall serve on the task force without compensation but may, subject to appropriations, be reimbursed for actual and necessary expenses incurred in the performance of their official duties as members of the task force.
5. On or before December 31, 2016, the task force shall submit a report on its findings and recommendations to the governor and general assembly.
6. The task shall develop recommendations to reduce infant abuse and neglect, including but not limited to:
 - (1) Sharing information between the children's division and hospitals and birthing centers for the purpose of identifying newborn infants who may be at risk of abuse and neglect; and
 - (2) Training division employees and medical providers to recognize the signs of infant child abuse and neglect.

The recommendations may include proposals for specific statutory and regulatory changes and methods to foster cooperation between state and local governmental bodies, medical providers, and child welfare agencies.

7. The task force shall expire on January 1, 2017, or upon submission of a report as provided for under subsection 5 of this section.

210.180. DIVISION EMPLOYEES TO BE TRAINED. — Each employee of the division who is responsible for the investigation or family assessment of reports of suspected child abuse or neglect shall receive not less than forty hours of preservice training on the identification and

treatment of child abuse and neglect. In addition to such preservice training such employee shall also receive not less than twenty hours of in-service training each year on the subject of the identification and treatment of child abuse and neglect. **Such annual training shall include at least four hours of medical forensics relating to child abuse and neglect as approved by the SAFE CARE network described in section 334.950.**

210.660. DEFINITIONS. — As used in sections 210.660 to 210.680, the following terms shall mean:

- (1) "Age- or developmentally-appropriate activities":
 - (a) Activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally-appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; and
 - (b) In the case of a specific child, activities, or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child;
- (2) "Caregiver", a foster parent, relative, or kinship provider with whom a child in foster care has been placed or a designated official for a child care institution in which a child in foster care has been placed;
- (3) "Division", the Missouri children's division within the department of social services;
- (4) "Reasonable and prudent parent standard", the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the state to participate in extracurricular, enrichment, cultural, and social activities.

210.665. DESIGNATED CAREGIVER, COURT AND PARTIES TO DEFER TO REASONABLE DECISIONS OF — ONSITE CAREGIVER TO BE DESIGNATED BY DIVISION — TRAINING — IMMUNITY FROM LIABILITY, WHEN. — 1. Except as otherwise provided in subsection 8 of this section, the court and all parties to a case under chapter 211 involving a child in care shall defer to the reasonable decisions of the child's designated caregiver involving the child's participation in extracurricular, enrichment, cultural, and social activities.

2. A caregiver shall use the reasonable and prudent parent standard when making decisions relating to the activity of the child.

3. The division or a contracted agency thereof shall designate at least one onsite caregiver who has authority to apply the reasonable and prudent parent standard for each child placed in its custody.

4. The caregiver shall consider:

- (1) The child's age, maturity, and developmental level;
- (2) The overall health and safety of the child;
- (3) Potential risk factors and appropriateness of the activity;
- (4) The best interests of the child;
- (5) Promoting, where safe and as appropriate, normal childhood experiences; and
- (6) Any other relevant factors based on the caregiver's knowledge of the child.

5. Caregivers shall receive training with regard to the reasonable and prudent parent standard as required by the division. The training shall include:

- (1) Knowledge and skills relating to the developmental stages of the cognitive, emotional, physical, and behavioral capacities of a child;
- (2) Knowledge and skills relating to applying the standard to decisions, including but not limited to whether to allow the child to engage in social, extracurricular, enrichment,

cultural, and social activities, such as sports, field trips, and overnight activities lasting one or more days; and

(3) Knowledge and skills relating to decisions, including but not limited to the signing of permission slips and arranging of transportation for the child to and from extracurricular, enrichment, and social activities.

6. A caregiver shall not be liable for harm caused to a child while participating in an activity chosen by the caregiver, provided the caregiver acted in accordance with the reasonable and prudent parent standard.

7. No court shall order the division or a contracted agency thereof to provide funding for activities chosen by the caregiver.

8. A caregiver's decisions with regard to the child may be overturned by the court only if, upon notice and a hearing, the court finds by clear and convincing evidence the reasonable and prudent parent standard has been violated. The caregiver shall have the right to receive notice, to attend the hearing, and to present evidence at the hearing.

210.670. CASE PLANS, FOSTER CHILDREN FOURTEEN AND OVER TO BE CONSULTED — COPY OF RIGHTS PROVIDED TO FOSTER CHILD — DOCUMENTS PROVIDED TO CHILD UPON LEAVING FOSTER CARE. — 1. Children in foster care under the responsibility of the state who have attained the age of fourteen shall be consulted in the development of, revision of, or addition to their case plan.

2. The children may choose individuals to participate as members of the family support team. The division may reject members chosen by the child if the division has good cause to believe the individual would not act in the best interests of the child. The child may designate one member to be his or her advisor and, as necessary, advocate, with respect to the application of the reasonable and prudent parent standard to the child.

3. The child shall receive:

(1) A document which describes the rights of the child with respect to education, health, visitation, court participation, the child's right to documents pursuant to subsection 4 of this section, and the child's right to stay safe and avoid exploitation; and

(2) A signed acknowledgment by the child indicating he or she has been provided with a copy of the document, and the child's rights contained in the document have been explained to the child in an age- and developmentally-appropriate manner.

4. If a child is leaving foster care by reason of having attained eighteen years of age or such greater age as the state has elected, the division shall provide the child with an official or certified copy of his or her United States birth certificate, a social security card issued by the Commissioner of Social Security, health insurance information, a copy of the child's medical records, and a driver's license or identification card issued by the state, unless the child has been in foster care for less than six months and unless the child is ineligible to receive such documents.

210.675. PERMANENCY PLAN OF ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT, PROHIBITED FOR FOSTER CHILDREN UNDER SIXTEEN — FINDINGS REQUIRED AT HEARING FOR SUCH PLAN. — 1. No child in foster care under the responsibility of the state under the age of sixteen shall have a permanency plan of another planned permanent living arrangement.

2. For children with a permanency plan of another planned permanent living arrangement, the court shall make the following findings of fact and conclusions of law at each permanency hearing:

(1) The division's intensive, ongoing, and unsuccessful efforts to return the child home or to secure a placement for the child with a fit and willing relative, such as adult siblings, a legal guardian, or an adoptive parent, including efforts to utilize search technology, like social media, to find biological family members of the child;

(2) The child's desired permanency outcome;

(3) A judicial determination explaining why, as of the date of the hearing, another planned permanent living arrangement is the best permanency plan for the child, including compelling reasons why it continues not to be in the best interests of the child to:

- (a) Return home;
 - (b) Be placed for adoption;
 - (c) Be placed with a legal guardian; or
 - (d) Be placed with a fit and willing relative; and
- (4) The division's efforts to ensure:
- (a) The child's foster family home child care institution is following the reasonable and prudent parent standard; and
 - (b) The child has regular, ongoing opportunities to engage in age- or developmentally-appropriate activities, including consulting with the child in an age-appropriate manner about the opportunities of the child to participate in the activities.

210.680. RULEMAKING AUTHORITY. — The division shall adopt regulations to implement the requirements of sections 210.660 to 210.675. 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, 2016, shall be invalid and void.

211.031. JUVENILE COURT TO HAVE EXCLUSIVE JURISDICTION, WHEN —EXCEPTIONS —HOME SCHOOLING, ATTENDANCE VIOLATIONS, HOW TREATED. — 1. Except as otherwise provided in this chapter, the juvenile court or the family court in circuits that have a family court as provided in sections 487.010 to 487.190 shall have exclusive original jurisdiction in proceedings:

(1) Involving any child or person seventeen years of age who may be a resident of or found within the county and who is alleged to be in need of care and treatment because:

(a) The parents, or other persons legally responsible for the care and support of the child or person seventeen years of age, neglect or refuse to provide proper support, education which is required by law, medical, surgical or other care necessary for his or her well-being; except that reliance by a parent, guardian or custodian upon remedial treatment other than medical or surgical treatment for a child or person seventeen years of age shall not be construed as neglect when the treatment is recognized or permitted pursuant to the laws of this state;

(b) The child or person seventeen years of age is otherwise without proper care, custody or support; [or]

(c) The child or person seventeen years of age was living in a room, building or other structure at the time such dwelling was found by a court of competent jurisdiction to be a public nuisance pursuant to section 195.130; or

(d) The child or person seventeen years of age is a child in need of mental health services and the parent, guardian or custodian is unable to afford or access appropriate mental health treatment or care for the child;

(2) Involving any child who may be a resident of or found within the county and who is alleged to be in need of care and treatment because:

(a) The child while subject to compulsory school attendance is repeatedly and without justification absent from school; [or]

(b) The child disobeys the reasonable and lawful directions of his or her parents or other custodian and is beyond their control; [or]

(c) The child is habitually absent from his or her home without sufficient cause, permission, or justification; [or]

(d) The behavior or associations of the child are otherwise injurious to his or her welfare or to the welfare of others; or

(e) The child is charged with an offense not classified as criminal, or with an offense applicable only to children; except that, the juvenile court shall not have jurisdiction over any child fifteen years of age who is alleged to have violated a state or municipal traffic ordinance or regulation, the violation of which does not constitute a felony, or any child who is alleged to have violated a state or municipal ordinance or regulation prohibiting possession or use of any tobacco product;

(3) Involving any child who is alleged to have violated a state law or municipal ordinance, or any person who is alleged to have violated a state law or municipal ordinance prior to attaining the age of seventeen years, in which cases jurisdiction may be taken by the court of the circuit in which the child or person resides or may be found or in which the violation is alleged to have occurred; except that, the juvenile court shall not have jurisdiction over any child fifteen years of age who is alleged to have violated a state or municipal traffic ordinance or regulation, the violation of which does not constitute a felony, and except that the juvenile court shall have concurrent jurisdiction with the municipal court over any child who is alleged to have violated a municipal curfew ordinance, and except that the juvenile court shall have concurrent jurisdiction with the circuit court on any child who is alleged to have violated a state or municipal ordinance or regulation prohibiting possession or use of any tobacco product;

(4) For the adoption of a person;

(5) For the commitment of a child or person seventeen years of age to the guardianship of the department of social services as provided by law; [and]

(6) Involving an order of protection pursuant to chapter 455 when the respondent is less than seventeen years of age; **and**

(7) Involving any youth for whom a petition to return the youth to children's division custody has been filed under section 211.036.

2. Transfer of a matter, proceeding, jurisdiction or supervision for a child or person seventeen years of age who resides in a county of this state shall be made as follows:

(1) Prior to the filing of a petition and upon request of any party or at the discretion of the juvenile officer, the matter in the interest of a child or person seventeen years of age may be transferred by the juvenile officer, with the prior consent of the juvenile officer of the receiving court, to the county of the child's residence or the residence of the person seventeen years of age for future action;

(2) Upon the motion of any party or on its own motion prior to final disposition on the pending matter, the court in which a proceeding is commenced may transfer the proceeding of a child or person seventeen years of age to the court located in the county of the child's residence or the residence of the person seventeen years of age, or the county in which the offense pursuant to subdivision (3) of subsection 1 of this section is alleged to have occurred for further action;

(3) Upon motion of any party or on its own motion, the court in which jurisdiction has been taken pursuant to subsection 1 of this section may at any time thereafter transfer jurisdiction of a child or person seventeen years of age to the court located in the county of the child's residence or the residence of the person seventeen years of age for further action with the prior consent of the receiving court;

(4) Upon motion of any party or upon its own motion at any time following a judgment of disposition or treatment pursuant to section 211.181, the court having jurisdiction of the cause may place the child or person seventeen years of age under the supervision of another juvenile court within or without the state pursuant to section 210.570 with the consent of the receiving court;

(5) Upon motion of any child or person seventeen years of age or his or her parent, the court having jurisdiction shall grant one change of judge pursuant to Missouri supreme court rules;

(6) Upon the transfer of any matter, proceeding, jurisdiction or supervision of a child or person seventeen years of age, certified copies of all legal and social documents and records pertaining to the case on file with the clerk of the transferring juvenile court shall accompany the transfer.

3. In any proceeding involving any child or person seventeen years of age taken into custody in a county other than the county of the child's residence or the residence of a person seventeen years of age, the juvenile court of the county of the child's residence or the residence of a person seventeen years of age shall be notified of such taking into custody within seventy-two hours.

4. When an investigation by a juvenile officer pursuant to this section reveals that the only basis for action involves an alleged violation of section 167.031 involving a child who alleges to be home schooled, the juvenile officer shall contact a parent or parents of such child to verify that the child is being home schooled and not in violation of section 167.031 before making a report of such a violation. Any report of a violation of section 167.031 made by a juvenile officer regarding a child who is being home schooled shall be made to the prosecuting attorney of the county where the child legally resides.

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

211.036. CUSTODY OF RELEASED YOUTH MAY BE RETURNED TO CHILDREN'S DIVISION, WHEN — FACTORS CONSIDERED BY COURT — TERMINATION OF CARE AND SUPERVISION BEFORE 21, WHEN — APPOINTMENT OF GAL, WHEN — HEARINGS, WHEN HELD. — 1. If a youth under the age of twenty-one is released from the custody of the children's division and after such release it appears that it would be in such youth's best interest to have his or her custody returned to the children's division, the juvenile officer, the children's division or the youth may petition the court to return custody of such youth to the division until the youth is twenty-one years of age. **The petition shall be filed in the court that previously exercised authority over the youth under section 211.031, in the court in the county where the youth resides, or in the court of an adjacent county. In deciding if it is in the best interests of the youth to be returned to the custody of the children's division under this section, the court shall consider the following factors:**

- (1) The circumstances of the youth;
- (2) Whether the children's division has services or programs in place that will benefit the youth and assist the youth in transitioning to self-sufficiency; and
- (3) Whether the youth has the commitment to fully cooperate with the children's division in developing and implementing a case plan.

The court shall not return a youth to the custody of the children's division who has been committed to the custody of another agency; who is under a legal guardianship; or who has pled guilty to or been found guilty of a felony criminal offense.

2. The youth shall cooperate with the case plan developed for the youth by the children's division in consultation with the youth.

3. For purposes of this section, a "youth" is any person eighteen years of age or older and under twenty-one years of age who was in the custody of the children's division in foster care at any time in the two-year period preceding the youth's eighteenth birthday.

4. The court may, upon motion of the children's division or the youth, terminate care and supervision before the youth's twenty-first birthday if the court finds the children's division does not have services available for the youth, the youth no longer needs services, or if the youth declines to cooperate with the case plan.

5. The youth, at the youth's discretion, may request to be appointed a guardian ad litem. If a guardian ad litem is appointed, he or she shall serve under section 210.160.

6. The court shall hold review hearings as necessary, but in no event less than once every six months for as long as the youth is in the custody of the children's division.

Approved June 15, 2016

HB 1936 [SCS HB 1936]

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

Allows sheriffs and deputies to assist in other counties throughout the state

AN ACT to repeal sections 57.111, 488.5026, and 610.100, RSMo, and to enact in lieu thereof three new sections relating to law enforcement officers.

SECTION

- A. Enacting clause.
- 57.111. May act in adjoining county, when — deemed employee of sending county for purposes of benefits and compensation.
- 488.5026. Two dollar surcharge for all criminal cases, funds to be deposited in inmate prisoner detainee security fund — use of moneys.
- 610.100. Definitions — arrest and incident records available to public — closed records, when — record redacted, when — access to incident reports, record redacted, when — action for disclosure of investigative report authorized, costs — application to open incident and arrest reports, violations, civil penalty — identity of victim of sexual offense — confidentiality of recording.

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

SECTION A. ENACTING CLAUSE. — Sections 57.111, 488.5026, and 610.100, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 57.111, 488.5026, and 610.100, to read as follows:

57.111. MAY ACT IN ADJOINING COUNTY, WHEN — DEEMED EMPLOYEE OF SENDING COUNTY FOR PURPOSES OF BENEFITS AND COMPENSATION. — Whenever any sheriff or deputy sheriff of any county in this state is expressly requested, in each instance, by a sheriff [of an adjoining county] of this state to render assistance, such sheriff or deputy shall have the same powers of arrest in such county as he **or she** has in his **or her** own jurisdiction. **Any sheriff, or deputy sheriff that a responding sheriff sends, of a county responding to a request for assistance in another county of the state shall be deemed an employee of the sending sheriff's office and shall be subject to the workers' compensation, overtime, and expense reimbursement provisions provided to him or her as an employee of the sending sheriff's office.**

488.5026. TWO DOLLAR SURCHARGE FOR ALL CRIMINAL CASES, FUNDS TO BE DEPOSITED IN INMATE PRISONER DETAINEE SECURITY FUND — USE OF MONEYS. — 1. Upon approval of the governing body of a city, county, or a city not within a county, a surcharge of two dollars shall be assessed as costs in each court proceeding filed in any court in any city, county, or city not within a county adopting such a surcharge, in all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of the state, including an infraction and violation of a municipal ordinance; except that no such fee shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. A surcharge of two dollars shall be assessed as costs in a juvenile court proceeding in which a child

is found by the court to come within the applicable provisions of subdivision (3) of subsection 1 of section 211.031.

2. Notwithstanding any other provision of law, the moneys collected by clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed in accordance with sections 488.010 to 488.020, and shall be payable to the treasurer of the governmental unit authorizing such surcharge.

3. The treasurer shall deposit funds generated by the surcharge into the "Inmate Prisoner Detainee Security Fund". Funds deposited shall be utilized to acquire and develop biometric verification systems and information sharing to ensure that inmates, prisoners, or detainees in a holding cell facility or other detention facility or area which hold persons detained only for a shorter period of time after arrest or after being formally charged can be properly identified upon booking and tracked within the local law enforcement administration system, criminal justice administration system, or the local jail system. **The funds deposited in the inmate prisoner detainee security fund shall be used only to supplement the sheriff's funding received from other county, state, or federal funds. The county commission shall not reduce any sheriff's budget as a result of any funds received within the inmate prisoner detainee security fund.** Upon the installation of the information sharing or biometric verification system, funds in the inmate prisoner detainee security fund may also be used for the maintenance, repair, and replacement of the information sharing or biometric verification system, and also to pay for any expenses related to detention, custody, and housing and other expenses for inmates, prisoners, and detainees.

610.100. DEFINITIONS — ARREST AND INCIDENT RECORDS AVAILABLE TO PUBLIC — CLOSED RECORDS, WHEN — RECORD REDACTED, WHEN — ACCESS TO INCIDENT REPORTS, RECORD REDACTED, WHEN — ACTION FOR DISCLOSURE OF INVESTIGATIVE REPORT AUTHORIZED, COSTS — APPLICATION TO OPEN INCIDENT AND ARREST REPORTS, VIOLATIONS, CIVIL PENALTY — IDENTITY OF VICTIM OF SEXUAL OFFENSE — CONFIDENTIALITY OF RECORDING. — 1. As used in sections 610.100 to 610.150, the following words and phrases shall mean:

(1) "Arrest", an actual restraint of the person of the defendant, or by his or her submission to the custody of the officer, under authority of a warrant or otherwise for a criminal violation which results in the issuance of a summons or the person being booked;

(2) "Arrest report", a record of a law enforcement agency of an arrest and of any detention or confinement incident thereto together with the charge therefor;

(3) "Inactive", an investigation in which no further action will be taken by a law enforcement agency or officer for any of the following reasons:

(a) A decision by the law enforcement agency not to pursue the case;

(b) Expiration of the time to file criminal charges pursuant to the applicable statute of limitations, or ten years after the commission of the offense; whichever date earliest occurs;

(c) Finality of the convictions of all persons convicted on the basis of the information contained in the investigative report, by exhaustion of or expiration of all rights of appeal of such persons;

(4) "Incident report", a record of a law enforcement agency consisting of the date, time, specific location, name of the victim and immediate facts and circumstances surrounding the initial report of a crime or incident, including any logs of reported crimes, accidents and complaints maintained by that agency;

(5) "Investigative report", a record, other than an arrest or incident report, prepared by personnel of a law enforcement agency, inquiring into a crime or suspected crime, either in response to an incident report or in response to evidence developed by law enforcement officers in the course of their duties;

(6) "Mobile video recorder", any system or device that captures visual signals that is capable of installation in a vehicle or being worn or carried by personnel of a law enforcement agency and that includes, at minimum, a camera and recording capabilities;

(7) **"Mobile video recording", any data captured by a mobile video recorder, including audio, video, and any metadata;**

(8) **"Nonpublic location", a place where one would have a reasonable expectation of privacy, including but not limited to a dwelling, school, or medical facility.**

2. Each law enforcement agency of this state, of any county, and of any municipality shall maintain records of all incidents reported to the agency, investigations and arrests made by such law enforcement agency. All incident reports and arrest reports shall be open records.

(1) Notwithstanding any other provision of law other than the provisions of subsections 4, 5 and 6 of this section or section 320.083, **mobile video recordings and** investigative reports of all law enforcement agencies are closed records until the investigation becomes inactive.

(2) If any person is arrested and not charged with an offense against the law within thirty days of the person's arrest, the arrest report shall thereafter be a closed record except that the disposition portion of the record may be accessed and except as provided in section 610.120.

(3) **Except as provided in subsections 3 and 5 of this section, a mobile video recording that is recorded in a nonpublic location is authorized to be closed, except that any person who is depicted in the recording or whose voice is in the recording, a legal guardian or parent of such person if he or she is a minor, a family member of such person within the first degree of consanguinity if he or she is deceased or incompetent, an attorney for such person, or insurer of such person, upon written request, may obtain a complete, unaltered, and unedited copy pursuant to this section.**

3. Except as provided in subsections 4, 5, 6 and 7 of this section, if any portion of a record or document of a law enforcement officer or agency, other than an arrest report, which would otherwise be open, contains information that is reasonably likely to pose a clear and present danger to the safety of any victim, witness, undercover officer, or other person; or jeopardize a criminal investigation, including records which would disclose the identity of a source wishing to remain confidential or a suspect not in custody; or which would disclose techniques, procedures or guidelines for law enforcement investigations or prosecutions, that portion of the record shall be closed and shall be redacted from any record made available pursuant to this chapter.

4. Any person, including a **legal guardian or parent of such person if he or she is a minor**, family member of such person within the first degree of consanguinity if such person is deceased or incompetent, attorney for a person, or insurer of a person involved in any incident or whose property is involved in an incident, may obtain any records closed pursuant to this section or section 610.150 for purposes of investigation of any civil claim or defense, as provided by this subsection. Any individual, **legal guardian or parent of such person if he or she is a minor**, his or her family member within the first degree of consanguinity if such individual is deceased or incompetent, his or her attorney or insurer, involved in an incident or whose property is involved in an incident, upon written request, may obtain a complete unaltered and unedited incident report concerning the incident, and may obtain access to other records closed by a law enforcement agency pursuant to this section. Within thirty days of such request, the agency shall provide the requested material or file a motion pursuant to this subsection with the circuit court having jurisdiction over the law enforcement agency stating that the safety of the victim, witness or other individual cannot be reasonably ensured, or that a criminal investigation is likely to be jeopardized. If, based on such motion, the court finds for the law enforcement agency, the court shall either order the record closed or order such portion of the record that should be closed to be redacted from any record made available pursuant to this subsection.

5. Any person may bring an action pursuant to this section in the circuit court having jurisdiction to authorize disclosure of a **mobile video recording** or the information contained in an investigative report of any law enforcement agency, which would otherwise be closed pursuant to this section. The court may order that all or part of a **mobile video recording** or the information contained in an investigative report be released to the person bringing the action.

(1) In making the determination as to whether information contained in an investigative report shall be disclosed, the court shall consider whether the benefit to the person bringing the action or to the public outweighs any harm to the public, to the law enforcement agency or any of its officers, or to any person identified in the investigative report in regard to the need for law enforcement agencies to effectively investigate and prosecute criminal activity.

(2) In making the determination as to whether a mobile video recording shall be disclosed, the court shall consider:

(a) Whether the benefit to the person bringing the action or to the public outweighs any harm to the public, to the law enforcement agency or any of its officers, or to any person identified in the mobile video recording in regard to the need for law enforcement agencies to effectively investigate and prosecute criminal activity;

(b) Whether the mobile video recording contains information that is reasonably likely to disclose private matters in which the public has no legitimate concern;

(c) Whether the mobile video recording is reasonably likely to bring shame or humiliation to a person of ordinary sensibilities; and

(d) Whether the mobile video recording was taken in a place where a person recorded or depicted has a reasonable expectation of privacy.

(3) The mobile video recording or investigative report in question may be examined by the court in camera.

(4) If the disclosure is authorized in whole or in part, the court may make any order that justice requires, including one or more of the following:

(a) That the mobile video recording or investigative report may be disclosed only on specified terms and conditions, including a designation of the time or place;

(b) That the mobile video recording or investigative report may be had only by a method of disclosure other than that selected by the party seeking such disclosure;

(c) That the scope of the request be limited to certain matters;

(d) That the disclosure occur with no one present except persons designated by the court;

(e) That the mobile video recording or investigative report be redacted to exclude, for example, personally identifiable features or other sensitive information;

(f) That a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way.

(5) The court may find that the party seeking disclosure of mobile video recording or the investigative report shall bear the reasonable and necessary costs and attorneys' fees of both parties, unless the court finds that the decision of the law enforcement agency not to open the mobile video recording or investigative report was substantially unjustified under all relevant circumstances, and in that event, the court may assess such reasonable and necessary costs and attorneys' fees to the law enforcement agency.

6. Any person may apply pursuant to this subsection to the circuit court having jurisdiction for an order requiring a law enforcement agency to open incident reports and arrest reports being unlawfully closed pursuant to this section. If the court finds by a preponderance of the evidence that the law enforcement officer or agency has knowingly violated this section, the officer or agency shall be subject to a civil penalty in an amount up to one thousand dollars. If the court finds that there is a knowing violation of this section, the court may order payment by such officer or agency of all costs and attorneys' fees, as provided by section 610.027. If the court finds by a preponderance of the evidence that the law enforcement officer or agency has purposely violated this section, the officer or agency shall be subject to a civil penalty in an amount up to five thousand dollars and the court shall order payment by such officer or agency of all costs and attorney fees, as provided in section 610.027. The court shall determine the amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the offense, and whether the law enforcement officer or agency has violated this section previously.

7. The victim of an offense as provided in chapter 566 may request that his or her identity be kept confidential until a charge relating to such incident is filed.

8. Any person who requests and receives a mobile video recording that was recorded in a nonpublic location pursuant to this section is prohibited from displaying or disclosing the mobile video recording, including any description or account of any or all of the mobile video recording, without first providing direct third party notice to each non law enforcement agency individual whose image or sound is contained in the recording and affording each person whose image or sound is contained in the mobile video recording no less than ten days to file and serve an action seeking an order from a court of competent jurisdiction to enjoin all or some of the intended display, disclosure, description, or account of recording. Any person who fails to comply with the provisions of this subsection is subject to damages in a civil action.

Approved July 8, 2016

HB 1941 [SS SCS HCS HB 1941]

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

Excludes any fantasy contest from gambling or advance gambling activity

AN ACT to amend chapter 313, RSMo, by adding thereto twelve new sections relating to fantasy sports contests.

SECTION

- A. Enacting clause.
- 313.900. Citation of law.
- 313.910. Definitions.
- 313.920. Fantasy sports contests not gambling—license required, procedure—contests on excursion gambling boats permitted.
- 313.930. Licensed operator to be identified on authorized website—operator requirements.
- 313.940. Participant registration with licensed operator required—security standards—online self-exclusion form—certain advertising prohibited—parental control procedures—use of scripts, monitoring—highly experienced players identified by symbol.
- 313.950. Participation prohibited for certain persons—confidentiality of proprietary information.
- 313.960. Compliance with all federal, state, and local laws and regulations.
- 313.970. License required—application, fee—investigation permitted—operation fee—grandfather provision—fee upon cessation.
- 313.990. Annual financial audit required, operator to pay cost of audit.
- 313.1000. Confidentiality of records, exceptions.
- 313.1010. Commission to supervise operators, licensees, and websites—powers and duties.
- 313.1020. Rulemaking authority.

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

SECTION A. ENACTING CLAUSE. — Chapter 313, RSMo, is amended by adding thereto twelve new sections, to be known as sections 313.900, 313.910, 313.920, 313.930, 313.940, 313.950, 313.960, 313.970, 313.990, 313.1000, 313.1010, and 313.1020, to read as follows:

313.900. CITATION OF LAW. — Sections 313.900 to 313.1020 shall be known and may be cited as the "Missouri Fantasy Sports Consumer Protection Act".

313.910. DEFINITIONS. — As used in sections 313.900 to 313.1020, the following terms shall mean:

- (1) "Authorized internet website", an internet website or any platform operated by a licensed operator;
- (2) "Commission", the Missouri gaming commission;

- (3) "Entry fee", anything of value including, but not limited to, cash or a cash equivalent, that a fantasy sports contest operator collects in order to participate in a fantasy sports contest;
- (4) "Fantasy sports contest", any fantasy or simulated game or contest with an entry fee, conducted on an internet website or any platform, in which:
- (a) The value of all prizes and awards offered to the winning participants is established and made known in advance of the contest;
- (b) All winning outcomes reflect in part the relative knowledge and skill of the participants and are determined predominantly by the accumulated statistical results of the performance of individuals, including athletes in the case of sports events; and
- (c) No winnings outcomes are based on the score, point spread, or any performance of any single actual team or combination of teams or solely on any single performance of an individual athlete or player in any single actual event.
- (5) "Fantasy sports contest operator", any person or entity that offers fantasy sports contests for a prize;
- (6) "Highly experienced player", a person who has either:
- (a) Entered more than one thousand contests offered by a single fantasy sports contest operator; or
- (b) Won more than three fantasy sports prizes of one thousand dollars or more;
- (7) "Licensed operator", a fantasy sports contest operator licensed pursuant to section 313.920 to offer fantasy sports contests for play on an authorized internet website in Missouri;
- (8) "Minor", any person less than eighteen years of age;
- (9) "Net revenue", for all fantasy sports contests, the amount equal to the total entry fees collected from all participants entering such fantasy sports contests less winnings paid to participants in the contests, multiplied by the resident percentage;
- (10) "Player", a person who participates in a fantasy sports contest offered by a fantasy sports contest operator;
- (11) "Prize", anything of value including, but not limited to, cash or a cash equivalent, contest credits, merchandise, or admission to another contest in which a prize may be awarded;
- (12) "Registered player", a person registered pursuant to section 313.940 to participate in a fantasy sports contest on an authorized internet website;
- (13) "Resident percentage", for all fantasy sports contests, the percentage, rounded to nearest one-tenth of one percent, of the total entry fees collected from Missouri residents divided by the total entry fees collected from all players, regardless of the players' location, of the fantasy sports contests; and
- (14) "Script", a list of commands that a fantasy-sports-related computer program can execute to automate processes on a fantasy sports contest platform;

313.920. FANTASY SPORTS CONTESTS NOT GAMBLING—LICENSE REQUIRED, PROCEDURE—CONTESTS ON EXCURSION GAMBLING BOATS PERMITTED. — 1. A fantasy sports contest conducted under this chapter is exempt from chapter 572, and does not constitute gambling for any purpose.

2. A fantasy sports contest operator shall apply for and receive a license from the commission prior to offering fantasy sports contests for play in Missouri.

3. The commission shall provide forms, to be completed by applicants and made available on the commission's website, on which the applicant shall demonstrate experience, reputation, competence, and financial responsibility consistent with the best interest of the Missouri fantasy sports industry and in compliance with the laws of the state.

4. The commission may, in its sole discretion, refuse to license any applicant or revoke or suspend the license of any applicant or licensee if the applicant or licensee, or an employee of the applicant or licensee:

(1) Has knowingly made a false statement of material fact or has deliberately failed to disclose any information requested;

(2) Is or has pled guilty or been convicted of any illegal, corrupt, or fraudulent act, practice, or conduct in connection with any fantasy sports contest in this or any other state or has pled guilty or been convicted of a felony, a crime of moral turpitude, or any criminal offense involving dishonesty or breach of trust within the ten years prior to the date of application for registration;

(3) Has at any time knowingly failed to comply with the provisions of this chapter or of any requirements of the commission;

(4) Has had a registration or permit to hold or conduct fantasy sports contests denied for just cause, suspended, or revoked in any other state or country;

(5) Has legally defaulted in the payment of any obligation or debt owed to the State of Missouri; or

(6) Is not qualified to do business in the state of Missouri or is not subject to the jurisdiction of the courts of the state of Missouri.

5. Fantasy sports contests as defined in section 313.910, are authorized and may be conducted on an excursion gambling boat or adjacent property to the excursion gambling boat operated by entities licensed under sections 313.807 and 313.920. A person under twenty-one years of age shall not participate in fantasy sports contests on an excursion gambling boat.

313.930. LICENSED OPERATOR TO BE IDENTIFIED ON AUTHORIZED WEBSITE—OPERATOR REQUIREMENTS.— 1. In order to ensure the protection of registered players, an authorized internet website shall identify the person or entity that is the licensed operator.

2. A licensed operator shall ensure that fantasy sports contests on its authorized internet website comply with all of the following:

(1) All winning outcomes are determined by accumulated statistical results of fully completed contests or events, and not merely any portion thereof, except that fantasy participants may be credited for statistical results accumulated in a suspended or shortened contest or event which has been called on account of weather or other natural or unforeseen event;

(2) A licensed operator shall not allow registered players to select athletes through an auto-draft that does not involve any input or control by a registered player, or to choose pre-selected teams of athletes;

(3) A licensed operator shall not offer or award a prize to the winner of, or athletes in, the underlying competition itself; and

(4) A licensed operator shall not offer fantasy sports contests based on the performances of participants in collegiate, high school, or youth athletics.

3. A licensed operator shall have procedures approved by the commission before operating in Missouri that:

(1) Prevents unauthorized withdrawals from a registered player's account by the licensed operator or others;

(2) Makes clear that funds in a registered player's account are not the property of the licensed operator and are not available to the licensed operator's creditors;

(3) Segregate player funds from operational funds;

(4) Maintain a reserve in the form of cash or cash equivalents in the amount of the deposits made to the accounts of fantasy sports contest players for the benefit and protection of the funds held in such accounts;

(5) Ensures any prize won by a registered player from participating in a fantasy sports contest is deposited into the registered player's account within 48 hours of winning the prize;

(6) Ensures registered players can withdraw the funds maintained in their individual accounts, whether such accounts are open or closed, within five business days of the request being made, unless the licensed operator believes in good faith that the registered player engaged in either fraudulent conduct or other conduct that would put the licensed operator in violation of sections 313.900 to 313.1020, in which case the licensed operator may decline to honor the request for withdrawal for a reasonable investigatory period until its investigation is resolved if it provides notice of the nature of the investigation to the registered player. For the purposes of this provision, a request for withdrawal will be considered honored if it is processed by the licensed operator but delayed by a payment processor, credit card issuer or by the custodian of a financial account;

(7) Allows a registered player to permanently close their account at any time for any reason; and

(8) Offers registered players access to their play history and account details.

4. A licensed operator shall establish procedures for a registered player to report complaints to the licensed operator regarding whether his or her account has been misallocated, compromised, or otherwise mishandled, and a procedure for the licensed operator to respond to those complaints.

5. A registered player who believes his or her account has been misallocated, compromised, or otherwise mishandled should notify the commission. Upon notification, the commission may investigate the claim and may take any action the commission deems appropriate under subdivision (4) of section 313.1010.

6. A licensed operator shall not issue credit to a registered player.

7. A licensed operator shall not allow a registered player to establish more than one account or user name on its authorized internet website.

313.940. PARTICIPANT REGISTRATION WITH LICENSED OPERATOR REQUIRED—SECURITY STANDARDS—ONLINE SELF-EXCLUSION FORM—CERTAIN ADVERTISING PROHIBITED—PARENTAL CONTROL PROCEDURES—USE OF SCRIPTS, MONITORING—HIGHLY EXPERIENCED PLAYERS IDENTIFIED BY SYMBOL. — 1. A person shall register with a licensed operator prior to participating in fantasy sports contests on an authorized internet website.

2. A licensed operator shall implement appropriate security standards to prevent access to fantasy sports contests by a person whose location and age have not been verified in accordance with this section.

3. A licensed operator shall ensure that all individuals register before participating in a fantasy sports contest on an authorized internet website and provide their age and state of residence.

4. A licensed operator shall ensure that an individual is of legal age before participating in fantasy sports contest on an authorized internet website. In Missouri, the legal age to participate shall be eighteen years of age.

5. (1) The licensed operator shall develop an online self-exclusion form and a process to exclude from play any person who has filled out the form.

(2) A licensed operator shall retain each online self-exclusion form submitted to it in order to identify persons who want to be excluded from play. A licensed operator shall exclude those persons.

(3) A licensed operator shall provide a link on its authorized internet website to a compulsive behavior website and the online self-exclusion form described in subdivision (1) of this subsection.

6. A licensed operator shall not advertise fantasy sports contests in publications or other media that are aimed exclusively or primarily at persons less than eighteen years of age. A licensed operator's advertisement shall not depict persons under eighteen years of age, students, or settings involving a school or college. However, incidental depiction of nonfeatured minors shall not be a violation of this subsection.

7. A licensed operator shall not advertise fantasy sports contests to an individual by phone, email, or any other form of individually targeted advertisement or marketing material if the individual has self-excluded himself or herself pursuant to this section or if the individual is otherwise barred from participating in fantasy sports contests. A licensed operator shall also take reasonable steps to ensure that individuals on the involuntary exclusion list or disassociated persons list maintained by the commission are not subject to any form of individually targeted advertising or marketing.

8. A licensed operator shall not misrepresent the frequency or extent of winning in any fantasy sports contest advertisement.

9. A licensed operator shall clearly and conspicuously publish and facilitate parental control procedures to allow parents or guardians to exclude minors from access to any fantasy sports contest. Licensed operators shall take commercially reasonable steps to confirm that an individual opening an account is not a minor.

10. Licensed operators shall prohibit the use of scripts in fantasy sports contests that give players an unfair advantage over other players.

11. Licensed operators shall monitor fantasy sports contests to detect the use of unauthorized scripts and restrict players found to have used such scripts from further fantasy sports contests.

12. Licensed operators shall make all authorized scripts readily available to all fantasy sports players; provided, that a licensed operator shall clearly and conspicuously publish its rules on what types of scripts may be authorized in the fantasy sports contest.

13. Licensed operators shall clearly and conspicuously identify highly experienced players in fantasy sports contests by a symbol attached to a player's username, or by other easily visible means, on the licensed operator's authorized internet website.

14. Licensed operators shall offer some fantasy sports contests open only to beginner players and that exclude highly experienced players.

313.950. PARTICIPATION PROHIBITED FOR CERTAIN PERSONS—CONFIDENTIALITY OF PROPRIETARY INFORMATION. — 1. This section applies to all of the following persons:

- (1) An officer of a licensed operator;
- (2) A director of a licensed operator;
- (3) A principal of a licensed operator;
- (4) An employee of a licensed operator; and
- (5) A contractor of a licensed operator with proprietary or nonpublic information.

2. A person listed in subsection 1 of this section shall not play any fantasy sports contest outside of private fantasy sports contests offered by the licensed operator exclusively for those listed.

3. A person listed in subsection 1 of this section shall not disclose proprietary or nonpublic information that may affect the play of fantasy sports contests to any individual authorized to play fantasy sports contests.

4. A licensed operator shall make the prohibitions in this section known to all affected individuals and corporate entities.

313.960. COMPLIANCE WITH ALL FEDERAL, STATE, AND LOCAL LAWS AND REGULATIONS. — Each licensed operator shall comply with all applicable federal, state, local laws, and regulations, including without limitation laws and regulations applicable to tax withholdings and laws and regulations applicable to providing information about winnings and the withholding to taxing authorities.

313.970. LICENSE REQUIRED--APPLICATION, FEE--INVESTIGATION PERMITTED--OPERATION FEE--GRANDFATHER PROVISION--FEE UPON CESSATION. — 1. No fantasy sports contest operator shall offer any fantasy sports contest in Missouri without first being licensed by the commission. A fantasy sports contest operator wishing to offer

fantasy sports contests in this state shall annually apply to the commission for a license and shall remit to the commission an annual application fee of ten thousand dollars or ten percent of the applicant's net revenue from the previous calendar year, whichever is lower.

2. As part of the commission's investigation and licensing process, the commission may conduct an investigation of the fantasy sports contest operator's employees, officers, directors, trustees, and principal salaried executive staff officers. The applicant shall be responsible for the total cost of the investigation. If the cost of the investigation exceeds the application fee, the applicant shall remit to the commission the total cost of the investigation prior to any license being issued. The total cost of the investigation, paid by the applicant, shall not exceed fifty thousand dollars. All revenue received under this section shall be placed into the gaming commission fund created under section 313.835.

3. In addition to the application fee, a licensed operator shall also pay an annual operation fee, on April fifteenth of each year, in a sum equal to eleven and one-half percent of the licensed operator's net revenue from the previous calendar year. All revenue collected under this subsection shall be placed in the gaming proceeds for education fund created under section 313.822. If a licensed operator fails to pay the annual operation fee by April fifteenth, the licensed operator shall have its license immediately suspended by the commission until such payment is made.

4. Any fantasy sports contest operator already operating in the state prior to April 1, 2016, may operate until they have received or have been denied a license. Such fantasy sports contest operators shall apply for a license prior to October 1, 2016. Any fantasy sports contest operator operating under this subsection after August 28, 2016, shall pay the annual operation fee of eleven and one-half percent of its net revenue from the effective date of this section until action is taken on its application. If a fantasy sports contest operator fails to pay its operation fee by April 15, 2017, the fantasy sports contest operator shall have its license immediately suspended by the commission, or if the fantasy sports contest operator has a pending application, its application shall be denied immediately.

5. If a fantasy sports contest operator ceases to offer fantasy sports contests in Missouri, the operator shall pay an operation fee equal to eleven and one-half percent of its net revenue for the period of the calendar year in which it offered fantasy sports contests in Missouri. Such payment shall be made within sixty days of the last day the fantasy sports contest operator offered fantasy sports contests in Missouri. After the expiration of sixty days, a penalty of five hundred dollars per day shall be assessed against the fantasy sports contest operator until the operation fee and any penalty is paid in full.

313.990. ANNUAL FINANCIAL AUDIT REQUIRED, OPERATOR TO PAY COST OF AUDIT. — A licensed operator shall contract annually with a certified public accountant to perform a financial audit of the licensed operator and the authorized internet website to ensure compliance with sections 313.900 to 313.1020 and any rule governing sections 313.900 to 313.1020. The licensed operator shall pay for the audit and submit, by March first of each year, the results of the audit to the commission.

313.1000. CONFIDENTIALITY OF RECORDS, EXCEPTIONS. — 1. Notwithstanding any applicable statutory provision to the contrary, all investigatory, proprietary, or application records, information, and summaries in the possession of the commission or its agents may be treated by the commission as closed records not to be disclosed to the public; except that the commission shall, on written request from any person, provide such person with the following information furnished by an applicant or licensee:

(1) The name, business address, and business telephone number of any applicant or licensee;

(2) An identification of any applicant or licensee, including, if an applicant or licensee is not an individual, the state of incorporation or registration, the corporate officers, and the identity of all shareholders or participants. If an applicant or licensee has a pending registration statement filed with the federal Securities and Exchange Division, the names of those persons or entities holding interest shall be provided;

(3) An identification of any business, including, if applicable, the state of incorporation or registration in which an applicant or licensee or an applicant's or licensee's spouse or children have an equity interest. If an applicant or licensee is a corporation, partnership, or other business entity, the applicant or licensee shall identify any other corporation, partnership, or business entity in which it has an equity interest, including, if applicable, the state of incorporation or registration. This information need not be provided by a corporation, partnership, or other business entity that has a pending registration statement filed with the federal Securities and Exchange Division;

(4) Whether an applicant or licensee has been indicted, convicted, pleaded guilty or nolo contendere, or forfeited bail concerning any criminal offense under the laws of any jurisdiction, either felony or misdemeanor, except for traffic violations, including the date, the name and location of the court, arresting agency and prosecuting agency, the case number, the offense, the disposition, and the location and length of incarceration;

(5) Whether an applicant or licensee has had any license or certificate issued by a licensing authority in this state or any jurisdiction denied, restricted, suspended, revoked, or not renewed and a statement describing the facts and circumstances concerning the denial, restriction, suspension, revocation, or nonrenewal, including the licensing authority, the date each such action was taken, and the reason for each such action;

(6) Whether an applicant or licensee has ever filed or had filed against it a proceeding in bankruptcy or has ever been involved in any formal process to adjust, defer, suspend, or otherwise work out the payment of any debt, including the date of filing, the name and location of the court, and the case and number of the disposition;

(7) Whether an applicant or licensee has filed or been served with a complaint or other notice filed with any public body regarding the delinquency in the payment of, or a dispute over, the filings concerning the payment of any tax required under federal, state, or local law, including the amount, type of tax, the taxing agency, and time periods involved;

(8) A statement listing the names and titles of all public officials or officers of any unit of government, and relatives of such public officials or officers who, directly or indirectly, own any financial interest in, have any beneficial interest in, are the creditors of or hold any debt instrument issued by, or hold or have any interest in any contractual or service relationship with, an applicant or licensee;

(9) The name and business telephone number of the attorney representing an applicant or licensee in matters before the commission.

2. Notwithstanding any applicable statutory provision to the contrary, the commission shall, on written request from any person, also provide the following information:

(1) The amount of the tax receipts paid to the state by the holder of a license;

(2) Whenever the commission finds an applicant for a license unsuitable for licensing, a copy of the written letter outlining the reasons for the denial; and

(3) Whenever the commission has refused to grant leave for an applicant to withdraw his application, a copy of the letter outlining the reasons for the refusal.

313.1010. COMMISSION TO SUPERVISE OPERATORS, LICENSEES, AND WEBSITES—POWERS AND DUTIES. — The commission shall have full jurisdiction over and shall supervise all licensed operators, other licensees, and authorized internet websites governed by sections 313.900 to 313.1020. The commission shall have the following powers to implement sections 313.900 to 313.1020:

- (1) To investigate applicants;
- (2) To license fantasy sports contest operators and adopt standards for licensing;
- (3) To investigate alleged violations of sections 313.900 to 313.1020 or the commission's rules, orders, or final decisions;
- (4) To assess an appropriate administrative penalty of not more than ten thousand dollars per violation, not to exceed one hundred thousand dollars for violations arising out of the same transaction or occurrence, and take action including, but not limited to, the suspension or revocation of a license for violations of sections 313.900 to 313.1020 or the commission's rules, orders, or final decisions;
- (5) To issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, records, and other pertinent documents, and to administer oaths and affirmations to the witnesses, when, in the judgment of the commission, it is necessary to enforce sections 313.900 to 313.1020 or the commission rules;
- (6) To take any other action as may be reasonable or appropriate to enforce sections 313.900 to 313.1020 and the commission rules.

313.1020. RULEMAKING AUTHORITY. — 1. The commission shall have power to adopt and enforce rules and regulations:

- (1) To regulate and license the management, operation, and conduct of fantasy sports contests and participants therein;
 - (2) To adopt responsible play protections for registered players; and
 - (3) To properly administer and enforce the provisions of sections 313.900 to 313.1020.
2. The commission shall not adopt rules or regulations limiting or regulating the rules or administration of an individual fantasy sports contest, the statistical makeup of a fantasy sports contest, or the digital platform of a fantasy sports contest operator.

3. No rule or portion of a rule promulgated under the authority of sections 313.900 to 313.1020 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

Approved June 10, 2016

HB 1979 [CCS SS SCS HCS HB 1979]

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

Imposes a six-month rule for lobbying by former members of the general assembly, by former statewide elected officials, and by former holders of an office that required senate confirmation

AN ACT to repeal section 105.456 as enacted by house bill no. 1120, eighty-ninth general assembly, second regular session, and to enact in lieu thereof two new sections relating solely to certain public officials becoming lobbyists.

SECTION

- A. Enacting clause.
- 105.455. Six-month waiting period for certain elected or appointed officials — limited to compensated lobbyists — exemptions — definitions.
- 105.456. Prohibited acts by members of general assembly and statewide elected officials, exceptions. Prohibited acts by members of general assembly and statewide elected officials, exceptions.

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

SECTION A. ENACTING CLAUSE. — Section 105.456 as enacted by house bill no. 1120, eighty-ninth general assembly, second regular session, is repealed and two new sections enacted in lieu thereof, to be known as sections 105.455 and 105.456, to read as follows:

105.455. SIX-MONTH WAITING PERIOD FOR CERTAIN ELECTED OR APPOINTED OFFICIALS — LIMITED TO COMPENSATED LOBBYISTS — EXEMPTIONS — DEFINITIONS. —

1. No person elected or appointed to the state senate, to the state house of representatives, or to the office of governor, lieutenant governor, attorney general, secretary of state, state treasurer, or state auditor who vacates the office, whether by resignation, expulsion, term limitation under article III, section 8 of the Constitution of Missouri, or otherwise, shall act, serve, or register as a lobbyist until six months after the expiration of any term of office for which such person was elected or appointed.

2. No person holding an office that required appointment by the governor and confirmation by the senate who vacates the office, whether by resignation, expulsion, or otherwise, shall act, serve, or register as a lobbyist until six months after the vacation of such office.

3. For purposes of this section, the prohibition contained herein shall apply only to lobbyists employed by a lobbyist principal for pay or other compensation in excess of reimbursement for expenses incurred.

4. The provisions of this section shall not apply to any person who acts, serves, or registers as a lobbyist for a state department or agency.

5. For purposes of this section, the terms "lobbyist" and "lobbyist principal" shall have the same meanings given to such terms under section 105.470.

105.456. PROHIBITED ACTS BY MEMBERS OF GENERAL ASSEMBLY AND STATEWIDE ELECTED OFFICIALS, EXCEPTIONS. PROHIBITED ACTS BY MEMBERS OF GENERAL ASSEMBLY AND STATEWIDE ELECTED OFFICIALS, EXCEPTIONS. — 1. No member of the general assembly or the governor, lieutenant governor, attorney general, secretary of state, state treasurer or state auditor shall:

(1) Perform any service for the state or any political subdivision of the state or any agency of the state or any political subdivision thereof or act in his or her official capacity or perform duties associated with his or her position for any person for any consideration other than the compensation provided for the performance of his or her official duties; [or]

(2) Sell, rent or lease any property to the state or political subdivision thereof or any agency of the state or any political subdivision thereof for consideration in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received; [or]

(3) Attempt, for compensation other than the compensation provided for the performance of his or her official duties, to influence the decision of any agency of the state on any matter, except that this provision shall not be construed to prohibit such person from participating for compensation in any adversary proceeding or in the preparation or filing of any public document or conference thereon. The exception for a conference upon a public document shall not permit any member of the general assembly or the governor, lieutenant governor, attorney general, secretary of state, state treasurer or state auditor to receive any consideration for the purpose of attempting to influence the decision of any agency of the state on behalf of any person with regard to any application, bid or request for a state grant, loan, appropriation, contract, award, permit other than matters involving a driver's license, or job before any state agency, commission, or elected official. Notwithstanding Missouri supreme court rule 1.10 of rule 4 or any other court rule or law to the contrary, other members of a firm, professional corporation or partnership shall not be prohibited pursuant to this subdivision from representing a person or other entity solely

because a member of the firm, professional corporation or partnership serves in the general assembly, provided that such official does not share directly in the compensation earned, so far as the same may reasonably be accounted, for such activity by the firm or by any other member of the firm. This subdivision shall not be construed to prohibit any inquiry for information or the representation of a person without consideration before a state agency or in a matter involving the state if no consideration is given, charged or promised in consequence thereof; or

(4) Solicit any registered lobbyist for any compensated or noncompensated position, with a hiring date beginning after such person is no longer an elected official, while such person holds office.

2. No sole proprietorship, partnership, joint venture, or corporation in which a member of the general assembly, governor, lieutenant governor, attorney general, secretary of state, state treasurer, state auditor or spouse of such official, is the sole proprietor, a partner having more than a ten percent partnership interest, or a coparticipant or owner of in excess of ten percent of the outstanding shares of any class of stock, shall:

(1) Perform any service for the state or any political subdivision thereof or any agency of the state or political subdivision for any consideration in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let or sale made after public notice and competitive bidding, provided that the bid or offer accepted is the lowest received; or

(2) Sell, rent, or lease any property to the state or any political subdivision thereof or any agency of the state or political subdivision thereof for consideration in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let or a sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest and best received.

3. No individual or business entity shall solicit a member of the general assembly to become employed by that individual or business entity as a legislative lobbyist while such member is holding office as a member of the general assembly. No member of the general assembly shall solicit clients to represent as a legislative lobbyist.

4. For purposes of this section, the terms "lobbyist" and "legislative lobbyist" shall have the same meanings given to such terms under section 105.470.

Approved May 6, 2016

HB 1983 [CCS SS SCS HB 1983]

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 no statewide elected official or member of the General Assembly shall serve as a paid political consultant

AN ACT to repeal section 105.450, RSMo, and to enact in lieu thereof two new sections relating to prohibiting elected officials from acting as paid political consultants.

SECTION

A. Enacting clause.

105.450. Definitions.

105.453. Paid political consulting, prohibited for statewide elected officials and members of general assembly.

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

SECTION A. ENACTING CLAUSE. — Section 105.450, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 105.450 and 105.453, to read as follows:

105.450. DEFINITIONS. — As used in sections 105.450 to 105.496 and sections 105.955 to 105.963, unless the context clearly requires otherwise, the following terms mean:

(1) "Adversary proceeding", any proceeding in which a record of the proceedings may be kept and maintained as a public record at the request of either party by a court reporter, notary public or other person authorized to keep such record by law or by any rule or regulation of the agency conducting the hearing; or from which an appeal may be taken directly or indirectly, or any proceeding from the decision of which any party must be granted, on request, a hearing de novo; or any arbitration proceeding; or a proceeding of a personnel review board of a political subdivision; or an investigative proceeding initiated by an official, department, division, or agency which pertains to matters which, depending on the conclusion of the investigation, could lead to a judicial or administrative proceeding being initiated against the party by the official, department, division or agency;

(2) "Business entity", a corporation, association, firm, partnership, proprietorship, or business entity of any kind or character;

(3) "Business with which a person is associated":

(a) Any sole proprietorship owned by himself or herself, the person's spouse or any dependent child in the person's custody;

(b) Any partnership or joint venture in which the person or the person's spouse is a partner, other than as a limited partner of a limited partnership, and any corporation or limited partnership in which the person is an officer or director or of which either the person or the person's spouse or dependent child in the person's custody whether singularly or collectively owns in excess of ten percent of the outstanding shares of any class of stock or partnership units; or

(c) Any trust in which the person is a trustee or settlor or in which the person or the person's spouse or dependent child whether singularly or collectively is a beneficiary or holder of a reversionary interest of ten percent or more of the corpus of the trust;

(4) "Commission", the Missouri ethics commission established in section 105.955;

(5) "Confidential information", all information whether transmitted orally or in writing which is of such a nature that it is not, at that time, a matter of public record or public knowledge;

(6) "Decision-making public servant", an official, appointee or employee of the offices or entities delineated in paragraphs (a) through (h) of this subdivision who exercises supervisory authority over the negotiation of contracts, or has the legal authority to adopt or vote on the adoption of rules and regulations with the force of law or exercises primary supervisory responsibility over purchasing decisions. The following officials or entities shall be responsible for designating a decision-making public servant:

(a) The governing body of the political subdivision with a general operating budget in excess of one million dollars;

(b) A department director;

(c) A judge vested with judicial power by article V of the Constitution of the state of Missouri;

(d) Any commission empowered by interstate compact;

(e) A statewide elected official;

(f) The speaker of the house of representatives;

(g) The president pro tem of the senate;

(h) The president or chancellor of a state institution of higher education;

(7) "Dependent child" or "dependent child in the person's custody", all children, stepchildren, foster children and wards under the age of eighteen residing in the person's household and who receive in excess of fifty percent of their support from the person;

(8) "**Paid political consultant**", a person who is paid for profit to promote the election of a certain candidate or the interest of a committee, as defined in section 130.011, including, but not limited to, planning campaign strategies; coordinating campaign staff; organizing meetings and public events to publicize the candidate or cause; public opinion

polling; providing research on issues or opposition background; coordinating or purchasing print or broadcast media; direct mail production; phone solicitation; fund raising; and any other political activities. The term "paid political consultant" shall not include vendors who provide tangible goods that do not promote the election of a candidate or the interest of a committee in the ordinary course of the vendor's business;

(9) "Political subdivision" shall include any political subdivision of the state, and any special district or subdistrict;

[(9)] (10) "Public document", a state tax return or a document or other record maintained for public inspection without limitation on the right of access to it and a document filed in a juvenile court proceeding;

[(10)] (11) "Substantial interest", ownership by the individual, the individual's spouse, or the individual's dependent children, whether singularly or collectively, directly or indirectly, of ten percent or more of any business entity, or of an interest having a value of ten thousand dollars or more, or the receipt by an individual, the individual's spouse or the individual's dependent children, whether singularly or collectively, of a salary, gratuity, or other compensation or remuneration of five thousand dollars, or more, per year from any individual, partnership, organization, or association within any calendar year;

[(11)] (12) "Substantial personal or private interest in any measure, bill, order or ordinance", any interest in a measure, bill, order or ordinance which results from a substantial interest in a business entity.

105.453. PAID POLITICAL CONSULTING, PROHIBITED FOR STATEWIDE ELECTED OFFICIALS AND MEMBERS OF GENERAL ASSEMBLY. — 1. No statewide elected official or member of the general assembly shall accept or receive compensation of any kind as a paid political consultant for:

(1) A candidate for the office of governor, lieutenant governor, attorney general, secretary of state, state treasurer, state auditor, state senator, or state representative;

(2) The candidate committee of the governor, lieutenant governor, attorney general, secretary of state, state treasurer, state auditor, state senator, or state representative;

(3) The governor, lieutenant governor, attorney general, secretary of state, state treasurer, state auditor, any state senator, or any state representative;

(4) Any continuing committee; or

(5) Any campaign committee.

2. For purposes of this section, the terms "candidate", "candidate committee", "campaign committee", and "continuing committee" shall have the same meanings given to such terms under section 130.011.

Approved April 14, 2016

HB 2029 [SS HCS HB 2029]

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 step therapy for prescription drugs

AN ACT to amend chapter 376, RSMo, by adding thereto three new sections relating to step therapy for prescription drugs.

SECTION

A. Enacting clause.
376.2030. Definitions.

- 376.2034. Restriction on step therapy protocol, patient to have access to override exception determination — procedure.
- 376.2036. Enforcement — applicability to health insurance plans, when.

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 three new sections, to be known as sections 376.2030, 376.2034, and 376.2036, to read as follows:

376.2030. DEFINITIONS. — As used in sections 376.2030 to 376.2036, the following terms mean:

(1) "Health benefit plan", the same meaning as such term is defined in section 376.1350;

(2) "Health care provider", the same meaning as such term is defined in section 376.1350;

(3) "Health carrier", the same meaning as such term is defined in section 376.1350;

(4) "Step therapy override exception determination", a determination as to whether a step therapy protocol should apply in a particular situation, or whether the step therapy protocol should be overridden in favor of immediate coverage of the health care provider's preferred prescription drug. This determination is based on a review of the patient's health care provider's request for an override, along with supporting rationale and documentation;

(5) "Step therapy override exception request", a written request from the patient's health care provider for the step therapy protocol to be overridden in favor of immediate coverage of the health care provider's preferred prescription drug. The manner and form of the written request shall be disclosed to the patient and the health care provider as described in subsection 1 of section 376.2034;

(6) "Step therapy protocol", a protocol or program that establishes the specific sequence in which prescription drugs for a specified medical condition and medically appropriate for a particular patient are to be prescribed and covered by a health carrier or health benefit plan;

(7) "Utilization review organization", an entity that conducts utilization review other than an insurer or health carrier performing utilization review for its own health benefit plans.

376.2034. RESTRICTION ON STEP THERAPY PROTOCOL, PATIENT TO HAVE ACCESS TO OVERRIDE EXCEPTION DETERMINATION — PROCEDURE. — 1. If coverage of a prescription drug for the treatment of any medical condition is restricted for use by a health carrier, health benefit plan, or utilization review organization via a step therapy protocol, a patient, through his or her health care provider, shall have access to a clear, convenient, and readily accessible process to request a step therapy override exception determination. A health carrier, health benefit plan, or utilization review organization may use its existing medical exceptions process to satisfy this requirement. The process shall be disclosed to the patient and health care provider, which shall include the necessary documentation needed to process such request and be made available on the health carrier plan or health benefit plan website.

2. A step therapy override exception determination shall be granted if the patient has tried the step therapy-required prescription drugs while under his or her current or previous health insurance or health benefit plan, and such prescription drugs were discontinued due to lack of efficacy or effectiveness, diminished effect, or an adverse event. Pharmacy drug samples shall not be considered trial and failure of a preferred prescription drug in lieu of trying the step-therapy required prescription drug.

3. The health carrier, health benefit plan, or utilization review organization may request relevant documentation from the patient or provider to support the override exception request.

4. Upon the granting of a step therapy override exception request, the health carrier, health benefit plan, or utilization review organization shall authorize dispensation of and coverage for the prescription drug prescribed by the patient's treating health care provider, provided such drug is a covered drug under such policy or contract.

5. This section shall not be construed to prevent:

(1) A health carrier, health benefit plan, or utilization review organization from requiring a patient to try a generic equivalent or other brand name drug prior to providing coverage for the requested prescription drug; or

(2) A health care provider from prescribing a prescription drug he or she determines is medically appropriate.

376.2036. ENFORCEMENT — APPLICABILITY TO HEALTH INSURANCE PLANS, WHEN. — Notwithstanding any law to the contrary, the department of insurance, financial institutions and professional registration shall enforce sections 376.2030 to 376.2036. The provisions of sections 376.2030 to 376.2036 shall apply to health insurance and health benefit plans delivered, issued for delivery, or renewed on or after January 1, 2018.

Approved June 8, 2016

HB 2125 [SCS HB 2125]

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

Authorizes financial institutions to offer savings promotion plans

AN ACT to repeal sections 209.600, 209.605, 209.610, and 209.630, RSMo, and to enact in lieu thereof eight new sections relating to savings programs.

SECTION

- A. Enacting clause.
- 209.600. Definitions.
- 209.605. Program created — ABLE board to administer, members, terms — powers — meetings — investment of funds.
- 209.610. Agreements, terms and conditions — contribution limits.
- 209.630. Assets used for ABLE program purposes only.
- 408.800. Definitions.
- 408.810. Savings promotion program authorized, conditions.
- 408.820. Compliance with federal American Savings Promotion Act.
- 408.830. Programs not gambling, gaming, lottery, raffle, or sweepstake.

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

SECTION A. ENACTING CLAUSE. — Sections 209.600, 209.605, 209.610, and 209.630, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 209.600, 209.605, 209.610, 209.630, 408.800, 408.810, 408.820, and 408.830, to read as follows:

209.600. DEFINITIONS. — [1.] As used in sections 209.600 to 209.645, except where the context clearly requires another interpretation, the following terms mean:

(1) "ABLE account", the same meaning as in 26 U.S.C. Section 529A of the Internal Revenue Code;

(2) "Benefits", the payment of qualified disability expenses on behalf of a designated beneficiary from an ABLÉ account;

(3) "Board", the Missouri Achieving a Better Life Experience board established in section 209.605;

(4) "Designated beneficiary", the same meaning as in 26 U.S.C. Section 529A of the Internal Revenue Code;

(5) "Eligible individual", the same meaning as in 26 U.S.C. 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 209.600 to 209.645;

(9) "Participant", a person who has entered into a participation agreement pursuant to sections 209.600 to 209.645 for the advance payment of qualified disability expenses on behalf of a designated beneficiary. Unless otherwise permitted under 26 U.S.C. Section 529A of the Internal Revenue Code the participant shall be the designated beneficiary of the ABLÉ 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 26 U.S.C. 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 209.600 to 209.645; and

(11) "Qualified disability expenses", the same meaning as in 26 U.S.C. Section 529A of the Internal Revenue Code.

209.605. 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 ABLÉ 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 ABLÉ 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 209.600 to 209.645 to permit the ABLÉ program to qualify as a "qualified ABLÉ program" pursuant to 26 U.S.C. Section 529A of the Internal Revenue Code and to ensure ABLÉ 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 209.600 to 209.645;

(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 209.600 to 209.645 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 209.600 to 209.645, and have all other powers necessary to carry out and effectuate the purposes, objectives, and provisions of sections 209.600 to 209.645 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.

209.610. 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 209.600 to 209.645, 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 26 U.S.C. 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 209.625. 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 209.620.

209.630. ASSETS USED FOR ABLE PROGRAM PURPOSES ONLY. — The assets of the ABLE program shall at all times be preserved, invested, [and] expended, **and distributed** only for the purposes set forth in this section **and 26 U.S.C. Section 529A of the Internal Revenue Code of 1986, as amended**, and in accordance with the participation agreements [, and no property rights therein shall exist in favor of the state].

408.800. DEFINITIONS. — As used in sections 408.800 to 408.830, the following terms shall mean:

(1) "American Savings Promotion Act", Public Law 113-251, enacted by the 113th United States Congress;

(2) "Eligible account", an insured deposit account offered by an eligible financial institution that provides an incentive savings program authorized under sections 408.800 to 408.830. This shall include any account in which an individual has either a joint or individual interest, any trust account, or similar account held for a beneficiary. For individual accounts, one individual account holder shall be eighteen years of age or older to be eligible. The eligibility of the account shall not be affected by the designation of a transfer on death beneficiary;

(3) "Eligible financial institution", a federally insured depository institution that is state or federally chartered and is authorized to accept deposits that are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration;

(4) "Eligible financial program":

(a) Any savings program or product that an eligible financial institution offers to participants for the purpose of:

a. Encouraging savings by participants; or

b. Providing participants the opportunity to use and control their own money in order to improve his or her economic and social condition;

(b) Programs or products that encourage or require participants to:

a. Open one or more eligible accounts; or

b. Increase deposits or contributions to one or more eligible accounts; or

(c) Programs or products that encourage or require participants to deposit or transfer money into one or more eligible accounts on a recurring or automatic basis;

(5) "Participant", any owner of an eligible account;

(6) "Savings promotion program", a promotion in which a chance of winning designated prizes is obtained by the deposit of a specified amount of money in a savings account or other savings program offered by an eligible financial institution to participants in which each entry has an equal chance of being drawn where the participants own the savings account or other savings program.

408.810. SAVINGS PROMOTION PROGRAM AUTHORIZED, CONDITIONS. — Eligible financial institutions may offer and conduct a savings promotion program under the following conditions:

(1) The terms and conditions of the savings promotion program shall allow an eligible account to obtain one or more entries to win a specified prize. Eligible accounts shall obtain entry for a savings promotion program by maintaining an eligible account with a minimum specified amount of money in accordance with the terms and conditions of the savings promotion program;

(2) Beyond meeting the requirement in subdivision (1) of this section, participants in the savings promotion program shall not be required to provide any consideration to obtain chances to win prizes. By meeting the requirement in subdivision (1) of this section, participants shall not be deemed to have given consideration;

(3) Participants shall not be deemed to have provided consideration merely because:

(a) The participant makes deposits into savings accounts or other savings programs that remain under the ownership of the participant;

(b) The interest rate, if any, of the participant's account is lower than the interest rate associated with comparable accounts; or

(c) The participant pays any fee or amount to administer or maintain the participant's account that the financial institution ordinarily and customarily charges an individual who does not participate in the savings promotion program; and

(4) Each entry into the savings promotion program shall have an equal chance of being drawn.

408.820. COMPLIANCE WITH FEDERAL AMERICAN SAVINGS PROMOTION ACT. — Eligible financial institutions that choose to offer savings promotion programs shall comply with the requirements of the American Savings Promotion Act and the regulations promulgated by the federal prudential regulators of the eligible financial institutions applicable to the savings promotion program.

408.830. PROGRAMS NOT GAMBLING, GAMING, LOTTERY, RAFFLE, OR SWEEPSTAKE. — Savings promotion programs under sections 408.800 to 408.830 shall not constitute gambling, gaming, a lottery, raffle, or sweepstakes as defined by any other statute.

Approved June 13, 2016

HB 2140 [SCS HCS HB 2140]

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 automobiles and establishes the "Missouri Task Force on Fair, Nondiscriminatory Local Taxation Concerning Motor Vehicles, Trailers, Boats, and Outboard Motors"

AN ACT to repeal section 32.087, RSMo, and to enact in lieu thereof two new sections relating to local sales tax on motor vehicles.

SECTION

- A. Enacting clause.
- 32.087. Local sales taxes, procedures and duties of director of revenue, generally — effective date of tax — duty of retailers and director of revenue — exemptions — discounts allowed — penalties — motor vehicle and boat sales, mobile telecommunications services — bond required — annual report of director, contents — delinquent payments — reapproval, effect, procedures.
- 32.088. Task force on local taxation of certain motorized vehicles established, members, goals, duties, report, expiration date.

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

SECTION A. ENACTING CLAUSE. — Section 32.087, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 32.087 and 32.088, to read as follows:

32.087. LOCAL SALES TAXES, PROCEDURES AND DUTIES OF DIRECTOR OF REVENUE, GENERALLY — EFFECTIVE DATE OF TAX — DUTY OF RETAILERS AND DIRECTOR OF REVENUE — EXEMPTIONS — DISCOUNTS ALLOWED — PENALTIES — MOTOR VEHICLE AND BOAT SALES, MOBILE TELECOMMUNICATIONS SERVICES — BOND REQUIRED — ANNUAL REPORT OF DIRECTOR, CONTENTS — DELINQUENT PAYMENTS — REAPPROVAL, EFFECT, PROCEDURES. — 1. Within ten days after the adoption of any ordinance or order in favor of adoption of any local sales tax authorized under the local sales tax law by the voters of a taxing

entity, the governing body or official of such taxing entity shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance or order. The ordinance or order shall reflect the effective date thereof.

2. Any local sales tax so adopted shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the local sales tax, except as provided in subsection 18 of this section, and shall be imposed on all transactions on which the Missouri state sales tax is imposed.

3. Every retailer within the jurisdiction of one or more taxing entities which has imposed one or more local sales taxes under the local sales tax law shall add all taxes so imposed along with the tax imposed by the sales tax law of the state of Missouri to the sale price and, when added, the combined tax shall constitute a part of the price, and 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. The combined rate of the state sales tax and all local sales taxes shall be the sum of the rates, multiplying the combined rate times the amount of the sale.

4. The brackets required to be established by the director of revenue under the provisions of section 144.285 shall be based upon the sum of the combined rate of the state sales tax and all local sales taxes imposed under the provisions of the local sales tax law.

5. (1) The ordinance or order imposing a local sales tax under the local sales tax law shall impose a tax upon all transactions upon which the Missouri state sales tax is imposed to the extent and in the manner provided in sections 144.010 to 144.525, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the sum of the combined rate of the state sales tax or state highway use tax and all local sales taxes imposed under the provisions of the local sales tax law.

(2) Notwithstanding any other provision of law to the contrary, local taxing jurisdictions, except those in which voters have [previously] approved a local use tax under section 144.757, shall have placed on the ballot on or after the general election in November 2014, but no later than the general election in November [2016] **2018**, whether to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors that are subject to state sales tax under section 144.020 and purchased from a source other than a licensed Missouri dealer. The ballot question presented to the local voters shall contain substantially the following language:

Shall the (local jurisdiction's name) discontinue applying and collecting the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer?

Approval of this measure will result in a reduction of local revenue to provide for vital services for (local jurisdiction's name) and it will place Missouri dealers of motor vehicles, outboard motors, boats, and trailers at a competitive disadvantage to non-Missouri dealers of motor vehicles, outboard motors, boats, and trailers.

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".

(3) If the ballot question set forth in subdivision (2) of this subsection receives a majority of the votes cast in favor of the proposal, or if the local taxing jurisdiction fails to place the ballot question before the voters on or before the general election in November [2016] **2018**, the local taxing jurisdiction shall cease applying the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer.

(4) In addition to the requirement that the ballot question set forth in subdivision (2) of this subsection be placed before the voters, the governing body of any local taxing jurisdiction that had previously imposed a local use tax on the use of motor vehicles, trailers, boats, and outboard

motors may, at any time, place a proposal on the ballot at any election to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are in favor of the proposal to repeal application of the local sales tax to such titling, then the local sales tax shall no longer be applied to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal application of the local sales tax to such titling, such application shall remain in effect.

(5) In addition to the requirement that the ballot question set forth in subdivision (2) of this subsection be placed before the voters on or after the general election in November 2014, and on or before the general election in November [2016] **2018**, whenever the governing body of any local taxing jurisdiction imposing a local sales tax on the sale of motor vehicles, trailers, boats, and outboard motors receives a petition, signed by fifteen percent of the registered voters of such jurisdiction voting in the last gubernatorial election, and calling for a proposal to be placed on the ballot at any election to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer, the governing body shall submit to the voters of such jurisdiction a proposal to repeal application of the local sales tax to such titling. If a majority of the votes cast by the registered voters voting thereon are in favor of the proposal to repeal application of the local sales tax to such titling, then the local sales tax shall no longer be applied to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal application of the local sales tax to such titling, such application shall remain in effect.

(6) Nothing in this subsection shall be construed to authorize the voters of any jurisdiction to repeal application of any state sales or use tax.

(7) If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is repealed, such repeal shall take effect on the first day of the second calendar quarter after the election. If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is required to cease to be applied or collected due to failure of a local taxing jurisdiction to hold an election pursuant to subdivision (2) of this subsection, such cessation shall take effect on March 1, [2017] **2019**.

(8) Notwithstanding any provision of law to the contrary, if any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is repealed after the general election in November 2014, or if the taxing jurisdiction failed to present the ballot to the voters at a general election on or before November 2018, then the governing body of such taxing jurisdiction may, at any election subsequent to the repeal or after the general election in November 2018, if the jurisdiction failed to present the ballot to the voters, place before the voters the issue of imposing a sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that are subject to state sales tax under section 144.020 that were purchased from a source other than a licensed Missouri dealer. The ballot question presented to the local voters shall contain substantially the following language:

Shall the (local jurisdiction's name) apply and collect the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that are subject to state sales tax under section 144.020 and purchased from a source other than a licensed Missouri dealer?

Approval of this measure will result in an increase of local revenue to provide for vital services for (local jurisdiction's name), and it will remove a competitive

advantage that non-Missouri dealers of motor vehicles, outboard motors, boats, and trailers have over Missouri dealers of motor vehicles, outboard motors, boats, and trailers.

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".

(9) If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is adopted, such tax shall take effect and be imposed on the first day of the second calendar quarter after the election.

6. On and after the effective date of any local sales tax imposed under the provisions of the local sales tax law, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect in addition to the sales tax for the state of Missouri all additional local sales taxes authorized under the authority of the local sales tax law. All local sales taxes imposed under the local sales tax law together with all taxes imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

7. All applicable provisions contained 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 any local sales tax imposed under the local sales tax law except as modified by the local sales tax law.

8. All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services under the provisions of sections 144.010 to 144.525, as these sections now read and as they may hereafter be amended, it being the intent of this general assembly to ensure that the same sales tax exemptions granted from the state sales tax law also be granted under the local sales tax law, are hereby made applicable to the imposition and collection of all local sales taxes imposed under the local sales tax law.

9. 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 the local sales tax law, 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 any local sales tax imposed by the local sales tax law.

10. All discounts allowed the retailer under the provisions of the state sales tax law for the collection of and for payment of taxes under the provisions of the state sales tax law are hereby allowed and made applicable to any local sales tax collected under the provisions of the local sales tax law.

11. The penalties provided in section 32.057 and sections 144.010 to 144.525 for a violation of the provisions of those sections are hereby made applicable to violations of the provisions of the local sales tax law.

12. (1) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, all sales, except the sale of motor vehicles, trailers, boats, and outboard motors required to be titled under the laws of the state of Missouri, shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's agent or employee shall be deemed to be consummated at the place of business from which he works.

(2) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, the sales tax upon the titling of all motor vehicles, trailers, boats, and outboard motors shall be imposed at the rate in effect at the location of the residence of the purchaser, and remitted to that local taxing entity, and not at the place of business of the retailer, or the place of business from which the retailer's agent or employee works.

(3) For the purposes of any local tax imposed by an ordinance or under the local sales tax law on charges for mobile telecommunications services, all taxes of mobile telecommunications service shall be imposed as provided in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended.

13. Local sales taxes shall not be imposed on the seller of motor vehicles, trailers, boats, and outboard motors required to be titled under the laws of the state of Missouri, but shall be collected from the purchaser by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within a taxing entity imposing a local sales tax under the local sales tax law.

14. The director of revenue and any of his deputies, assistants and employees who have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the hands of the director of revenue under the provisions of the local sales tax law shall enter a surety bond or bonds payable to any and all taxing entities in whose behalf such funds have been collected under the local sales tax law in the amount of one hundred thousand dollars for each such tax; but the director of revenue may enter into a blanket bond covering himself and all such deputies, assistants and employees. The cost of any premium for such bonds shall be paid by the director of revenue from the share of the collections under the sales tax law retained by the director of revenue for the benefit of the state.

15. The director of revenue shall annually report on his management of each trust fund which is created under the local sales tax law and administration of each local sales tax imposed under the local sales tax law. He shall provide each taxing entity imposing one or more local sales taxes authorized by the local sales tax law with a detailed accounting of the source of all funds received by him for the taxing entity. Notwithstanding any other provisions of law, the state auditor shall annually audit each trust fund. A copy of the director's report and annual audit shall be forwarded to each taxing entity imposing one or more local sales taxes.

16. Within the boundaries of any taxing entity where one or more local sales taxes have been imposed, if any person is delinquent in the payment of the amount required to be paid by him under the local sales tax law or in the event a determination has been made against him for taxes and penalty under the local sales tax law, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525. Where the director of revenue has determined that suit must be filed against any person for the collection of delinquent taxes due the state under the state sales tax law, and where such person is also delinquent in payment of taxes under the local sales tax law, the director of revenue shall notify the taxing entity in the event any person fails or refuses to pay the amount of any local sales tax due so that appropriate action may be taken by the taxing entity.

17. Where property is seized by the director of revenue under the provisions of any law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax imposed by the local sales tax law, the director of revenue shall permit the taxing entity to join in any sale of property to pay the delinquent taxes and penalties due the state and to the taxing entity under the local sales tax law. The proceeds from such sale shall first be applied to all sums due the state, and the remainder, if any, shall be applied to all sums due such taxing entity.

18. If a local sales tax has been in effect for at least one year under the provisions of the local sales tax law and voters approve reimposition of the same local sales tax at the same rate at an election as provided for in the local sales tax law prior to the date such tax is due to expire,

the tax so reimposed shall become effective the first day of the first calendar quarter after the director receives a certified copy of the ordinance, order or resolution accompanied by a map clearly showing the boundaries thereof and the results of such election, provided that such ordinance, order or resolution and all necessary accompanying materials are received by the director at least thirty days prior to the expiration of such tax. Any administrative cost or expense incurred by the state as a result of the provisions of this subsection shall be paid by the city or county reimposing such tax.

32.088. TASK FORCE ON LOCAL TAXATION OF CERTAIN MOTORIZED VEHICLES ESTABLISHED, MEMBERS, GOALS, DUTIES, REPORT, EXPIRATION DATE. — 1. There is hereby created the "Missouri Task Force on Fair, Nondiscriminatory Local Taxation Concerning Motor Vehicles, Trailers, Boats, and Outboard Motors" to consist of the following members:

- (1) The following six members of the general assembly:
 - (a) Three members of the house of representatives, with no more than two members from the same political party and each member to be appointed by the speaker of the house of representatives; and
 - (b) Three members of the senate, with no more than two members from the same political party and each member to be appointed by the president pro tempore of the senate;
- (2) The director of the department of revenue or the director's designee;
- (3) Two Missouri motor vehicle dealers, with one to be appointed by the speaker of the house of representatives and one to be appointed by the president pro tempore of the senate;
- (4) Two representatives from Missouri county governments, with one to be appointed by the speaker of the house of representatives and one to be appointed by the president pro tempore of the senate;
- (5) Two representatives from Missouri city governments, with one to be appointed by the speaker of the house of representatives and one to be appointed by the president pro tempore of the senate; and
- (6) One Missouri marine dealer, to be appointed by the speaker of the house of representatives.

2. The task force shall meet within thirty days after its creation and organize by selecting a chair and a vice chair, one of whom shall be a member of the senate and the other of whom shall be a member of the house of representatives. The chair shall designate a person to keep the records of the task force. A majority of the task force constitutes a quorum and a majority vote of a quorum is required for any action.

3. The task force shall meet at least quarterly. However, the task force shall meet at least monthly during each term of the general assembly. Meetings may be held by telephone or video conference at the discretion of the chair.

4. Members shall serve on the task force without compensation but may, subject to appropriation, be reimbursed for actual and necessary expenses incurred in the performance of their official duties as members of the task force.

5. The goals of the task force shall address:

- (1) The disparity in taxation that resulted from the Missouri Supreme Court's decision in *Street v. Director of Revenue*, 361 S.W.3d 355 (Mo. 2012)(en banc), concerning the local taxation of motor vehicles, boats, trailers, and outboard motors if purchased from a source other than a licensed Missouri dealer;
- (2) The need for local jurisdictions to continue to receive revenue to provide vital services restored by S.B. 23, effective July 5, 2013; and
- (3) The need to avoid placing Missouri dealers of motor vehicles, outboard motors, boats, and trailers at a competitive disadvantage to non-Missouri dealers of motor vehicles, outboard motors, boats, and trailers.

6. The task force shall:

- (1) Review evidence regarding the methods to address the goals of the task force;
- (2) Review the methods used by other states to address the goals of the task force;
- (3) Review the impact of the disparity of treatment on Missouri dealers; and
- (4) Develop legislation that will not discriminate against Missouri dealers and will safeguard local revenue to provide vital local services.

7. On or before December 31, 2017, the task force shall submit a report on its findings to the governor and general assembly. The report shall include any dissenting opinions in addition to any majority opinions.

8. The task force shall expire on January 1, 2018, or upon submission of a report under subsection 7 of this section, whichever is earlier.

Approved May 4, 2016

HB 2150 [HCS HB 2150]

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

Requires life insurance companies to compare policies, annuities, and accounts against a death master file for potential matches and to either pay beneficiaries or remit unclaimed benefits to state treasurer

AN ACT to amend chapter 376, RSMo, by adding thereto four new sections relating to unclaimed life insurance benefits.

SECTION

- A. Enacting clause.
- 376.2050. Citation of act.
- 376.2051. Definitions.
- 376.2052. Comparison of in-force policies to death master file — violation deemed an unfair trade practice.
- 376.2053. Exemption from requirements, when.

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 four new sections, to be known as sections 376.2050, 376.2051, 376.2052, and 376.2053, to read as follows:

376.2050. CITATION OF ACT. — Sections 376.2050 to 376.2053 shall be known and may be cited as the "Unclaimed Life Insurance Benefits Act".

376.2051. DEFINITIONS. — As used in sections 376.2050 to 376.2053, the following terms mean:

(1) "Asymmetric conduct", an insurer's use of the Death Master File prior to January 1, 2018 in connection with searching for information regarding whether annuitants under the insurer's contracts might be deceased, but not in connection with whether the insureds or account owners under its policies or retained asset accounts might be deceased;

(2) "Contract", an annuity contract. The term "contract" shall not include an annuity used to fund an employment-based retirement plan or program in which the insurer does not perform the record-keeping services or the insurer is not committed by terms of the annuity contract to pay death benefits to the beneficiaries of specific plan participants;

(3) "Death Master File", the United States Social Security Administration's Death Master File or any other database or service that is at least as comprehensive as the United States Social Security Administration's Death Master File for determining that a person has reportedly died;

(4) "Death Master File match", a search of the Death Master File that results in a match of the Social Security number or the name and date of birth of an insured, annuitant, or retained asset account holder;

(5) "Policy", any policy or certificate of life insurance that provides a death benefit. The term "policy" shall not include:

(a) Any policy or certificate of life insurance that provides a death benefit under:
a. An employee benefit plan, subject to the Employee Retirement Income Security Act of 1974, as defined by 29 U.S.C. Section 1002(3), as periodically amended; or

b. Any federal employee benefit program;
(b) Any policy or certificate of life insurance that is used to fund a preneed funeral contract or arrangement;

(c) Any policy or certificate of credit life or accidental death insurance; or
(d) Any policy issued to a group master policyholder for which the insurer does not provide record-keeping services;

(6) "Record-keeping services", those circumstances under which the insurer has agreed with a group policy or contract customer to be responsible for obtaining, maintaining, and administering in its own or its agents' systems at least the following information about each individual insured under an insured's group insurance contract, or a line of coverage thereunder:

(a) Social Security number or name and date of birth;
(b) Beneficiary designation information;
(c) Coverage eligibility;
(d) Benefit amount; and
(e) Premium payment status;
(7) "Retained asset account", any mechanism whereby the settlement of proceeds payable under a policy or contract is accomplished by the insurer or an entity acting on behalf of the insurer depositing the proceeds into an account with check or draft writing privileges, where those proceeds are retained by the insurer or its agent, under a supplementary contract not involving annuity benefits other than death benefits.

376.2052. COMPARISON OF IN-FORCE POLICIES TO DEATH MASTER FILE — VIOLATION DEEMED AN UNFAIR TRADE PRACTICE. — 1. An insurer shall perform a comparison of its in-force life insurance policies, contracts, and retained asset accounts against a Death Master File on at least a semiannual basis by using the full Death Master File one time and thereafter using the Death Master File update files for future comparisons to identify potential matches. Nothing in this section shall limit an insurer from requesting a valid death certificate as part of any claims validation process. For those potential matches identified as a result of a Death Master File match, the insurer shall, within ninety days of a Death Master File match:

(1) Complete a good-faith effort, which shall be documented by the insurer, to confirm the death of the insured, annuitant, or retained asset account holder against other available records and information; and

(2) Use good-faith efforts to determine whether benefits are due in accordance with the applicable policy or contract and, if benefits are due in accordance with the applicable policy or contract:

(a) Use good-faith efforts, which shall be documented by the insurer, to locate the beneficiary or beneficiaries; and

(b) Provide the appropriate claims forms or instructions to each beneficiary or beneficiaries to make a claim, including the need to provide an official death certificate if applicable under the policy or contract.

2. To the extent that an insurer's records of its in-force policies, contracts, and account owners are available electronically, an insurer shall perform the comparison required by subsection 1 of this section using such electronic records. To the extent that an insurer's records of its in-force policies, contracts, and account owners are not available electronically, an insurer shall perform the comparison required by subsection 1 of this section using the records most easily accessible by the insurer.

3. In the event an insurer is unable to confirm the death of a person following a Death Master File match and completion of the good-faith efforts described in subsection 1 of this section, an insurer may consider such policy, contract, or retired asset account to be in force according to its terms.

4. With respect to group life insurance, the insurer is required to confirm the possible death of an insured or certificate holder only if the insurer has agreed to provide record-keeping services.

5. To the extent permitted by law, the insurer may disclose the minimum necessary personal information about the insured or beneficiary to a person whom the insurer reasonably believes may be able to assist the insurer to locate the beneficiary or a person otherwise entitled to payment of the claims proceeds.

6. An insurer or its service provider shall not charge any beneficiary or other authorized representative for any fees or costs associated with a Death Master File search or verification of a Death Master File match conducted in accordance with this section.

7. The benefits from a policy, contract, or retained asset account, plus any applicable accrued contractual interest, shall first be payable to the designated beneficiaries or owners, or in the event such beneficiaries or owners cannot be found shall escheat to the state as unclaimed property under section 447.510.

8. The director may promulgate rules and regulations as may be reasonably necessary to implement the provisions of sections 376.2050 to 376.2053. 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, 2016, shall be invalid and void.

9. The failure to meet any requirements of sections 376.2050 to 376.2053 with such frequency as to constitute a general business practice shall constitute an unfair trade practice under the provisions of sections 375.930 to 375.948. Nothing in sections 376.2050 to 376.2053 shall be construed to create or imply a private cause of action for a violation of sections 376.2050 to 376.2053.

10. Nothing in sections 376.2050 to 376.2053 limits an insurer from requiring compliance with the terms and conditions of the policy or contract relative to filing and payment of claims.

11. The director may exempt an insurer from the comparison required by subsection 1 of this section if the insurer demonstrates to the director's satisfaction that compliance would result in undue hardship to the insurer.

376.2053. EXEMPTION FROM REQUIREMENTS, WHEN. — An insurer that has not engaged in any asymmetric conduct prior to January 1, 2018, shall not be required to comply with the requirements of sections 376.2050 to 376.2053 with respect to any policies, contracts, or retained asset accounts that are issued and delivered in this state and that are issued or entered into prior to January 1, 2018; provided, however, that an insurer, regardless of whether it has engaged in asymmetric conduct, shall comply with the requirements of sections 376.2050 to 376.2053 for all policies, annuities, or retained asset

accounts that are issued and delivered in this state and that are issued or entered into on or after January 1, 2018.

Approved June 14, 2016

HB 2194 [SS SCS HCS HB 2194]

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 insurance policy renewal so that insurers are no longer required to nonrenew when transferring a policy to an affiliate

AN ACT to repeal sections 287.955, 374.205, 375.004, 379.118, and 379.125, RSMo, and to enact in lieu thereof six new sections relating to the regulation of insurance.

SECTION

- A. Enacting clause.
- 287.955. Insurers to adhere to uniform classification system, plan — director to designate advisory organization, purpose, duties — risk premium modification plan, requirements.
- 374.205. Examination, director may conduct when, required when — duties — nonresident insurer, options, procedures — reports, contents, use of — hearings, procedures — working papers, records, confidential.
- 375.004. Refusal to renew, when authorized — exemption, when.
- 379.118. Notice of cancellation and renewals, due when — reinstatement, when — exemption, when.
- 379.125. Reinsurance.
- 379.1640. Self-service storage — definitions — offer of insurance, requirements — prohibited acts — limitation on policy amount — rulemaking authority.

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

SECTION A. ENACTING CLAUSE. — Sections 287.955, 374.205, 375.004, 379.118, and 379.125, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 287.955, 374.205, 375.004, 379.118, 379.125, and 379.1640, to read as follows:

287.955. INSURERS TO ADHERE TO UNIFORM CLASSIFICATION SYSTEM, PLAN — DIRECTOR TO DESIGNATE ADVISORY ORGANIZATION, PURPOSE, DUTIES — RISK PREMIUM MODIFICATION PLAN, REQUIREMENTS. — 1. Every workers' compensation insurer shall adhere to a uniform classification system and uniform experience rating plan filed with the director by the advisory organization designated by the director and subject to his disapproval.

2. An insurer may develop subclassifications of the uniform classification system upon which a rate may be made, except that such subclassifications shall be filed with the director thirty days prior to their use. The director shall disapprove subclassifications if the insurer fails to demonstrate that the data thereby produced can be reported consistent with the uniform statistical plan and classification system.

3. The director shall designate an advisory organization to assist him in gathering, compiling and reporting relevant statistical information. Every workers' compensation insurer shall record and report its workers' compensation experience to the designated advisory organization as set forth in the uniform statistical plan approved by the director.

4. The designated advisory organization shall develop and file manual rules, subject to the approval of the director, reasonably related to the recording and reporting of data pursuant to the uniform statistical plan, uniform experience rating plan, and the uniform classification system.

5. Every workers' compensation insurer shall adhere to the approved manual rules and experience rating plan in writing and reporting its business. No insurer shall agree with any other insurer or with the advisory organization to adhere to manual rules which are not

reasonably related to the recording and reporting of data pursuant to the uniform classification system of the uniform statistical plan.

6. (1) A workers' compensation insurer may develop an individual risk premium modification rating plan which prospectively modifies premium based upon individual risk characteristics which are predictive of future loss. Such rating plan shall be filed thirty days prior to use and may be subject to disapproval by the director.

(2) **Premium modifications under this subsection may be determined by an underwriter assessing the individual risk characteristics and applying premium credits and debits as specified under a schedule rating plan. Alternatively, an insurer may utilize software or a computer risk modeling system designed to identify and assess individual risk characteristics and which systematically and uniformly applies premium modifications to similarly situated employers.** The rating plan shall establish objective standards for measuring variations in individual risks for hazards or expense or both. [The rating plan shall be actuarially justified and shall not result in premiums which are excessive, inadequate, or unfairly discriminatory.] The rating plan shall not utilize factors which are duplicative of factors otherwise utilized in the development of rates or premiums, including the uniform classification system and the uniform experience rating plan. [The premium modification factors utilized under the rating plan shall be applied on a statewide basis, with no premium modifications] **No premium modification factors shall be based solely upon the geographic location of the employer.**

(a) **Premium modifications resulting from a schedule rating plan, with an underwriter determining individual risk characteristics, shall be limited to plus or minus twenty-five percent. Up to an additional ten percent credit may be given for a reduction in the insurer's expenses.**

(b) **Premium modifications resulting from a risk modeling system shall be limited to plus or minus fifty percent. Premium modifications resulting from a risk modeling system shall be reported separately under the uniform statistical plan from premium modifications resulting from a schedule rating plan.**

(c) **Changes in premium modification factors may occur if there is a change in the insurer, the insurer amends or withdraws the rating plan, or if there is a change in the insured employer's operations or risk characteristics underlying the premium modification factor.**

(3) Within thirty days of a request, the insurer shall clearly disclose to the employer the individual risk characteristics which result in premium modifications. However, this disclosure shall not in any way require the release to the insured employer of any trade secret or proprietary information or data used to derive the premium modification and that meets the definitions of, and is protected by, the provisions of chapter 417.

[(4) (a) Premium modifications under this subsection may be determined by an underwriter assessing the individual risk characteristics and applying premium credits and debits as specified under a schedule rating plan. Alternatively, an insurer may utilize software or a computer risk modeling system designed to identify and assess individual risk characteristics and which systematically and uniformly applies premium modifications to similarly situated employers.

(b) Premium modifications resulting from a schedule rating plan, with an underwriter determining individual risk characteristics, shall be limited to plus or minus twenty-five percent. An additional ten percent credit may be given for a reduction in the insurer's expenses.

(c) Premium modifications resulting from a risk modeling system shall be limited to plus or minus fifty percent. Premium modifications resulting from a risk modeling system shall be reported separately under the uniform statistical plan from premium modifications resulting from a schedule rating plan.

(d) Premium credits or reductions shall not be removed or reduced unless there is a change in the insurer, the insurer amends or withdraws the rating plan, or unless there is a corresponding change in the insured employer's operations or risk characteristics underlying the credit or reduction.]

374.205. EXAMINATION, DIRECTOR MAY CONDUCT WHEN, REQUIRED WHEN — DUTIES — NONRESIDENT INSURER, OPTIONS, PROCEDURES — REPORTS, CONTENTS, USE OF — HEARINGS, PROCEDURES — WORKING PAPERS, RECORDS, CONFIDENTIAL. — 1. (1) The director or any of the director's examiners may conduct an examination pursuant to sections 374.202 to 374.207 of any company as often as the director in his or her sole discretion deems appropriate, but shall, at a minimum, conduct a financial examination of every insurer licensed in this state at least once every five years. In scheduling and determining the nature, scope and frequency of examinations, the director may consider such matters as the results of financial statement analyses and ratios, changes in management or ownership, actuarial opinions, reports of independent certified public accountants, consumer complaints, and other criteria as set forth in the Examiners' Handbook adopted by the National Association of Insurance Commissioners and in effect when the director exercises discretion pursuant to this section.

(2) For purposes of completing an examination of any company pursuant to sections 374.202 to 374.207, the director may examine or investigate any person, or the business of any person, insofar as such examination or investigation is, in the sole discretion of the director, necessary or material to the examination of the company.

(3) In lieu of a financial examination pursuant to section 374.207 of any foreign or alien insurer licensed in this state, the director may accept a financial examination report on the company as prepared by the insurance department or other appropriate agency for the company's state of domicile or port-of-entry state until January 1, 1994. After January 1, 1994, such reports may only be accepted if such insurance department or other appropriate agency was at the time of the examination accredited pursuant to the National Association of Insurance Commissioners' Financial Regulation Standards and Accreditation Program or the examination is performed under the supervision of an accredited insurance department or other appropriate agency or with the participation of one or more examiners who are employed by such an accredited state insurance department or other appropriate agency and who, after a review of the examination workpapers and report, state under oath that the examination was performed in a manner consistent with the standards and procedures required by their insurance department or other appropriate agency.

2. (1) Upon determining that an examination should be conducted, the director or the director's designee shall issue an examination warrant appointing one or more examiners to perform the examination and instructing them as to the scope of the examination. In conducting the examination, the examiner shall observe those guidelines and procedures set forth in the Examiners' Handbook adopted by the National Association of Insurance Commissioners. The director may also employ such other guidelines or procedures as the director may deem appropriate.

(2) Every company or person from whom information is sought, its officers, directors and agents shall provide to the examiners appointed pursuant to subdivision (1) of this subsection timely, convenient and free access at all reasonable hours at its offices to all books, records, accounts, papers, documents and any or all computer or other recordings relating to the property, assets, business and affairs of the company being examined. The company or person being examined shall provide within ten calendar days any record requested by an examiner during a market conduct examination, unless such company or person demonstrates to the satisfaction of the director that the requested record cannot be provided within ten calendar days of the request. All policy records for each policy issued shall be maintained for the duration of the current policy term plus two calendar years and all claim files shall be maintained for the calendar year in which the claim is closed plus three calendar years. The officers, directors, employees and agents of the company or person shall facilitate the examination and aid in the examination so far as it is in their power to do so. The refusal of any company, by its officers, directors, employees or agents, to submit to examination or to comply with any reasonable written request of the examiners shall be grounds for suspension or refusal of, or nonrenewal of, any license or authority held by the company to engage in an insurance or other business subject to the

director's jurisdiction. Any such proceeding for suspension, revocation or refusal of any license or authority shall be conducted pursuant to section 374.046.

(3) The director or any of the director's examiners may issue subpoenas to administer oaths and to examine under oath any person as to any matter pertinent to the examination. 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. Such subpoenas may also be enforced pursuant to the provisions of sections 375.881 and 375.1162.

(4) When making an examination pursuant to sections 374.202 to 374.207, the director may retain attorneys, appraisers, independent actuaries, independent certified public accountants or other professionals and specialists as examiners, the cost of which shall be borne directly by the company which is the subject of the examination.

(5) The provisions of sections 374.202 to 374.207 shall not be construed to limit the director's authority to terminate or suspend any examination in order to pursue other legal or regulatory action pursuant to the insurance laws of this state. Findings of fact and conclusions made pursuant to any examination shall be prima facie evidence in any legal or regulatory action.

(6) Nothing contained in sections 374.202 to 374.207 shall be construed to limit the director's authority to use and, if appropriate, to make public any final or preliminary examination report, any examiner or company workpapers or other documents, or any other information discovered or developed during the course of any examination in the furtherance of any legal or regulatory action which the director may, in his or her sole discretion, deem appropriate.

3. (1) All examination reports shall be comprised of only facts appearing upon the books, records, or other documents of the company, its agents or other persons examined, or as ascertained from the testimony of its officers or agents or other persons examined concerning its affairs, and such conclusions and recommendations as the examiners find reasonably warranted from the facts.

(2) No later than sixty days following completion of the examination, the examiner in charge shall file with the department a verified written report of examination under oath. Upon receipt of the verified report, the department shall transmit the report to the company examined, together with a notice which shall afford the company examined a reasonable opportunity of not more than thirty days to make a written submission or rebuttal with respect to any matters contained in the examination report.

(3) Within thirty days of the end of the period allowed for the receipt of written submissions or rebuttals, the director shall fully consider and review the report, together with any written submissions or rebuttals and any relevant portions of the examiner's workpapers and either initiate legal action or enter an order:

(a) Adopting the examination report as filed or with modification or corrections. If the examination report reveals that the company is operating in violation of any law, regulation or prior order of the director, the director may order the company to take any action the director considers necessary and appropriate to cure such violation;

(b) Rejecting the examination report with directions to the examiners to reopen the examination for purposes of obtaining additional data, documentation or information, and refiling pursuant to subsection 1 of this section;

(c) Calling for an investigatory hearing with no less than twenty days' notice to the company for purposes of obtaining additional documentation, data, information and testimony; or

(d) Calling for such regulatory action as the director deems appropriate, provided that this order shall be a confidential internal order directing the department to take certain action.

(4) All orders entered pursuant to paragraph (a) of subdivision (3) of this subsection shall be accompanied by findings and conclusions resulting from the director's consideration and review of the examination report, relevant examiner workpapers and any written submissions or rebuttals. Any such order shall be considered a final administrative decision and may be

appealed pursuant to section 536.150 and shall be served upon the company by certified mail, together with a copy of the adopted examination report. Within thirty days of the issuance of the adopted report, the company shall file affidavits executed by each of its directors stating under oath that they have received a copy of the adopted report and related orders. **In lieu of the preceding affidavit requirement, in the case of an adopted market conduct report, rather than an adopted financial examination report, the company may file an affidavit executed by its general counsel or chief legal officer stating under oath that the general counsel or chief legal officer has received a copy of the adopted market conduct report and related orders.** Any hearing conducted pursuant to paragraph (c) of subdivision (3) of this subsection by the director or authorized representative shall be conducted as a nonadversarial confidential investigatory proceeding as necessary for the resolution of any inconsistencies, discrepancies or disputed issues apparent upon the face of the filed examination report or raised by or as a result of the director's review of relevant workpapers or by the written submission or rebuttal of the company. Within twenty days of the conclusion of any such hearing, the director shall enter an order pursuant to paragraph (a) of subdivision (3) of this subsection. In conducting a hearing pursuant to paragraph (c) of subdivision (3) of this subsection:

(a) The director shall not appoint an examiner as an authorized representative to conduct the hearing. The hearing shall proceed expeditiously with discovery by the company limited to the examiner's workpapers which tend to substantiate any assertions set forth in any written submission or rebuttal. The director or his or her representative may issue subpoenas for the attendance of any witnesses or the production of any documents deemed relevant to the investigation whether under the control of the department, the company or other persons. The documents produced shall be included in the record, and testimony taken by the director or his or her representative shall be under oath and preserved for the record. The provisions of this section shall not require the department to disclose any information or records which would indicate or show the existence of any investigation or activity of a criminal justice agency; and

(b) The hearing shall proceed with the director or his or her representative posing questions to the persons subpoenaed. Thereafter, the company and the department may present testimony relevant to the investigation. Cross-examination shall be conducted only by the director or the director's representative. The company and the department shall be permitted to make closing statements and may be represented by counsel of their choice.

(5) Upon the adoption of the examination report pursuant to paragraph (a) of subdivision (3) of this subsection, the director shall continue to hold the content of the examination report as private and confidential information for a period of ten days except to the extent provided in this subdivision. Thereafter, the director may open the report for public inspection so long as no court of competent jurisdiction has stayed its publication. Nothing contained in the insurance laws of this state shall prevent or be construed as prohibiting the director from disclosing the content of an examination report, preliminary examination report or results, or any matter relating thereto, to the insurance department of this or any other state or country, or to law enforcement officials of this or any other state or agency of the federal government at any time, so long as such agency or office receiving the report or matters relating thereto agrees in writing to hold it confidential and in a manner consistent with this section. In the event the director determines that legal or regulatory action is appropriate as a result of any examination, he or she may initiate any proceedings or actions as provided by law.

4. All working papers, recorded information, documents and copies thereof produced by, obtained by or disclosed to the director or any person in the course of an examination made pursuant to this section shall be given confidential treatment and are not subject to subpoena and may not be made public by the director or any other person, except to the extent provided in subdivision (5) of subsection 3 of this section. Access may also be granted to the National Association of Insurance Commissioners. Such parties shall agree in writing prior to receiving the information to provide to it the same confidential treatment as required by this section, unless the prior written consent of the company to which it pertains has been obtained.

375.004. REFUSAL TO RENEW, WHEN AUTHORIZED — EXEMPTION, WHEN. — 1. No insurer shall refuse to renew a policy unless the insurer or its agent mails or delivers to the named insured, at the address shown in the policy, at least thirty days' advance notice of its intention not to renew. The notice shall state the insurer's actual reason for proposing the 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", or "poor morals" shall not suffice to meet the requirements of this subsection. The notice shall also state that the insured may be eligible for insurance through the Missouri basic property insurance inspection and placement program. This section shall not apply:

- (1) If the insurer has manifested its willingness to renew; or
 - (2) In case of nonpayment of premium; or
 - (3) If the named insured has indicated he does not wish to have the policy renewed; or
 - (4) If the insured fails to pay any advance premium required by the insurer for renewal.
2. Renewal of a policy shall not constitute a waiver or estoppel with respect to grounds for cancellation which existed before the effective date of the renewal.

3. An insurer shall be exempt from the requirements of this section regarding notice of nonrenewal if:

- (1) The insurer assigns or transfers the insured's policy to an affiliate or subsidiary within the same insurance holding company system;**
 - (2) The assignment or transfer is effective upon the expiration of the existing policy;**
- and**
- (3) Prior to providing coverage for a subsequent policy term, an insurer accepting an assignment or transfer of the policy shall provide notice of such assignment or transfer to the named insured.**

However, if the assignment or transfer of a policy does not result in coverage substantially equivalent to the coverage that was contained in the policy being assigned or transferred, the insurer shall, in lieu of providing the notice in subdivision (3) of this subsection, at least fifteen days in advance of the effective date of the assignment or transfer, notify the policyholder that some coverage provisions will change due to the assignment or transfer, advise the policyholder to refer to the new policy for coverage details, and provide a copy of or access to the replacement policy form or the executed replacement policy.

379.118. NOTICE OF CANCELLATION AND RENEWALS, DUE WHEN — REINSTATEMENT, WHEN — EXEMPTION, 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 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.

5. An insurer shall be exempt from the requirements of this section regarding notice of nonrenewal if:

(1) The insurer assigns or transfers the insured's policy to an affiliate or subsidiary within the same insurance holding company system;

(2) The assignment or transfer is effective upon the expiration of the existing policy;
and

(3) Prior to providing coverage for a subsequent policy term, an insurer accepting an assignment or transfer of the policy shall provide notice of such assignment or transfer to the named insured.

However, if the assignment or transfer of a policy does not result in coverage substantially equivalent to the coverage that was contained in the policy being assigned or transferred, the insurer shall, in lieu of providing the notice in subdivision (3) of this subsection, at least fifteen days in advance of the effective date of the assignment or transfer, notify the policyholder that some coverage provisions will change due to the assignment or transfer, advise the policyholder to refer to the new policy for coverage details, and provide a copy of or access to the replacement policy form or the executed replacement policy.

379.125. REINSURANCE. — Any company or association, other than life, organized under the provisions of chapter 379 may cause itself to be wholly or partially reinsured against any loss arising from any risk which it may have undertaken, and in like manner may reinsure or guarantee any other corporation doing the same kind of business as itself **(including, for policies issued outside of the United States, insurance of life risks that are attached as riders to policies, provided that the aggregate premium assumed on an annual basis pursuant to such life risks does not exceed three percent of the capital and surplus of such company as of the thirty-first day of December of the preceding year)**, against loss arising from any

risks that shall have been or may be undertaken by such corporation, or may join with any such corporation in any such risk, and may make and enter into all manner of contracts relating to such reinsurance and joint insurance, and the terms upon which the same shall be conducted; provided, however, any company reinsuring the whole of any single risk or risks the same being a substantial portion of all risks insured by the company shall be subject to the provisions of section 375.241.

379.1640. SELF-SERVICE STORAGE — DEFINITIONS — OFFER OF INSURANCE, REQUIREMENTS—PROHIBITED ACTS—LIMITATION ON POLICY AMOUNT—RULEMAKING AUTHORITY. — 1. As used in this section, the following terms shall mean:

(1) "Department", the department of insurance, financial institutions and professional registration;

(2) "Director", the director of the department of insurance, financial institutions and professional registration;

(3) "Limited lines self-service storage insurance producer", an owner, operator, lessor, or sublessor of a self-service storage facility, or an agent or other person authorized to manage the facility, duly licensed by the department of insurance, financial institutions and professional registration;

(4) "Offer and disseminate", provide general information, including a description of the coverage and price, as well as process the application, collect premiums, and perform other nonlicensable activities permitted by the state;

(5) "Self-service storage insurance", insurance coverage for the loss of, or damage to, tangible personal property in a self-service storage facility as defined in section 415.405 or in transit during the rental period.

2. Notwithstanding any other provision of law:

(1) Individuals may offer and disseminate self-service storage insurance on behalf of and under the control of a limited lines self-service storage insurance producer only if the following conditions are met:

(a) The limited lines self-service storage insurance producer provides to purchasers of self-service storage insurance:

a. A description of the material terms or the actual material terms of the insurance coverage;

b. A description of the process for filing a claim;

c. A description of the review or cancellation process for the self-service storage insurance coverage; and

d. The identity and contact information of the insurer and any third-party administrator or supervising entity authorized to act on behalf of the insurer;

(b) At the time of licensure, the limited lines self-service storage insurance producer shall establish and maintain a register on a form prescribed by the director of each individual that offers self-service storage insurance on the limited lines self-service storage insurance producer's behalf. The register shall be maintained and updated annually by the limited lines self-service storage insurance producer and shall include the name, address, and contact information of the limited lines self-service storage insurance producer and an officer or person who directs or controls the limited lines self-service storage insurance producer's operations, and the self-service storage facility's federal tax identification number. The limited lines self-service storage insurance producer shall submit such register within thirty days upon request by the department. The limited lines self-service storage insurance producer shall also certify that each individual listed on the self-service storage register complies with 18 U.S.C. 1033;

(c) The limited lines self-service storage insurance producer serves as or has designated one of its employees who is a licensed individual producer as a person responsible for the business entity's compliance with the self-service storage insurance laws, rules, and regulations of this state;

(d) An individual applying for a limited lines self-service storage insurance producer license shall make application to the director on the specified application and declare under penalty of refusal, suspension or revocation of the license that the statements made on the application are true, correct and complete to the best of the knowledge and belief of the applicant. Before approving the application, the director shall find that the individual:

- a. Is at least eighteen years of age;
- b. Has not committed any act that is a ground for denial, suspension, or revocation set forth in section 375.141;
- c. Has paid a license fee in the sum of one hundred dollars; and
- d. Has completed a qualified training program regarding self-service storage insurance policies, which has been filed with and approved by the director;

(e) Individuals applying for limited lines self-service storage insurance producer licenses shall be exempt from examination. The director may require any documents reasonably necessary to verify the information contained in an application. Within thirty working days after the change of any information submitted on the application, the self-service storage insurance producer shall notify the director of the change. No fee shall be charged for any such change. If the director has taken no action within twenty-five working days of receipt of an application, the application shall be deemed approved and the applicant may act as a licensed self-service storage insurance producer, unless the applicant has indicated a conviction for a felony or a crime involving moral turpitude;

(f) The limited lines self-service storage insurance producer requires each employee and authorized representative of the self-service storage insurance producer whose duties include offering and disseminating self-service storage insurance to receive a program of instruction or training provided or authorized by the insurer or supervising entity that has been reviewed and approved by the director. The training material shall, at a minimum, contain instructions on the types of insurance offered, ethical sales practices, and required disclosures to prospective customers;

(2) Any individual offering or disseminating self-service storage insurance shall provide to prospective purchasers brochures or other written materials that:

- (a) Provide the identity and contact information of the insurer and any third-party administrator or supervising entity authorized to act on behalf of the insurer;
- (b) Explain that the purchase of self-service storage insurance is not required in order to lease self-storage units;

(c) Explain that an unlicensed self-service storage operator is permitted to provide general information about the insurance offered by the self-service storage operator, including a description of the coverage and price, but is not qualified or authorized to answer technical questions about the terms and conditions of the insurance offered by the self-service storage operator or to evaluate the adequacy of the customer's existing insurance coverage; and

(d) Disclose that self-service storage insurance may provide duplication of coverage already provided by an occupant's, homeowner's, renters, or other source of coverage;

(3) A limited lines self-service storage producer's employee or authorized representative, who is not licensed as an insurance producer, may not:

- (a) Evaluate or interpret the technical terms, benefits, and conditions of the offered self-service storage insurance coverage;
- (b) Evaluate or provide advice concerning a prospective purchaser's existing insurance coverage; or
- (c) Hold themselves or itself out as a licensed insurer, licensed producer, or insurance expert;

(4) If self-service storage insurance is offered to the customer, premium or other charges specifically applicable to self-service storage insurance shall be listed as a separate

amount and apart from other charges relating to the lease and/or procurement of a self-service storage unit on all documentation pertinent to the transaction.

3. Notwithstanding any other provision of law, a limited lines self-service storage insurance provider whose insurance-related activities, and those of its employees and authorized representatives, are limited to offering and disseminating self-service storage insurance on behalf of and under the direction of a limited lines self-service storage insurance producer meeting the conditions stated in this section is authorized to do so and receive related compensation, upon registration by the limited lines self-service storage insurance producer as described in paragraph (b) of subdivision (1) of subsection 2 of this section.

4. Self-service storage insurance may be provided under an individual policy or under a group or master policy.

5. Limited lines self-service storage insurance producers, operators, employees and authorized representatives offering and disseminating self-service storage insurance under the limited lines self-service storage insurance producer license shall be subject to the provisions of chapters 374 and 375, except as provided for in this section.

6. Limited lines self-service storage insurance producers, operators, employees and authorized representatives may offer and disseminate self-service storage insurance policies in an amount not to exceed five thousand dollars of coverage per customer per storage unit.

7. The director may promulgate rules to effectuate 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, 2016, shall be invalid and void.

Approved June 23, 2016

HB 2203 [CCS#2 SS SCS HB 2203]

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 campaign finance

AN ACT to repeal section 130.034, RSMo, and section 130.021 as enacted by senate bill no. 485, ninety-fifth general assembly, first regular session, and to enact in lieu thereof five new sections relating to campaign finance.

SECTION

- A. Enacting clause.
- 105.465. Dissolution of candidate committee required, when — disbursement of moneys, limitations — definitions.
- 130.021. Treasurer for candidates and committees, when required — duties — official depository account to be established — statement of organization for committees, contents, when filed — termination of committee, procedure.
- 130.034. Contributions not to be converted to personal use — allowable uses — gifts — disposition of contributions upon death — restitution payments, fines — exploratory committee funds, use — funds held to be liquid, when, investment of funds, exceptions.
- 130.097. Transfer of committee funds, no compensation to person transferring — lobbyists prohibited from transferring committee funds.
-

1. Severability clause.

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

SECTION A. ENACTING CLAUSE. — Section 130.034, RSMo, and section 130.021 as enacted by senate bill no. 485, ninety-fifth general assembly, first regular session, are repealed and five new sections enacted in lieu thereof, to be known as sections 105.465, 130.021, 130.034, 130.097, and 1, to read as follows:

105.465. DISSOLUTION OF CANDIDATE COMMITTEE REQUIRED, WHEN — DISBURSEMENT OF MONEYS, LIMITATIONS — DEFINITIONS. — **1. Any person who registers as a lobbyist shall dissolve his or her candidate committee. In the course of dissolving such committee, such person shall not disburse moneys from such committee, except for the purpose of:**

(1) Returning a contribution made to the candidate committee to the entity responsible for making the contribution to the committee;

(2) Donating moneys to a nonprofit entity qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended; or

(3) Transferring moneys to a political party committee.

2. For purposes of this section, the term "lobbyist" shall have the same meaning given to such term under section 105.470, and the terms "committee", "candidate committee", "contribution", and "political party committee" shall have the same meanings given to such terms under section 130.011.

130.021. TREASURER FOR CANDIDATES AND COMMITTEES, WHEN REQUIRED — DUTIES — OFFICIAL DEPOSITORY ACCOUNT TO BE ESTABLISHED — STATEMENT OF ORGANIZATION FOR COMMITTEES, CONTENTS, WHEN FILED — TERMINATION OF COMMITTEE, PROCEDURE. — **1. Every committee shall have a treasurer who, except as provided in subsection 10 of this section, shall be a resident of this state and reside in the district or county in which the committee sits. A committee may also have a deputy treasurer who, except as provided in subsection 10 of this section, shall be a resident of this state and reside in the district or county in which the committee sits, to serve in the capacity of committee treasurer in the event the committee treasurer is unable for any reason to perform the treasurer's duties.**

2. Every candidate for offices listed in subsection 1 of section 130.016 who has not filed a statement of exemption pursuant to that subsection and every candidate for offices listed in subsection 6 of section 130.016 who is not excluded from filing a statement of organization and disclosure reports pursuant to subsection 6 of section 130.016 shall form a candidate committee and appoint a treasurer. Thereafter, all contributions on hand and all further contributions received by such candidate and any of the candidate's own funds to be used in support of the person's candidacy shall be deposited in a candidate committee depository account established pursuant to the provisions of subsection 4 of this section, and all expenditures shall be made through the candidate, treasurer or deputy treasurer of the person's candidate committee. Nothing in this chapter shall prevent a candidate from appointing himself or herself as a committee of one and serving as the person's own treasurer, maintaining the candidate's own records and filing all the reports and statements required to be filed by the treasurer of a candidate committee.

3. A candidate who has more than one candidate committee supporting the person's candidacy shall designate one of those candidate committees as the committee responsible for consolidating the aggregate contributions to all such committees under the candidate's control and direction as required by section 130.041.

4. (1) Every committee shall have a single official fund depository within this state which shall be a federally or state-chartered bank, a federally or state-chartered savings and loan association, or a federally or state-chartered credit union in which the committee shall open and thereafter maintain at least one official depository account in its own name. An "official

depository account" shall be a checking account or some type of negotiable draft or negotiable order of withdrawal account, and the official fund depository shall, regarding an official depository account, be a type of financial institution which provides a record of deposits, cancelled checks or other cancelled instruments of withdrawal evidencing each transaction by maintaining copies within this state of such instruments and other transactions. All contributions which the committee receives in money, checks and other negotiable instruments shall be deposited in a committee's official depository account. Contributions shall not be accepted and expenditures shall not be made by a committee except by or through an official depository account and the committee treasurer, deputy treasurer or candidate. Contributions received by a committee shall not be commingled with any funds of an agent of the committee, a candidate or any other person, except that contributions from a candidate of the candidate's own funds to the person's candidate committee shall be deposited to an official depository account of the person's candidate committee. No expenditure shall be made by a committee when the office of committee treasurer is vacant except that when the office of a candidate committee treasurer is vacant, the candidate shall be the treasurer until the candidate appoints a new treasurer.

(2) A committee treasurer, deputy treasurer or candidate may withdraw funds from a committee's official depository account and deposit such funds in one or more savings accounts in the committee's name in any bank, savings and loan association or credit union within this state, and may also withdraw funds from an official depository account for investment in the committee's name in any certificate of deposit, bond or security. Proceeds from interest or dividends from a savings account or other investment or proceeds from withdrawals from a savings account or from the sale of an investment shall not be expended or reinvested, except in the case of renewals of certificates of deposit, without first redepositing such proceeds in an official depository account. Investments, other than savings accounts, held outside the committee's official depository account at any time during a reporting period shall be disclosed by description, amount, any identifying numbers and the name and address of any institution or person in which or through which it is held in an attachment to disclosure reports the committee is required to file. Proceeds from an investment such as interest or dividends or proceeds from its sale, shall be reported by date and amount. In the case of the sale of an investment, the names and addresses of the persons involved in the transaction shall also be stated. Funds held in savings accounts and investments, including interest earned, shall be included in the report of money on hand as required by section 130.041.

(3) Notwithstanding any other provision of law to the contrary, funds held in candidate committees, campaign committees, debt service committees, and exploratory committees shall be liquid such that these funds shall be readily available for the specific and limited purposes allowed by law. These funds may be invested only in short-term treasury instruments or short-term bank certificates with durations of one year or less, or that allow the removal of funds at any time without any additional financial penalty other than the loss of interest income. Continuing committees, political party committees, and other committees such as out-of-state committees not formed for the benefit of any single candidate or ballot issue shall not be subject to the provisions of this subdivision. This subdivision shall not be interpreted to restrict the placement of funds in an interest-bearing checking account.

5. The treasurer or deputy treasurer acting on behalf of any person or organization or group of persons which is a committee by virtue of the definitions of committee in section 130.011 and any candidate who is not excluded from forming a committee in accordance with the provisions of section 130.016 shall file a statement of organization with the appropriate officer within twenty days after the person or organization becomes a committee but no later than the date for filing the first report required pursuant to the provisions of section 130.046. The statement of organization shall contain the following information:

(1) The name, mailing address and telephone number, if any, of the committee filing the statement of organization. If the committee is deemed to be affiliated with a connected

organization as provided in subdivision (11) of section 130.011, the name of the connected organization, or a legally registered fictitious name which reasonably identifies the connected organization, shall appear in the name of the committee. If the committee is a candidate committee, the name of the candidate shall be a part of the committee's name;

(2) The name, mailing address and telephone number of the candidate;

(3) The name, mailing address and telephone number of the committee treasurer, and the name, mailing address and telephone number of its deputy treasurer if the committee has named a deputy treasurer;

(4) The names, mailing addresses and titles of its officers, if any;

(5) The name and mailing address of any connected organizations with which the committee is affiliated;

(6) The name and mailing address of its depository, and the name and account number of each account the committee has in the depository. The account number of each account shall be redacted prior to disclosing the statement to the public;

(7) Identification of the major nature of the committee such as a candidate committee, campaign committee, continuing committee, political party committee, incumbent committee, or any other committee according to the definition of committee in section 130.011;

(8) In the case of the candidate committee designated in subsection 3 of this section, the full name and address of each other candidate committee which is under the control and direction of the same candidate, together with the name, address and telephone number of the treasurer of each such other committee;

(9) The name and office sought of each candidate supported or opposed by the committee;

(10) The ballot measure concerned, if any, and whether the committee is in favor of or opposed to such measure.

6. A committee may omit the information required in subdivisions (9) and (10) of subsection 5 of this section if, on the date on which it is required to file a statement of organization, the committee has not yet determined the particular candidates or particular ballot measures it will support or oppose.

7. A committee which has filed a statement of organization and has not terminated shall not be required to file another statement of organization, except that when there is a change in any of the information previously reported as required by subdivisions (1) to (8) of subsection 5 of this section an amended statement of organization shall be filed within twenty days after the change occurs, but no later than the date of the filing of the next report required to be filed by that committee by section 130.046.

8. Upon termination of a committee, a termination statement indicating dissolution shall be filed not later than ten days after the date of dissolution with the appropriate officer or officers with whom the committee's statement of organization was filed. The termination statement shall include: the distribution made of any remaining surplus funds and the disposition of any deficits; and the name, mailing address and telephone number of the individual responsible for preserving the committee's records and accounts as required in section 130.036.

9. Any statement required by this section shall be signed and attested by the committee treasurer or deputy treasurer, and by the candidate in the case of a candidate committee.

10. A committee domiciled outside this state shall be required to file a statement of organization and appoint a treasurer residing in this state and open an account in a depository within this state; provided that either of the following conditions prevails:

(1) The aggregate of all contributions received from persons domiciled in this state exceeds twenty percent in total dollar amount of all funds received by the committee in the preceding twelve months; or

(2) The aggregate of all contributions and expenditures made to support or oppose candidates and ballot measures in this state exceeds one thousand five hundred dollars in the current calendar year.

11. If a committee domiciled in this state receives a contribution of one thousand five hundred dollars or more from any committee domiciled outside of this state, the committee domiciled in this state shall file a disclosure report with the commission. The report shall disclose the full name, mailing address, telephone numbers and domicile of the contributing committee and the date and amount of the contribution. The report shall be filed within forty-eight hours of the receipt of such contribution if the contribution is received after the last reporting date before the election.

12. Each legislative and senatorial district committee shall retain only one address in the district it sits for the purpose of receiving contributions.

130.034. CONTRIBUTIONS NOT TO BE CONVERTED TO PERSONAL USE — ALLOWABLE USES — GIFTS — DISPOSITION OF CONTRIBUTIONS UPON DEATH — RESTITUTION PAYMENTS, FINES — EXPLORATORY COMMITTEE FUNDS, USE — FUNDS HELD TO BE LIQUID, WHEN, INVESTMENT OF FUNDS, EXCEPTIONS. — 1. Contributions as defined in section 130.011, received by any committee shall not be converted to any personal use.

2. Contributions may be used for any purpose allowed by law including, but not limited to:

(1) Any ordinary expenses incurred relating to a campaign;

(2) Any ordinary and necessary expenses incurred in connection with the duties of a holder of elective office;

(3) Any expenses associated with the duties of candidacy or of elective office pertaining to the entertaining of or providing social courtesies to constituents, professional associations, or other holders of elective office;

(4) The return of any contribution to the person who made the contribution to the candidate or holder of elective office;

(5) To contribute to a political organization or candidate committee as allowed by law;

(6) To establish a new committee as defined by this chapter;

(7) To make an unconditional gift which is fully vested to any charitable, fraternal or civic organizations or other associations formed to provide for some good in the order of benevolence, if such candidate, former candidate or holder of elective office or such person's immediate family gain no direct financial benefit from the unconditional gift;

(8) Except when such candidate, former candidate or holder of elective office dies while the committee remains in existence, the committee may make an unconditional gift to a fund established for the benefit of the spouse and children of the candidate, former candidate or holder of elective office. The provisions of this subdivision shall expire October 1, 1997.

3. Upon the death of the candidate, former candidate or holder of elective office who received such contributions, all contributions shall be disposed of according to this section and any funds remaining after final settlement of the candidate's decedent's estate, or if no estate is opened, then twelve months after the candidate's death, will escheat to the state of Missouri to be deposited in the general revenue fund.

4. No contributions, as defined in section 130.011, received by a candidate, former candidate or holder of elective office shall be used to make restitution payments ordered of such individual by a court of law or for the payment of any fine resulting from conviction of a violation of any local, state or federal law.

5. Committees described in subdivision (17) of section 130.011 shall make expenditures only for the purpose of determining whether an individual will be a candidate. Such expenditures include polling information, mailings, personal appearances, telephone expenses, office and travel expenses but may not include contributions to other candidate committees.

6. Any moneys in the exploratory committee fund may be transferred to the candidate committee upon declaration of candidacy for the position being explored. Such funds shall be included for the purposes of reporting and limitation. In the event that candidacy is not declared for the position being explored, the remaining exploratory committee funds shall be returned to the contributors on a pro rata basis. In no event shall the amount returned exceed the amount given by each contributor nor be less than ten dollars.

7. Funds held in candidate committees, campaign committees, debt service committees, and exploratory committees shall be liquid such that these funds shall be readily available for the specific and limited purposes allowed by law. These funds may be invested only in short-term treasury instruments or short-term bank certificates with durations of one year or less, or that allow the removal of funds at any time without any additional financial penalty other than the loss of interest income. Continuing committees, political party committees, and other committees such as out-of-state committees not formed for the benefit of any single candidate or ballot issue shall not be subject to the provisions of this subsection. This subsection shall not be interpreted to restrict the placement of funds in an interest-bearing checking account.

130.097. TRANSFER OF COMMITTEE FUNDS, NO COMPENSATION TO PERSON TRANSFERRING—LOBBYISTS PROHIBITED FROM TRANSFERRING COMMITTEE FUNDS.— 1. No person who transfers funds from:

- (1) His or her candidate committee; or
- (2) Any committee over which such person exerts control over the expenditures of such committee

to any other committee shall thereafter be compensated, for any purpose, by the committee that received such funds.

2. No person who registers as a lobbyist, as defined under section 105.470, shall transfer funds from any candidate committee, exploratory committee, debt service committee, or continuing committee under his or her control to any such committee controlled by a candidate or public official, as defined under section 105.470.

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.

Approved May 6, 2016

HB 2332 [SS#2 SCS HCS HB 2332]

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

Changes provisions relating to judicial proceedings

AN ACT to repeal sections 192.2260, 192.2405, 301.559, 339.100, 400.9-501, 562.014, 565.030, 565.032, 565.040, 571.020, 571.060, 571.063, 571.070, 571.072, 578.007, 579.015, and 632.520, RSMo, section 192.2410 as enacted by house revision bill no. 1299 merged with senate bill no. 491, ninety-seventh general assembly, second regular session, section 192.2475 as enacted by house revision bill no. 1299 merged with senate bill no. 491, ninety-seventh general assembly, second regular session, section 192.2475 as enacted by house revision bill no. 1299, ninety-seventh general assembly, second regular session, section 557.021 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 563.046 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 563.046 as enacted by senate bill no. 60, seventy-ninth general assembly, first regular session, section 565.188 as enacted by senate bills nos. 556 & 311, ninety-second general assembly, first regular session, section 568.040 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section

569.090 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 577.001 as enacted by senate bill no. 254, ninety-eighth general assembly, first regular session, sections 577.010, 577.012, 577.013, and 577.014 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 577.037 as enacted by house bill no. 1371, ninety-seventh general assembly, second regular session, and section 577.060 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and to enact in lieu thereof thirty-one new sections relating to restructuring the Missouri criminal code, with penalty provisions, an effective date for certain sections, and an emergency clause for a certain section.

SECTION

- A. Enacting clause.
- 192.2260. Violations, penalties.
- 192.2405. Beginning January 1, 2017 — Mandatory reporters — penalty for failure to report.
- 192.2410. Beginning January 1, 2017 — Reports, contents — department to maintain telephone for reporting.
- 192.2475. Beginning January 1, 2017 — Report of abuse or neglect of in-home services or home health agency client, duty — penalty — contents of report — investigation, procedure — confidentiality of report — immunity — retaliation prohibited, penalty — employee disqualification list — safe at home evaluations, procedure.
- 192.2475. Until December 31, 2016 — Report of abuse or neglect of in-home services or home health agency client, duty — penalty — contents of report — investigation, procedure — confidentiality of report — immunity — retaliation prohibited, penalty — employee disqualification list — safe at home evaluations, procedure.
- 301.559. Licenses required for dealer, manufacturer or auction, penalty, expiration of — issuance, application — license not required, when.
- 339.100. Investigation of certain practices, procedure — subpoenas — formal complaints — revocation or suspension of licenses — digest may be published — revocation of licenses for certain offenses.
- 400.9-501. Filing office.
- 557.021. Beginning January 1, 2017 — Classification of offenses outside this code.
- 562.014. Beginning January 1, 2017 — Conspiracy — guilt for an offense may be based on.
- 563.046. Beginning January 1, 2017 — Law enforcement officer's use of force in making an arrest.
- 563.046. Until December 31, 2016 — Law enforcement officer's use of force in making an arrest.
- 565.030. Trial procedure, first degree murder.
- 565.032. Evidence to be considered in assessing punishment in first degree murder cases for which death penalty authorized. Evidence to be considered in assessing punishment in first degree murder cases for which death penalty authorized.
- 565.040. Death penalty, if held unconstitutional, resentencing procedure.
- 565.188. Until December 31, 2016 — Report of elder abuse, penalty — false report, penalty — evidence of prior convictions.
- 568.040. Beginning January 1, 2017 — Criminal nonsupport, penalty — payment of support as a condition of parole — prosecuting attorneys to report cases to family support division.
- 569.090. Beginning January 1, 2017 — Tampering in the second degree — penalties.
- 571.020. Possession — manufacture — transport — repair — sale of certain weapons a crime — exceptions — penalties.
- 571.060. Unlawful transfer of weapons, penalty.
- 571.063. Fraudulent purchase of a firearm, crime of — definitions — penalty — exceptions.
- 571.070. Possession of firearm unlawful for certain persons — penalty — exception.
- 571.072. Unlawful possession of an explosive weapon, offense of — penalty.
- 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.
- 577.037. Beginning January 1, 2017 — Chemical tests, results admitted into evidence, when, effect of.
- 577.060. Beginning January 1, 2017 — Leaving the scene of an accident — penalties.
- 578.007. Acts and facilities to which section 574.130 and sections 578.005 to 578.023 do not apply.
- 579.015. Beginning January 1, 2017 — Possession or control of a controlled substance — penalty.
- 632.520. Offender committing violence against an employee — definitions — penalty — damage of property, violation, penalty.
- B. Delayed effective date.
- C. Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Sections 192.2260, 192.2405, 301.559, 339.100, 400.9-501, 562.014, 565.030, 565.032, 565.040, 571.020, 571.060, 571.063, 571.070, 571.072, 578.007, 579.015, and 632.520, RSMo, section 192.2410 as enacted by house revision bill no. 1299 merged with senate bill no. 491, ninety-seventh general assembly, second regular session, section 192.2475 as enacted by house revision bill no. 1299 merged with senate bill no. 491, ninety-seventh general assembly, second regular session, section 192.2475 as enacted by house revision bill no. 1299, ninety-seventh general assembly, second regular session, section 557.021 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 563.046 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 563.046 as enacted by senate bill no. 60, seventy-ninth general assembly, first regular session, section 565.188 as enacted by senate bills nos. 556 & 311, ninety-second general assembly, first regular session, section 568.040 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 569.090 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 577.001 as enacted by senate bill no. 254, ninety-eighth general assembly, first regular session, sections 577.010, 577.012, 577.013, and 577.014 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 577.037 as enacted by house bill no. 1371, ninety-seventh general assembly, second regular session, and section 577.060 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, are repealed and thirty-one new sections enacted in lieu thereof, to be known as sections 192.2260, 192.2405, 192.2410, 192.2475, 301.559, 339.100, 400.9-501, 557.021, 562.014, 563.046, 565.030, 565.032, 565.040, 565.188, 568.040, 569.090, 571.020, 571.060, 571.063, 571.070, 571.072, 577.001, 577.010, 577.012, 577.013, 577.014, 577.037, 577.060, 578.007, 579.015, and 632.520, to read as follows:

192.2260. VIOLATIONS, PENALTIES. — 1. Any person who violates any provision of sections 192.2200 to 192.2260, or who, for himself or for any other person, makes materially false statements in order to obtain a certificate or license, or the renewal thereof, issued pursuant to sections 192.2200 to 192.2260, shall be guilty of a class A misdemeanor. Any person violating this subsection wherein abuse or neglect of a participant of the program has occurred is guilty of a class [D] E felony.

2. Any person who is convicted pursuant to this section shall, in addition to all other penalties provided by law, have any license issued to him under sections 192.2200 to 192.2260 revoked, and shall not operate, nor hold any license to operate, any adult day care program, or other entity governed by the provisions of sections 192.2200 to 192.2260 for a period of three years after such conviction.

192.2405. BEGINNING JANUARY 1, 2017—MANDATORY REPORTERS—PENALTY FOR FAILURE TO REPORT. — 1. The following persons shall be required to immediately report or cause a report to be made to the department under sections 192.2400 to 192.2470:

(1) Any person having reasonable cause to suspect that an eligible adult presents a likelihood of suffering serious physical harm and is in need of protective services; and

(2) Any adult day care worker, chiropractor, Christian Science practitioner, coroner, dentist, embalmer, employee of the departments of social services, mental health, or health and senior services, employee of a local area agency on aging or an organized area agency on aging program, **emergency medical technician, firefighter, first responder**, funeral director, home health agency, home health agency employee, hospital and clinic personnel engaged in the care or treatment of others, in-home services owner or provider, in-home services operator or employee, law enforcement officer, long-term care facility administrator or employee, medical examiner, medical resident or intern, mental health professional, minister, nurse, nurse practitioner, optometrist, other health practitioner, peace officer, pharmacist, physical therapist, physician, physician's assistant, podiatrist, probation or parole officer, psychologist, social worker,

or other person with the responsibility for the care of [a person sixty years of age or older] **an eligible adult** who has reasonable cause to suspect that [such a person] **the eligible adult** has been subjected to abuse or neglect or observes [such a person] **the eligible adult** being subjected to conditions or circumstances which would reasonably result in abuse or neglect. Notwithstanding any other provision of this section, a duly ordained minister, clergy, religious worker, or Christian Science practitioner while functioning in his or her ministerial capacity shall not be required to report concerning a privileged communication made to him or her in his or her professional capacity.

2. Any other person who becomes aware of circumstances that may reasonably be expected to be the result of, or result in, abuse or neglect of [a person sixty years of age or older] **an eligible adult** may report to the department.

3. The penalty for failing to report as required under subdivision (2) of subsection 1 of this section is provided under section 565.188.

192.2410. BEGINNING JANUARY 1, 2017 — REPORTS, CONTENTS — DEPARTMENT TO MAINTAIN TELEPHONE FOR REPORTING. — 1. A report made under section 192.2405 shall be made orally or in writing. It shall include, if known:

(1) The name, age, and address of the eligible adult [or person subjected to abuse or neglect];

(2) The name and address of any person responsible for care of the eligible adult [or person subjected to abuse or neglect];

(3) The nature and extent of the condition of the eligible adult [or person subjected to abuse or neglect]; and

(4) Other relevant information.

2. Reports regarding persons determined not to be eligible adults as defined in section 192.2400 shall be referred to the appropriate state or local authorities.

3. The department shall maintain a statewide toll-free phone number for receipt of reports.

192.2475. BEGINNING JANUARY 1, 2017 — REPORT OF ABUSE OR NEGLECT OF IN-HOME SERVICES OR HOME HEALTH AGENCY CLIENT, DUTY — PENALTY — CONTENTS OF REPORT — INVESTIGATION, PROCEDURE — CONFIDENTIALITY OF REPORT — IMMUNITY — RETALIATION PROHIBITED, PENALTY — EMPLOYEE DISQUALIFICATION LIST — SAFE AT HOME EVALUATIONS, PROCEDURE. — 1. When any adult day care worker; chiropractor; Christian Science practitioner; coroner; dentist; embalmer; **emergency medical technician**; employee of the departments of social services, mental health, or health and senior services; employee of a local area agency on aging or an organized area agency on aging program; **firefighter; first responder**; funeral director; home health agency or home health agency employee; hospital and clinic personnel engaged in examination, care, or treatment of persons; in-home services owner, provider, operator, or employee; law enforcement officer; long-term care facility administrator or employee; medical examiner; medical resident or intern; mental health professional; minister; nurse; nurse practitioner; optometrist; other health practitioner; peace officer; pharmacist; physical therapist; physician; physician's assistant; podiatrist; probation or parole officer; psychologist; or social worker has reasonable cause to believe that an in-home services client has been abused or neglected, as a result of in-home services, he or she shall immediately report or cause a report to be made to the department. If the report is made by a physician of the in-home services client, the department shall maintain contact with the physician regarding the progress of the investigation.

2. [When a report of deteriorating physical condition resulting in possible abuse or neglect of an in-home services client is received by the department, the client's case manager and the department nurse shall be notified. The client's case manager shall investigate and immediately report the results of the investigation to the department nurse. The department may authorize the in-home services provider nurse to assist the case manager with the investigation.

3. If requested, local area agencies on aging shall provide volunteer training to those persons listed in subsection 1 of this section regarding the detection and report of abuse and neglect pursuant to this section.

4.] Any person required in subsection 1 of this section to report or cause a report to be made to the department who fails to do so within a reasonable time after the act of abuse or neglect is guilty of a class A misdemeanor.

5.] 3. The report shall contain the names and addresses of the in-home services provider agency, the in-home services employee, the in-home services client, the home health agency, the home health agency employee, information regarding the nature of the abuse or neglect, the name of the complainant, and any other information which might be helpful in an investigation.

6.] 4. In addition to those persons required to report under subsection 1 of this section, any other person having reasonable cause to believe that an in-home services client or home health patient has been abused or neglected by an in-home services employee or home health agency employee may report such information to the department.

7.] 5. If the investigation indicates possible abuse or neglect of an in-home services client or home health patient, the investigator shall refer the complaint together with his or her report to the department director or his or her designee for appropriate action. If, during the investigation or at its completion, the department has reasonable cause to believe that immediate action is necessary to protect the in-home services client or home health patient from abuse or neglect, the department or the local prosecuting attorney may, or the attorney general upon request of the department shall, file a petition for temporary care and protection of the in-home services client or home health patient in a circuit court of competent jurisdiction. The circuit court in which the petition is filed shall have equitable jurisdiction to issue an ex parte order granting the department authority for the temporary care and protection of the in-home services client or home health patient, for a period not to exceed thirty days.

8.] 6. Reports shall be confidential, as provided under section 192.2500.

9.] 7. Anyone, except any person who has abused or neglected an in-home services client or home health patient, who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from the report shall be immune from any civil or criminal liability for making such a report or for testifying except for liability for perjury, unless such person acted negligently, recklessly, in bad faith, or with malicious purpose.

10.] 8. Within five working days after a report required to be made under this section is received, the person making the report shall be notified in writing of its receipt and of the initiation of the investigation.

11.] 9. No person who directs or exercises any authority in an in-home services provider agency or home health agency shall harass, dismiss or retaliate against an in-home services client or home health patient, or an in-home services employee or a home health agency employee because he or she or any member of his or her family has made a report of any violation or suspected violation of laws, standards or regulations applying to the in-home services provider agency or home health agency or any in-home services employee or home health agency employee which he or she has reasonable cause to believe has been committed or has occurred.

12.] 10. Any person who abuses or neglects an in-home services client or home health patient is subject to criminal prosecution under section 565.184. If such person is an in-home services employee and has been found guilty by a court, and if the supervising in-home services provider willfully and knowingly failed to report known abuse by such employee to the department, the supervising in-home services provider may be subject to administrative penalties of one thousand dollars per violation to be collected by the department and the money received therefor shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund. Any in-home services provider which has had administrative penalties imposed by the department or which has had its contract terminated may seek an administrative review of the department's action pursuant to chapter 621. Any decision of the administrative hearing commission may be appealed to the circuit court in the county where the

violation occurred for a trial de novo. For purposes of this subsection, the term "violation" means a determination of guilt by a court.

[13.] 11. The department shall establish a quality assurance and supervision process for clients that requires an in-home services provider agency to conduct random visits to verify compliance with program standards and verify the accuracy of records kept by an in-home services employee.

[14.] 12. The department shall maintain the employee disqualification list and place on the employee disqualification list the names of any persons who have been finally determined by the department, pursuant to section 192.2490, to have recklessly, knowingly or purposely abused or neglected an in-home services client or home health patient while employed by an in-home services provider agency or home health agency. For purposes of this section only, "knowingly" and "recklessly" shall have the meanings that are ascribed to them in this section. A person acts "knowingly" with respect to the person's conduct when a reasonable person should be aware of the result caused by his or her conduct. A person acts "recklessly" when the person consciously disregards a substantial and unjustifiable risk that the person's conduct will result in serious physical injury and such disregard constitutes a gross deviation from the standard of care that a reasonable person would exercise in the situation.

[15.] 13. At the time a client has been assessed to determine the level of care as required by rule and is eligible for in-home services, the department shall conduct a "Safe at Home Evaluation" to determine the client's physical, mental, and environmental capacity. The department shall develop the safe at home evaluation tool by rule in accordance with chapter 536. The purpose of the safe at home evaluation is to assure that each client has the appropriate level of services and professionals involved in the client's care. The plan of service or care for each in-home services client shall be authorized by a nurse. The department may authorize the licensed in-home services nurse, in lieu of the department nurse, to conduct the assessment of the client's condition and to establish a plan of services or care. The department may use the expertise, services, or programs of other departments and agencies on a case-by-case basis to establish the plan of service or care. The department may, as indicated by the safe at home evaluation, refer any client to a mental health professional, as defined in 9 CSR 30-4.030, for evaluation and treatment as necessary.

[16.] 14. Authorized nurse visits shall occur at least twice annually to assess the client and the client's plan of services. The provider nurse shall report the results of his or her visits to the client's case manager. If the provider nurse believes that the plan of service requires alteration, the department shall be notified and the department shall make a client evaluation. All authorized nurse visits shall be reimbursed to the in-home services provider. All authorized nurse visits shall be reimbursed outside of the nursing home cap for in-home services clients whose services have reached one hundred percent of the average statewide charge for care and treatment in an intermediate care facility, provided that the services have been preauthorized by the department.

[17.] 15. All in-home services clients shall be advised of their rights by the department or the department's designee at the initial evaluation. The rights shall include, but not be limited to, the right to call the department for any reason, including dissatisfaction with the provider or services. The department may contract for services relating to receiving such complaints. The department shall establish a process to receive such nonabuse and neglect calls other than the elder abuse and neglect hotline.

[18.] 16. Subject to appropriations, all nurse visits authorized in sections 192.2400 to 192.2475 shall be reimbursed to the in-home services provider agency.

192.2475. UNTIL DECEMBER 31, 2016—REPORT OF ABUSE OR NEGLECT OF IN-HOME SERVICES OR HOME HEALTH AGENCY CLIENT, DUTY —PENALTY —CONTENTS OF REPORT — INVESTIGATION, PROCEDURE — CONFIDENTIALITY OF REPORT — IMMUNITY — RETALIATION PROHIBITED, PENALTY — EMPLOYEE DISQUALIFICATION LIST — SAFE AT

HOME EVALUATIONS, PROCEDURE. — 1. When any adult day care worker; chiropractor; Christian Science practitioner; coroner; dentist; embalmer; **emergency medical technician**; employee of the departments of social services, mental health, or health and senior services; employee of a local area agency on aging or an organized area agency on aging program; **firefighter; first responder**; funeral director; home health agency or home health agency employee; hospital and clinic personnel engaged in examination, care, or treatment of persons; in-home services owner, provider, operator, or employee; law enforcement officer; long-term care facility administrator or employee; medical examiner; medical resident or intern; mental health professional; minister; nurse; nurse practitioner; optometrist; other health practitioner; peace officer; pharmacist; physical therapist; physician; physician's assistant; podiatrist; probation or parole officer; psychologist; or social worker has reasonable cause to believe that an in-home services client has been abused or neglected, as a result of in-home services, he or she shall immediately report or cause a report to be made to the department. If the report is made by a physician of the in-home services client, the department shall maintain contact with the physician regarding the progress of the investigation.

2. [When a report of deteriorating physical condition resulting in possible abuse or neglect of an in-home services client is received by the department, the client's case manager and the department nurse shall be notified. The client's case manager shall investigate and immediately report the results of the investigation to the department nurse. The department may authorize the in-home services provider nurse to assist the case manager with the investigation.

3. If requested, local area agencies on aging shall provide volunteer training to those persons listed in subsection 1 of this section regarding the detection and report of abuse and neglect pursuant to this section.

4.] Any person required in subsection 1 of this section to report or cause a report to be made to the department who fails to do so within a reasonable time after the act of abuse or neglect is guilty of a class A misdemeanor.

[5.] 3. The report shall contain the names and addresses of the in-home services provider agency, the in-home services employee, the in-home services client, the home health agency, the home health agency employee, information regarding the nature of the abuse or neglect, the name of the complainant, and any other information which might be helpful in an investigation.

[6.] 4. In addition to those persons required to report under subsection 1 of this section, any other person having reasonable cause to believe that an in-home services client or home health patient has been abused or neglected by an in-home services employee or home health agency employee may report such information to the department.

[7.] 5. If the investigation indicates possible abuse or neglect of an in-home services client or home health patient, the investigator shall refer the complaint together with his or her report to the department director or his or her designee for appropriate action. If, during the investigation or at its completion, the department has reasonable cause to believe that immediate action is necessary to protect the in-home services client or home health patient from abuse or neglect, the department or the local prosecuting attorney may, or the attorney general upon request of the department shall, file a petition for temporary care and protection of the in-home services client or home health patient in a circuit court of competent jurisdiction. The circuit court in which the petition is filed shall have equitable jurisdiction to issue an ex parte order granting the department authority for the temporary care and protection of the in-home services client or home health patient, for a period not to exceed thirty days.

[8.] 6. Reports shall be confidential, as provided under section 192.2500.

[9.] 7. Anyone, except any person who has abused or neglected an in-home services client or home health patient, who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from the report shall be immune from any civil or criminal liability for making such a report or for testifying except for liability for perjury, unless such person acted negligently, recklessly, in bad faith, or with malicious purpose.

[10.] **8.** Within five working days after a report required to be made under this section is received, the person making the report shall be notified in writing of its receipt and of the initiation of the investigation.

[11.] **9.** No person who directs or exercises any authority in an in-home services provider agency or home health agency shall harass, dismiss or retaliate against an in-home services client or home health patient, or an in-home services employee or a home health agency employee because he or she or any member of his or her family has made a report of any violation or suspected violation of laws, standards or regulations applying to the in-home services provider agency or home health agency or any in-home services employee or home health agency employee which he or she has reasonable cause to believe has been committed or has occurred.

[12.] **10.** Any person who abuses or neglects an in-home services client or home health patient is subject to criminal prosecution under section 565.180, 565.182, or 565.184. If such person is an in-home services employee and has been found guilty by a court, and if the supervising in-home services provider willfully and knowingly failed to report known abuse by such employee to the department, the supervising in-home services provider may be subject to administrative penalties of one thousand dollars per violation to be collected by the department and the money received therefor shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund. Any in-home services provider which has had administrative penalties imposed by the department or which has had its contract terminated may seek an administrative review of the department's action pursuant to chapter 621. Any decision of the administrative hearing commission may be appealed to the circuit court in the county where the violation occurred for a trial de novo. For purposes of this subsection, the term "violation" means a determination of guilt by a court.

[13.] **11.** The department shall establish a quality assurance and supervision process for clients that requires an in-home services provider agency to conduct random visits to verify compliance with program standards and verify the accuracy of records kept by an in-home services employee.

[14.] **12.** The department shall maintain the employee disqualification list and place on the employee disqualification list the names of any persons who have been finally determined by the department, pursuant to section 192.2490, to have recklessly, knowingly or purposely abused or neglected an in-home services client or home health patient while employed by an in-home services provider agency or home health agency. For purposes of this section only, "knowingly" and "recklessly" shall have the meanings that are ascribed to them in this section. A person acts "knowingly" with respect to the person's conduct when a reasonable person should be aware of the result caused by his or her conduct. A person acts "recklessly" when the person consciously disregards a substantial and unjustifiable risk that the person's conduct will result in serious physical injury and such disregard constitutes a gross deviation from the standard of care that a reasonable person would exercise in the situation.

[15.] **13.** At the time a client has been assessed to determine the level of care as required by rule and is eligible for in-home services, the department shall conduct a "Safe at Home Evaluation" to determine the client's physical, mental, and environmental capacity. The department shall develop the safe at home evaluation tool by rule in accordance with chapter 536. The purpose of the safe at home evaluation is to assure that each client has the appropriate level of services and professionals involved in the client's care. The plan of service or care for each in-home services client shall be authorized by a nurse. The department may authorize the licensed in-home services nurse, in lieu of the department nurse, to conduct the assessment of the client's condition and to establish a plan of services or care. The department may use the expertise, services, or programs of other departments and agencies on a case-by-case basis to establish the plan of service or care. The department may, as indicated by the safe at home evaluation, refer any client to a mental health professional, as defined in 9 CSR 30-4.030, for evaluation and treatment as necessary.

[16.] 14. Authorized nurse visits shall occur at least twice annually to assess the client and the client's plan of services. The provider nurse shall report the results of his or her visits to the client's case manager. If the provider nurse believes that the plan of service requires alteration, the department shall be notified and the department shall make a client evaluation. All authorized nurse visits shall be reimbursed to the in-home services provider. All authorized nurse visits shall be reimbursed outside of the nursing home cap for in-home services clients whose services have reached one hundred percent of the average statewide charge for care and treatment in an intermediate care facility, provided that the services have been preauthorized by the department.

[17.] 15. All in-home services clients shall be advised of their rights by the department or the department's designee at the initial evaluation. The rights shall include, but not be limited to, the right to call the department for any reason, including dissatisfaction with the provider or services. The department may contract for services relating to receiving such complaints. The department shall establish a process to receive such nonabuse and neglect calls other than the elder abuse and neglect hotline.

[18.] 16. Subject to appropriations, all nurse visits authorized in sections 192.2400 to 192.2475 shall be reimbursed to the in-home services provider agency.

301.559. LICENSES REQUIRED FOR DEALER, MANUFACTURER OR AUCTION, PENALTY, EXPIRATION OF—ISSUANCE, APPLICATION—LICENSE NOT REQUIRED, WHEN.— 1. It shall be unlawful for any person to engage in business as or act as a motor vehicle dealer, boat dealer, manufacturer, boat manufacturer, public motor vehicle auction, wholesale motor vehicle auction or wholesale motor vehicle dealer without first obtaining a license from the department as required in sections 301.550 to 301.573. Any person who maintains or operates any business wherein a license is required pursuant to the provisions of sections 301.550 to 301.573, without such license, is guilty of a class A misdemeanor. Any person committing a second violation of sections 301.550 to 301.573 shall be guilty of a class [D] E felony.

2. All dealer licenses shall expire on December thirty-first of the designated license period. The department shall notify each person licensed under sections 301.550 to 301.573 of the date of license expiration and the amount of the fee required for renewal. The notice shall be mailed at least ninety days before the date of license expiration to the licensee's last known business address. The director shall have the authority to issue licenses valid for a period of up to two years and to stagger the license periods for administrative efficiency and equalization of workload, at the sole discretion of the director.

3. Every manufacturer, boat manufacturer, motor vehicle dealer, wholesale motor vehicle dealer, wholesale motor vehicle auction, boat dealer or public motor vehicle auction shall make application to the department for issuance of a license. The application shall be on forms prescribed by the department and shall be issued under the terms and provisions of sections 301.550 to 301.573 and require all applicants, as a condition precedent to the issuance of a license, to provide such information as the department may deem necessary to determine that the applicant is bona fide and of good moral character, except that every application for a license shall contain, in addition to such information as the department may require, a statement to the following facts:

(1) The name and business address, not a post office box, of the applicant and the fictitious name, if any, under which he intends to conduct his business; and if the applicant be a partnership, the name and residence address of each partner, an indication of whether the partner is a limited or general partner and the name under which the partnership business is to be conducted. In the event that the applicant is a corporation, the application shall list the names of the principal officers of the corporation and the state in which it is incorporated. Each application shall be verified by the oath or affirmation of the applicant, if an individual, or in the event an applicant is a partnership or corporation, then by a partner or officer;

(2) Whether the application is being made for registration as a manufacturer, boat manufacturer, new motor vehicle franchise dealer, used motor vehicle dealer, wholesale motor vehicle dealer, boat dealer, wholesale motor vehicle auction or a public motor vehicle auction;

(3) When the application is for a new motor vehicle franchise dealer, the application shall be accompanied by a copy of the franchise agreement in the registered name of the dealership setting out the appointment of the applicant as a franchise holder and it shall be signed by the manufacturer, or his authorized agent, or the distributor, or his authorized agent, and shall include a description of the make of all motor vehicles covered by the franchise. The department shall not require a copy of the franchise agreement to be submitted with each renewal application unless the applicant is now the holder of a franchise from a different manufacturer or distributor from that previously filed, or unless a new term of agreement has been entered into;

(4) When the application is for a public motor vehicle auction, that the public motor vehicle auction has met the requirements of section 301.561.

4. No insurance company, finance company, credit union, savings and loan association, bank or trust company shall be required to obtain a license from the department in order to sell any motor vehicle, trailer or vessel repossessed or purchased by the company on the basis of total destruction or theft thereof when the sale of the motor vehicle, trailer or vessel is in conformance with applicable title and registration laws of this state.

5. No person shall be issued a license to conduct a public motor vehicle auction or wholesale motor vehicle auction if such person has a violation of sections 301.550 to 301.573 or other violations of chapter 301, sections 407.511 to 407.556, or section 578.120 which resulted in a felony conviction or finding of guilt or a violation of any federal motor vehicle laws which resulted in a felony conviction or finding of guilt.

339.100. INVESTIGATION OF CERTAIN PRACTICES, PROCEDURE — SUBPOENAS — FORMAL COMPLAINTS — REVOCATION OR SUSPENSION OF LICENSES — DIGEST MAY BE PUBLISHED — REVOCATION OF LICENSES FOR CERTAIN OFFENSES. — 1. The commission may, upon its own motion, and shall upon receipt of a written complaint filed by any person, investigate any real estate-related activity of a licensee licensed under sections 339.010 to 339.180 and sections 339.710 to 339.860 or an individual or entity acting as or representing themselves as a real estate licensee. In conducting such investigation, if the questioned activity or written complaint involves an affiliated licensee, the commission may forward a copy of the information received to the affiliated licensee's designated broker. The commission shall have the power to hold an investigatory hearing to determine whether there is a probability of a violation of sections 339.010 to 339.180 and sections 339.710 to 339.860. The commission shall have the power to issue a subpoena to compel the production of records and papers bearing on the complaint. The commission shall have the power to issue a subpoena and to compel any person in this state to come before the commission to offer testimony or any material specified in the subpoena. Subpoenas and subpoenas duces tecum issued pursuant to this section shall be served in the same manner as subpoenas in a criminal case. The fees and mileage of witnesses shall be the same as that allowed in the circuit court in civil cases.

2. The commission may cause a complaint to be filed with the administrative hearing commission as provided by the provisions of chapter 621 against any person or entity licensed under this chapter or any licensee who has failed to renew or has surrendered his or her individual or entity license for any one or any combination of the following acts:

(1) Failure to maintain and deposit in a special account, separate and apart from his or her personal or other business accounts, all moneys belonging to others entrusted to him or her while acting as a real estate broker or as the temporary custodian of the funds of others, until the transaction involved is consummated or terminated, unless all parties having an interest in the funds have agreed otherwise in writing;

(2) Making substantial misrepresentations or false promises or suppression, concealment or omission of material facts in the conduct of his or her business or pursuing a flagrant and

continued course of misrepresentation through agents, salespersons, advertising or otherwise in any transaction;

(3) Failing within a reasonable time to account for or to remit any moneys, valuable documents or other property, coming into his or her possession, which belongs to others;

(4) Representing to any lender, guaranteeing agency, or any other interested party, either verbally or through the preparation of false documents, an amount in excess of the true and actual sale price of the real estate or terms differing from those actually agreed upon;

(5) Failure to timely deliver a duplicate original of any and all instruments to any party or parties executing the same where the instruments have been prepared by the licensee or under his or her supervision or are within his or her control, including, but not limited to, the instruments relating to the employment of the licensee or to any matter pertaining to the consummation of a lease, listing agreement or the purchase, sale, exchange or lease of property, or any type of real estate transaction in which he or she may participate as a licensee;

(6) Acting for more than one party in a transaction without the knowledge of all parties for whom he or she acts, or accepting a commission or valuable consideration for services from more than one party in a real estate transaction without the knowledge of all parties to the transaction;

(7) Paying a commission or valuable consideration to any person for acts or services performed in violation of sections 339.010 to 339.180 and sections 339.710 to 339.860;

(8) Guaranteeing or having authorized or permitted any licensee to guarantee future profits which may result from the resale of real property;

(9) Having been finally adjudicated and been found guilty of the violation of any state or federal statute which governs the sale or rental of real property or the conduct of the real estate business as defined in subsection 1 of section 339.010;

(10) Obtaining a certificate or registration of authority, permit or license for himself or herself or anyone else by false or fraudulent representation, fraud or deceit;

(11) Representing a real estate broker other than the broker with whom associated without the express written consent of the broker with whom associated;

(12) Accepting a commission or valuable consideration for the performance of any of the acts referred to in section 339.010 from any person except the broker with whom associated at the time the commission or valuable consideration was earned;

(13) Using prizes, money, gifts or other valuable consideration as inducement to secure customers or clients to purchase, lease, sell or list property when the awarding of such prizes, money, gifts or other valuable consideration is conditioned upon the purchase, lease, sale or listing; or soliciting, selling or offering for sale real property by offering free lots, or conducting lotteries or contests, or offering prizes for the purpose of influencing a purchaser or prospective purchaser of real property;

(14) Placing a sign on or advertising any property offering it for sale or rent without the written consent of the owner or his or her duly authorized agent;

(15) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of sections 339.010 to 339.180 and sections 339.710 to 339.860, or of any lawful rule adopted pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860;

(16) Committing any act which would otherwise be grounds for the commission to refuse to issue a license under section 339.040;

(17) Failure to timely inform seller of all written offers unless otherwise instructed in writing by the seller;

(18) Been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of this state or any other state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, 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;

(19) Any other conduct which constitutes untrustworthy, improper or fraudulent business dealings, demonstrates bad faith or incompetence, misconduct, or gross negligence;

(20) Disciplinary action against the holder of a license or other right to practice any profession regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 granted by another state, territory, federal agency, or country upon grounds for which revocation, suspension, or probation is authorized in this state;

(21) Been found by a court of competent jurisdiction of having used any controlled substance, as defined in chapter 195, to the extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by sections 339.010 to 339.180 and sections 339.710 to 339.860;

(22) Been finally adjudged insane or incompetent by a court of competent jurisdiction;

(23) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 who is not registered and currently eligible to practice under sections 339.010 to 339.180 and sections 339.710 to 339.860;

(24) Use of any advertisement or solicitation which is knowingly false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(25) Making any material misstatement, misrepresentation, or omission with regard to any application for licensure or license renewal. As used in this section, "material" means important information about which the commission should be informed and which may influence a licensing decision;

(26) Engaging in, committing, or assisting any person in engaging in or committing mortgage fraud, as defined in section 443.930.

3. After the filing of such complaint, the proceedings will be conducted in accordance with the provisions of law relating to the administrative hearing commission. A finding of the administrative hearing commissioner that the licensee has performed or attempted to perform one or more of the foregoing acts shall be grounds for the suspension or revocation of his license by the commission, or the placing of the licensee on probation on such terms and conditions as the real estate commission shall deem appropriate, or the imposition of a civil penalty by the commission not to exceed two thousand five hundred dollars for each offense. Each day of a continued violation shall constitute a separate offense.

4. The commission may prepare a digest of the decisions of the administrative hearing commission which concern complaints against licensed brokers or salespersons and cause such digests to be mailed to all licensees periodically. Such digests may also contain reports as to new or changed rules adopted by the commission and other information of significance to licensees.

5. Notwithstanding other provisions of this section, a broker or salesperson's license shall be revoked, or in the case of an applicant, shall not be issued, if the licensee or applicant has pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of any of the following offenses or offenses of a similar nature established under the laws of this, any other state, the United States, or any other country, notwithstanding whether sentence is imposed:

(1) Any dangerous felony as defined under section 556.061 or murder in the first degree;

(2) Any of the following sexual offenses: rape in the first degree, forcible rape, rape, statutory rape in the first degree, statutory rape in the second degree, rape in the second degree, sexual assault, sodomy in the first degree, forcible sodomy, statutory sodomy in the first degree, statutory sodomy in the second degree, child molestation in the first degree, child molestation in the second degree, sodomy in the second degree, deviate sexual assault, sexual misconduct involving a child, sexual misconduct in the first degree under section 566.090 as it existed prior to August 28, 2013, sexual abuse under section 566.100 as it existed prior to August 28, 2013, sexual abuse in the first or second degree, enticement of a child, or attempting to entice a child;

(3) Any of the following offenses against the family and related offenses: incest, abandonment of a child in the first degree, abandonment of a child in the second degree,

endangering the welfare of a child in the first degree, abuse of a child, using a child in a sexual performance, promoting sexual performance by a child, or trafficking in children;

(4) Any of the following offenses involving child pornography and related offenses: promoting obscenity in the first degree, promoting obscenity in the second degree when the penalty is enhanced to a class [D] E felony, promoting child pornography in the first degree, promoting child pornography in the second degree, possession of child pornography in the first degree, possession of child pornography in the second degree, furnishing child pornography to a minor, furnishing pornographic materials to minors, or coercing acceptance of obscene material; and

(5) Mortgage fraud as defined in section 570.310.

6. A person whose license was revoked under subsection 5 of this section may appeal such revocation to the administrative hearing commission. Notice of such appeal must be received by the administrative hearing commission within ninety days of mailing, by certified mail, the notice of revocation. Failure of a person whose license was revoked to notify the administrative hearing commission of his or her intent to appeal waives all rights to appeal the revocation. Upon notice of such person's intent to appeal, a hearing shall be held before the administrative hearing commission.

400.9-501. FILING OFFICE. — (a) Except as otherwise provided in subsection (b), if the local law of this state governs perfection of a security interest or agricultural lien, the office in which to file a financing statement to perfect the security interest or agricultural lien is:

(1) The office designated for the filing or recording of a record of a mortgage on the related real property, if:

(A) The collateral is as-extracted collateral or timber to be cut; or

(B) The financing statement is filed as a fixture filing and the collateral is goods that are or are to become fixtures; or

(2) The office of the secretary of state in all other cases, including a case in which the collateral is goods that are or are to become fixtures and the financing statement is not filed as a fixture filing.

(b) The office in which to file a financing statement to perfect a security interest in collateral, including fixtures, of a transmitting utility is the office of the secretary of state. The financing statement also constitutes a fixture filing as to the collateral indicated in the financing statement which is or is to become fixtures.

(c) A person shall not knowingly or intentionally file, attempt to file, or record any document related to real property with a recorder of deeds under chapter 59 or a financing statement with the secretary of state under subdivision (2) of subsection (a) or subsection (b) of this section, with the intent that such document or statement be used to harass or defraud any other person or knowingly or intentionally file, attempt to file, or record such a document or statement that is materially false or fraudulent.

(1) A person who violates this subsection shall be guilty of a class [D] E felony.

(2) If a person is convicted of a violation under this subsection, the court may order restitution.

(d) In the alternative to the provisions of sections 428.105 through 428.135, if a person files a false or fraudulent financing statement with the secretary of state under subdivision (2) of subsection (a) or subsection (b) of this section, a debtor named in that financing statement may file an action against the person that filed the financing statement seeking appropriate equitable relief, actual damages, or punitive damages, including, but not limited to, reasonable attorney fees.

557.021. BEGINNING JANUARY 1, 2017—CLASSIFICATION OF OFFENSES OUTSIDE THIS CODE. — 1. Any offense defined outside this code which is declared to be a misdemeanor without specification of the penalty therefor is a class A misdemeanor.

2. Any offense defined outside this code which is declared to be a felony without specification of the penalty therefor is a class E felony.

3. For the purpose of applying the extended term provisions of section 558.016 and the minimum prison term provisions of section 558.019 and for determining the penalty for attempts and conspiracies, offenses defined outside of this code shall be classified as follows:

- (1) If the offense is a felony:
 - (a) It is a class A felony if the authorized penalty includes death, life imprisonment or imprisonment for a term of twenty years or more;
 - (b) It is a class B felony if the maximum term of imprisonment authorized exceeds ten years but is less than twenty years;
 - (c) It is a class C felony if the maximum term of imprisonment authorized is ten years;
 - (d) It is a class D felony if the maximum term of imprisonment **exceeds four years but** is less than ten years;
 - (e) It is a class E felony if the maximum term of imprisonment is four years **or less**;
- (2) If the offense is a misdemeanor:
 - (a) It is a class A misdemeanor if the authorized imprisonment exceeds six months in jail;
 - (b) It is a class B misdemeanor if the authorized imprisonment exceeds thirty days but is not more than six months;
 - (c) It is a class C misdemeanor if the authorized imprisonment is thirty days or less;
 - (d) It is a class D misdemeanor if it includes a mental state as an element of the offense and there is no authorized imprisonment;
 - (e) It is an infraction if there is no authorized imprisonment.

562.014. BEGINNING JANUARY 1, 2017—CONSPIRACY—GUILT FOR AN OFFENSE MAY BE BASED ON. — 1. Guilt for an offense may be based upon a conspiracy to commit an offense when a person, with the purpose of promoting or facilitating the commission of an offense, agrees with another person or persons that they or one or more of them will engage in conduct which constitutes such offense.

2. It is no defense to a prosecution for conspiring to commit an offense that a person, who knows that a person with whom he or she conspires to commit an offense has conspired with another person or persons to commit the same offense, does not know the identity of such other person or persons.

3. If a person conspires to commit a number of offenses, he or she can be found guilty of only one offense **of conspiracy** so long as such multiple offenses are the object of the same agreement.

4. No person may be convicted of an offense based upon a conspiracy to commit an offense unless an overt act in pursuance of such conspiracy is alleged and proved to have been done by him or her or by a person with whom he or she conspired.

5. (1) No person shall be convicted of an offense based upon a conspiracy to commit an offense if, after conspiring to commit the offense, he or she prevented the accomplishment of the objectives of the conspiracy under circumstances manifesting a renunciation of his or her criminal purpose.

(2) The defendant shall have the burden of injecting the issue of renunciation of criminal purpose under subdivision (1) of this subsection.

6. For the purpose of time limitations on prosecutions:

(1) A conspiracy to commit an offense is a continuing course of conduct which terminates when the offense or offenses which are its object are committed or the agreement that they be committed is abandoned by the defendant and by those with whom he or she conspired;

(2) If an individual abandons the agreement, the conspiracy is terminated as to him or her only if he or she advises those with whom he or she has conspired of his or her abandonment or he or she informs the law enforcement authorities of the existence of the conspiracy and of his or her participation in it.

7. A person shall not be charged, convicted or sentenced on the basis of the same course of conduct of both the actual commission of an offense and a conspiracy to commit that offense.

8. Unless otherwise set forth in the statute creating the offense, when guilt for a felony or misdemeanor is based upon a conspiracy to commit that offense, the felony or misdemeanor shall be classified one step lower than the class provided for the felony or misdemeanor in the statute creating the offense.

563.046. BEGINNING JANUARY 1, 2017 — LAW ENFORCEMENT OFFICER'S USE OF FORCE IN MAKING AN ARREST. — 1. A law enforcement officer need not retreat or desist from efforts to effect the arrest, or from efforts to prevent the escape from custody, of a person he or she reasonably believes to have committed an offense because of resistance or threatened resistance of the arrestee. In addition to the use of physical force authorized under other sections of this chapter, a law enforcement officer is, subject to the provisions of subsections 2 and 3, justified in the use of such physical force as he or she reasonably believes is immediately necessary to effect the arrest or to prevent the escape from custody.

2. The use of any physical force in making an arrest is not justified under this section unless the arrest is lawful or the law enforcement officer reasonably believes the arrest is lawful, **and the amount of physical force used was objectively reasonable in light of the totality of the particular facts and circumstances confronting the officer on the scene, without regard to the officer's underlying intent or motivation.**

3. **In effecting an arrest or in preventing an escape from custody,** a law enforcement officer [in effecting an arrest or in preventing an escape from custody] is justified in using deadly force only:

- (1) When deadly force is authorized under other sections of this chapter; or
- (2) When [he or she] **the officer** reasonably believes that such use of deadly force is immediately necessary to effect the arrest **or prevent an escape from custody** and also reasonably believes that the person to be arrested:
 - (a) Has committed or attempted to commit a felony **offense involving the infliction or threatened infliction of serious physical injury;** or
 - (b) Is attempting to escape by use of a deadly weapon **or dangerous instrument;** or
 - (c) May otherwise endanger life or inflict serious physical injury **to the officer or others** unless arrested without delay.

4. The defendant shall have the burden of injecting the issue of justification under this section.

563.046. UNTIL DECEMBER 31, 2016—LAW ENFORCEMENT OFFICER'S USE OF FORCE IN MAKING AN ARREST. — 1. A law enforcement officer need not retreat or desist from efforts to effect the arrest, or from efforts to prevent the escape from custody, of a person he reasonably believes to have committed an offense because of resistance or threatened resistance of the arrestee. In addition to the use of physical force authorized under other sections of this chapter, he is, subject to the provisions of subsections 2 and 3, justified in the use of such physical force as he reasonably believes is immediately necessary to effect the arrest or to prevent the escape from custody.

2. The use of any physical force in making an arrest is not justified under this section unless the arrest is lawful or the law enforcement officer reasonably believes the arrest is lawful, **and the amount of physical force used was objectively reasonable in light of the totality of the particular facts and circumstances confronting the officer on the scene, without regard to the officer's underlying intent or motivation.**

3. **In effecting an arrest or in preventing an escape from custody,** a law enforcement officer [in effecting an arrest or in preventing an escape from custody] is justified in using deadly force only:

- (1) When such is authorized under other sections of this chapter; or

(2) When [he] **the officer** reasonably believes that such use of deadly force is immediately necessary to effect the arrest **or prevent an escape from custody** and also reasonably believes that the person to be arrested:

(a) Has committed or attempted to commit a felony **offense involving the infliction or threatened infliction of serious physical injury**; or

(b) Is attempting to escape by use of a deadly weapon **or dangerous instrument**; or

(c) May otherwise endanger life or inflict serious physical injury **to the officer or others** unless arrested without delay.

4. The defendant shall have the burden of injecting the issue of justification under this section.

565.030. TRIAL PROCEDURE, FIRST DEGREE MURDER. — 1. Where murder in the first degree is charged but not submitted or where the state waives the death penalty, the submission to the trier and all subsequent proceedings in the case shall proceed as in all other criminal cases [with a single stage trial in which guilt and punishment are submitted together].

2. Where murder in the first degree is submitted to the trier without a waiver of the death penalty, the trial shall proceed in two stages before the same trier. At the first stage the trier shall decide only whether the defendant is guilty or not guilty of any submitted offense. The issue of punishment shall not be submitted to the trier at the first stage. If an offense is charged other than murder in the first degree in a count together with a count of murder in the first degree, the trial judge shall assess punishment on any such offense according to law, after the defendant is found guilty of such offense and after he finds the defendant to be a prior offender pursuant to chapter 558.

3. If murder in the first degree is submitted and the death penalty was not waived but the trier finds the defendant guilty of a lesser homicide, a second stage of the trial shall proceed [at which the only issue shall be the punishment to be assessed and declared. No further evidence shall be received. If the trier is a jury it shall be instructed on the law] **as in all other criminal cases**. The attorneys may then argue as in other criminal cases the issue of punishment, after which the trier shall assess and declare the punishment as in all other criminal cases.

4. If the trier at the first stage of a trial where the death penalty was not waived finds the defendant guilty of murder in the first degree, a second stage of the trial shall proceed at which the only issue shall be the punishment to be assessed and declared. Evidence in aggravation and mitigation of punishment, including but not limited to evidence supporting any of the aggravating or mitigating circumstances listed in subsection 2 or 3 of section 565.032, may be presented subject to the rules of evidence at criminal trials. Such evidence may include, within the discretion of the court, evidence concerning the murder victim and the impact of the [crime] **offense** upon the family of the victim and others. Rebuttal and surrebuttal evidence may be presented. The state shall be the first to proceed. If the trier is a jury it shall be instructed on the law. The attorneys may then argue the issue of punishment to the jury, and the state shall have the right to open and close the argument. The trier shall assess and declare the punishment at life imprisonment without eligibility for probation, parole, or release except by act of the governor:

(1) If the trier finds by a preponderance of the evidence that the defendant is intellectually disabled; or

(2) If the trier does not find beyond a reasonable doubt at least one of the statutory aggravating circumstances set out in subsection 2 of section 565.032; or

(3) If the trier concludes that there is evidence in mitigation of punishment, including but not limited to evidence supporting the statutory mitigating circumstances listed in subsection 3 of section 565.032, which is sufficient to outweigh the evidence in aggravation of punishment found by the trier; or

(4) If the trier decides under all of the circumstances not to assess and declare the punishment at death.

If the trier is a jury it shall be so instructed. If the trier assesses and declares the punishment at death it shall, in its findings or verdict, set out in writing the aggravating circumstance or circumstances listed in subsection 2 of section 565.032 which it found beyond a reasonable doubt. If the trier is a jury it shall be instructed before the case is submitted that if it is unable to decide or agree upon the punishment the court shall assess and declare the punishment at life imprisonment without eligibility for probation, parole, or release except by act of the governor or death. The court shall follow the same procedure as set out in this section whenever it is required to determine punishment for murder in the first degree.

5. Upon written agreement of the parties and with leave of the court, the issue of the defendant's intellectual disability may be taken up by the court and decided prior to trial without prejudicing the defendant's right to have the issue submitted to the trier of fact as provided in subsection 4 of this section.

6. As used in this section, the terms "intellectual disability" or "intellectually disabled" refer to a condition involving substantial limitations in general functioning characterized by significantly subaverage intellectual functioning with continual extensive related deficits and limitations in two or more adaptive behaviors such as communication, self-care, home living, social skills, community use, self-direction, health and safety, functional academics, leisure and work, which conditions are manifested and documented before eighteen years of age.

7. The provisions of this section shall only govern offenses committed on or after August 28, 2001.

565.032. EVIDENCE TO BE CONSIDERED IN ASSESSING PUNISHMENT IN FIRST DEGREE MURDER CASES FOR WHICH DEATH PENALTY AUTHORIZED. EVIDENCE TO BE CONSIDERED IN ASSESSING PUNISHMENT IN FIRST DEGREE MURDER CASES FOR WHICH DEATH PENALTY AUTHORIZED. — 1. In all cases of murder in the first degree for which the death penalty is authorized, the judge in a jury-waived trial shall consider, or [he] shall include in his **or her** instructions to the jury for it to consider:

(1) Whether a statutory aggravating circumstance or circumstances enumerated in subsection 2 of this section is established by the evidence beyond a reasonable doubt; and

(2) If a statutory aggravating circumstance or circumstances is proven beyond a reasonable doubt, whether the evidence as a whole justifies a sentence of death or a sentence of life imprisonment without eligibility for probation, parole, or release except by act of the governor. In determining the issues enumerated in subdivisions (1) and (2) of this subsection, the trier shall consider all evidence which it finds to be in aggravation or mitigation of punishment, including evidence received during the first stage of the trial and evidence supporting any of the statutory aggravating or mitigating circumstances set out in subsections 2 and 3 of this section. If the trier is a jury, it shall not be instructed upon any specific evidence which may be in aggravation or mitigation of punishment, but shall be instructed that each juror shall consider any evidence which he **or she** considers to be aggravating or mitigating.

2. Statutory aggravating circumstances for a murder in the first degree offense shall be limited to the following:

(1) The offense was committed by a person with a prior record of conviction for murder in the first degree, or the offense was committed by a person who has one or more serious assaultive criminal convictions;

(2) The murder in the first degree offense was committed while the offender was engaged in the commission or attempted commission of another unlawful homicide;

(3) The offender by his **or her** act of murder in the first degree knowingly created a great risk of death to more than one person by means of a weapon or device which would normally be hazardous to the lives of more than one person;

(4) The offender committed the offense of murder in the first degree for himself **or herself** or another, for the purpose of receiving money or any other thing of monetary value from the victim of the murder or another;

(5) The murder in the first degree was committed against a judicial officer, former judicial officer, prosecuting attorney or former prosecuting attorney, circuit attorney or former circuit attorney, assistant prosecuting attorney or former assistant prosecuting attorney, assistant circuit attorney or former assistant circuit attorney, peace officer or former peace officer, elected official or former elected official during or because of the exercise of his official duty;

(6) The offender caused or directed another to commit murder in the first degree or committed murder in the first degree as an agent or employee of another person;

(7) The murder in the first degree was outrageously or wantonly vile, horrible or inhuman in that it involved torture, or depravity of mind;

(8) The murder in the first degree was committed against any peace officer, or fireman while engaged in the performance of his **or her** official duty;

(9) The murder in the first degree was committed by a person in, or who has escaped from, the lawful custody of a peace officer or place of lawful confinement;

(10) The murder in the first degree was committed for the purpose of avoiding, interfering with, or preventing a lawful arrest or custody in a place of lawful confinement, of himself **or herself** or another;

(11) The murder in the first degree was committed while the defendant was engaged in the perpetration or was aiding or encouraging another person to perpetrate or attempt to perpetrate a felony of any degree of rape, sodomy, burglary, robbery, kidnapping, or any felony offense in chapter 195 **or 579**;

(12) The murdered individual was a witness or potential witness in any past or pending investigation or past or pending prosecution, and was killed as a result of his **or her** status as a witness or potential witness;

(13) The murdered individual was an employee of an institution or facility of the department of corrections of this state or local correction agency and was killed in the course of performing his **or her** official duties, or the murdered individual was an inmate of such institution or facility;

(14) The murdered individual was killed as a result of the hijacking of an airplane, train, ship, bus or other public conveyance;

(15) The murder was committed for the purpose of concealing or attempting to conceal any felony offense defined in chapter 195 **or 579**;

(16) The murder was committed for the purpose of causing or attempting to cause a person to refrain from initiating or aiding in the prosecution of a felony offense defined in chapter 195 **or 579**;

(17) The murder was committed during the commission of [a crime] **an offense** which is part of a pattern of criminal street gang activity as defined in section 578.421.

3. Statutory mitigating circumstances shall include the following:

(1) The defendant has no significant history of prior criminal activity;

(2) The murder in the first degree was committed while the defendant was under the influence of extreme mental or emotional disturbance;

(3) The victim was a participant in the defendant's conduct or consented to the act;

(4) The defendant was an accomplice in the murder in the first degree committed by another person and his **or her** participation was relatively minor;

(5) The defendant acted under extreme duress or under the substantial domination of another person;

(6) The capacity of the defendant to appreciate the criminality of his **or her** conduct or to conform his **or her** conduct to the requirements of law was substantially impaired;

(7) The age of the defendant at the time of the [crime] **offense**.

565.040. DEATH PENALTY, IF HELD UNCONSTITUTIONAL, RESENTENCING PROCEDURE.

— 1. In the event that the death penalty provided in this chapter is held to be unconstitutional, any person convicted of murder in the first degree shall be sentenced by the court to life

imprisonment without eligibility for probation, parole, or release except by act of the governor, with the exception that when a specific aggravating circumstance found in a case is held to be unconstitutional or invalid for another reason, the supreme court of Missouri is further authorized to remand the case for resentencing or retrial of the punishment pursuant to subsection 5 of section [565.036] **565.035**.

2. In the event that any death sentence imposed pursuant to this chapter is held to be unconstitutional, the trial court which previously sentenced the defendant to death shall cause the defendant to be brought before the court and shall sentence the defendant to life imprisonment without eligibility for probation, parole, or release except by act of the governor, with the exception that when a specific aggravating circumstance found in a case is held to be inapplicable, unconstitutional or invalid for another reason, the supreme court of Missouri is further authorized to remand the case for retrial of the punishment pursuant to subsection 5 of section 565.035.

565.188. UNTIL DECEMBER 31, 2016—REPORT OF ELDER ABUSE, PENALTY—FALSE REPORT, PENALTY—EVIDENCE OF PRIOR CONVICTIONS. — 1. When any adult day care worker; chiropractor; Christian Science practitioner; coroner; dentist; embalmer; employee of the departments of social services, mental health, or health and senior services; employee of a local area agency on aging or an organized area agency on aging program; **emergency medical technician, firefighter, first responder**; funeral director; home health agency or home health agency employee; hospital and clinic personnel engaged in examination, care, or treatment of persons; in-home services owner, provider, operator, or employee; law enforcement officer; long-term care facility administrator or employee; medical examiner; medical resident or intern; mental health professional; minister; nurse; nurse practitioner; optometrist; other health practitioner; peace officer; pharmacist; physical therapist; physician; physician's assistant; podiatrist; probation or parole officer; psychologist; social worker; or other person with responsibility for the care of [a person sixty years of age or older] **an eligible adult as defined under section 192.2400** has reasonable cause to suspect that [such a person] **the eligible adult** has been subjected to abuse or neglect or observes [such a person] **the eligible adult** being subjected to conditions or circumstances which would reasonably result in abuse or neglect, he or she shall immediately report or cause a report to be made to the department in accordance with the provisions of sections 192.2400 to 192.2470. Any other person who becomes aware of circumstances which may reasonably be expected to be the result of or result in abuse or neglect may report to the department.

2. Any person who knowingly fails to make a report as required in subsection 1 of this section is guilty of a class A misdemeanor.

3. Any person who purposely files a false report of elder abuse or neglect is guilty of a class A misdemeanor.

4. Every person who has been previously convicted of or pled guilty to making a false report to the department and who is subsequently convicted of making a false report under subsection 3 of this section is guilty of a class D felony.

5. Evidence of prior convictions of false reporting shall be heard by the court, out of the hearing of the jury, prior to the submission of the case to the jury, and the court shall determine the existence of the prior convictions.

568.040. BEGINNING JANUARY 1, 2017 — CRIMINAL NONSUPPORT, PENALTY — PAYMENT OF SUPPORT AS A CONDITION OF PAROLE — PROSECUTING ATTORNEYS TO REPORT CASES TO FAMILY SUPPORT DIVISION. — 1. A person commits the offense of nonsupport if he or she knowingly fails to provide adequate support for his or her spouse; a parent commits the offense of nonsupport if such parent knowingly fails to provide adequate support which such parent is legally obligated to provide for his or her child or stepchild who is not otherwise emancipated by operation of law.

2. For purposes of this section:

(1) "Child" means any biological or adoptive child, or any child whose paternity has been established under chapter 454, or chapter 210, or any child whose relationship to the defendant has been determined, by a court of law in a proceeding for dissolution or legal separation, to be that of child to parent;

(2) "Good cause" means any substantial reason why the defendant is unable to provide adequate support. Good cause does not exist if the defendant purposely maintains his inability to support;

(3) "Support" means food, clothing, lodging, and medical or surgical attention;

(4) It shall not constitute a failure to provide medical and surgical attention, if nonmedical remedial treatment recognized and permitted under the laws of this state is provided.

3. Inability to provide support for good cause shall be an affirmative defense under this section. A defendant who raises such affirmative defense has the burden of proving the defense by a preponderance of the evidence.

4. The defendant shall have the burden of injecting the issues raised by subdivision (4) of subsection 2 [and subsection 3] of this section.

5. The offense of criminal nonsupport is a class A misdemeanor, unless the total arrearage is in excess of an aggregate of twelve monthly payments due under any order of support issued by any court of competent jurisdiction or any authorized administrative agency, in which case it is a class E felony.

6. If at any time an offender convicted of criminal nonsupport is placed on probation or parole, there may be ordered as a condition of probation or parole that the offender commence payment of current support as well as satisfy the arrearages. Arrearages may be satisfied first by making such lump sum payment as the offender is capable of paying, if any, as may be shown after examination of the offender's financial resources or assets, both real, personal, and mixed, and second by making periodic payments. Periodic payments toward satisfaction of arrears when added to current payments due may be in such aggregate sums as is not greater than fifty percent of the offender's adjusted gross income after deduction of payroll taxes, medical insurance that also covers a dependent spouse or children, and any other court- or administrative-ordered support, only. If the offender fails to pay the current support and arrearages as ordered, the court may revoke probation or parole and then impose an appropriate sentence within the range for the class of offense that the offender was convicted of as provided by law, unless the offender proves good cause for the failure to pay as required under subsection 3 of this section.

7. During any period that a nonviolent offender is incarcerated for criminal nonsupport, if the offender is ready, willing, and able to be gainfully employed during said period of incarceration, the offender, if he or she meets the criteria established by the department of corrections, may be placed on work release to allow the offender to satisfy his or her obligation to pay support. Arrearages shall be satisfied as outlined in the collection agreement.

8. Beginning August 28, 2009, every nonviolent first- and second-time offender then incarcerated for criminal nonsupport, who has not been previously placed on probation or parole for conviction of criminal nonsupport, may be considered for parole, under the conditions set forth in subsection 6 of this section, or work release, under the conditions set forth in subsection 7 of this section.

9. Beginning January 1, 1991, every prosecuting attorney in any county which has entered into a cooperative agreement with the child support enforcement service of the family support division of the department of social services shall report to the division on a quarterly basis the number of charges filed and the number of convictions obtained under this section by the prosecuting attorney's office on all IV-D cases. The division shall consolidate the reported information into a statewide report by county and make the report available to the general public.

10. Persons accused of committing the offense of nonsupport of the child shall be prosecuted:

(1) In any county in which the child resided during the period of time for which the defendant is charged; or

(2) In any county in which the defendant resided during the period of time for which the defendant is charged.

569.090. BEGINNING JANUARY 1, 2017 — TAMPERING IN THE SECOND DEGREE — PENALTIES. — 1. A person commits the offense of tampering in the second degree if he or she:

(1) Tamper with property of another for the purpose of causing substantial inconvenience to that person or to another; or

(2) Unlawfully rides in or upon another's automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle; or

(3) Tamper or makes connection with property of a utility; or

(4) Tamper with, or causes to be tampered with, any meter or other property of an electric, gas, steam or water utility, the effect of which tampering is either:

(a) To prevent the proper measuring of electric, gas, steam or water service; or

(b) To permit the diversion of any electric, gas, steam or water service.

2. In any prosecution under subdivision (4) of subsection 1, proof that a meter or any other property of a utility has been tampered with, and the person or persons accused received the use or direct benefit of the electric, gas, steam or water service, with one or more of the effects described in subdivision (4) of subsection 1, shall be sufficient to support an inference which the trial court may submit to the trier of fact, from which the trier of fact may conclude that there has been a violation of such subdivision by the person or persons who use or receive the direct benefit of the electric, gas, steam or water service.

3. Tampering in the second degree is a class A misdemeanor unless:

(1) Committed as a second or subsequent violation of subdivision (4) of subsection 1, in which case it is a class E felony; or

(2) The defendant has a prior conviction or has previously been found guilty pursuant to paragraph (a) of subdivision (3) of subsection [3] 5 of section 570.030, or subdivision (2) of subsection 1 of this section, in which case it is a class D felony.

571.020. POSSESSION — MANUFACTURE — TRANSPORT — REPAIR — SALE OF CERTAIN WEAPONS A CRIME — EXCEPTIONS — PENALTIES. — 1. A person commits [a crime] **an offense** if such person knowingly possesses, manufactures, transports, repairs, or sells:

(1) An explosive weapon;

(2) An explosive, incendiary or poison substance or material with the purpose to possess, manufacture or sell an explosive weapon;

(3) A gas gun;

(4) A bullet or projectile which explodes or detonates upon impact because of an independent explosive charge after having been shot from a firearm; or

(5) Knuckles; or

(6) Any of the following in violation of federal law:

(a) A machine gun;

(b) A short-barreled rifle or shotgun;

(c) A firearm silencer; or

(d) A switchblade knife.

2. A person does not commit [a crime] **an offense** pursuant to this section if his **or her** conduct involved any of the items in subdivisions (1) to (5) of subsection 1, the item was possessed in conformity with any applicable federal law, and the conduct:

(1) Was incident to the performance of official duty by the Armed Forces, National Guard, a governmental law enforcement agency, or a penal institution; or

(2) Was incident to engaging in a lawful commercial or business transaction with an organization enumerated in subdivision (1) of this section; or

(3) Was incident to using an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise; or

(4) Was incident to displaying the weapon in a public museum or exhibition; or

(5) Was incident to using the weapon in a manner reasonably related to a lawful dramatic performance.

3. [A crime] **An offense** pursuant to subdivision (1), (2), (3) or (6) of subsection 1 of this section is a class [C] **D** felony; a crime pursuant to subdivision (4) or (5) of subsection 1 of this section is a class A misdemeanor.

571.060. UNLAWFUL TRANSFER OF WEAPONS, PENALTY. — 1. A person commits the [crime] **offense** of unlawful transfer of weapons if he:

(1) Knowingly sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to any person who, under the provisions of section 571.070, is not lawfully entitled to possess such;

(2) Knowingly sells, leases, loans, gives away or delivers a blackjack to a person less than eighteen years old without the consent of the child's custodial parent or guardian, or recklessly, as defined in section 562.016, sells, leases, loans, gives away or delivers any firearm to a person less than eighteen years old without the consent of the child's custodial parent or guardian; provided, that this does not prohibit the delivery of such weapons to any peace officer or member of the Armed Forces or National Guard while performing his official duty; or

(3) Recklessly, as defined in section 562.016, sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to a person who is intoxicated.

2. Unlawful transfer of weapons under subdivision (1) of subsection 1 of this section is a class [D] **E** felony; unlawful transfer of weapons under subdivisions (2) and (3) of subsection 1 of this section is a class A misdemeanor.

571.063. FRAUDULENT PURCHASE OF A FIREARM, CRIME OF — DEFINITIONS — PENALTY — EXCEPTIONS. — 1. As used in this section the following terms shall mean:

(1) "Ammunition", any cartridge, shell, or projectile designed for use in a firearm;

(2) "Licensed dealer", a person who is licensed under 18 U.S.C. Section 923 to engage in the business of dealing in firearms;

(3) "Materially false information", any information that portrays an illegal transaction as legal or a legal transaction as illegal;

(4) "Private seller", a person who sells or offers for sale any firearm, as defined in section 571.010, or ammunition.

2. A person commits the crime of fraudulent purchase of a firearm if such person:

(1) Knowingly solicits, persuades, encourages or entices a licensed dealer or private seller of firearms or ammunition to transfer a firearm or ammunition under circumstances which the person knows would violate the laws of this state or the United States; or

(2) Provides to a licensed dealer or private seller of firearms or ammunition what the person knows to be materially false information with intent to deceive the dealer or seller about the legality of a transfer of a firearm or ammunition; or

(3) Willfully procures another to violate the provisions of subdivision (1) or (2) of this subsection.

3. Fraudulent purchase of a firearm is a class [D] **E** felony.

4. This section shall not apply to criminal investigations conducted by the United States Bureau of Alcohol, Tobacco, Firearms and Explosives, authorized agents of such investigations, or to a peace officer, as defined in section 542.261, acting at the explicit direction of the United States Bureau of Alcohol, Tobacco, Firearms and Explosives.

571.070. POSSESSION OF FIREARM UNLAWFUL FOR CERTAIN PERSONS — PENALTY — EXCEPTION. — 1. A person commits the [crime] **offense** of unlawful possession of a firearm if such person knowingly has any firearm in his or her possession and:

(1) Such person has been convicted of a felony under the laws of this state, or of a crime under the laws of any state or of the United States which, if committed within this state, would be a felony; or

(2) Such person is a fugitive from justice, is habitually in an intoxicated or drugged condition, or is currently adjudged mentally incompetent.

2. Unlawful possession of a firearm is a class [C] **D** felony.

3. The provisions of subdivision (1) of subsection 1 of this section shall not apply to the possession of an antique firearm.

571.072. UNLAWFUL POSSESSION OF AN EXPLOSIVE WEAPON, OFFENSE OF —PENALTY.

— 1. A person commits the [crime] **offense** of unlawful possession of an explosive weapon if he or she has any explosive weapon in his or her possession and:

(1) He or she has pled guilty to or has been convicted of a dangerous felony, as defined in section 556.061, or of an attempt to commit a dangerous felony, or of [a crime] **an offense** under the laws of any state or of the United States which, if committed within this state, would be a dangerous felony, or confined therefor in this state or elsewhere during the five-year period immediately preceding the date of such possession; or

(2) He or she is a fugitive from justice, is habitually in an intoxicated or drugged condition, or is currently adjudged mentally incompetent.

2. Unlawful possession of an explosive weapon is a class [C] **D** felony.

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] **Two** or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related [traffic] **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;

(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;

(9) "Drive", "driving", "operates" or "operating", means physically driving or operating a vehicle or vessel;

(10) "Flight crew member", the pilot in command, copilots, flight engineers, and flight navigators;

(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;

(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;

(13) "Intoxicated" or "intoxicated condition", when a person is under the influence of alcohol, a controlled substance, or drug, or any combination thereof;

(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;

(15) "Intoxication-related traffic offense", driving while intoxicated, driving with excessive blood alcohol content, **driving under the influence of alcohol or drugs in violation of a county or municipal ordinance**, 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;

(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;

(17) "Operate a vessel", to physically control the movement of a vessel in motion under mechanical or sail power in water;

(18) "Persistent offender", a person who has been found guilty of:

- (a) Two or more intoxication-related traffic offenses committed on separate occasions; **or**
- (b) **One intoxication-related traffic offense committed in violation of any state law, county or municipal ordinance, federal offense, or military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed;**

(19) "Persistent boating offender", a person who has been found guilty of:

- (a) Two or more intoxication-related boating offenses committed on separate occasions;
- or**

(b) **One intoxication-related boating offense committed in violation of any state law, county or municipal ordinance, federal offense, or military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed;**

(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;

(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 (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.
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 or **habitual** 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 or **habitual** 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 (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.

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 or **habitual** 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 **or habitual** 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.

577.037. BEGINNING JANUARY 1, 2017—CHEMICAL TESTS, RESULTS ADMITTED INTO EVIDENCE, WHEN, EFFECT OF. — 1. Upon the trial of any person for any criminal offense or violations of county or municipal ordinances, or in any license suspension or revocation proceeding pursuant to the provisions of chapter 302, arising out of acts alleged to have been committed by any person while operating a vehicle, vessel, or aircraft, or acting as a flight crew member of any aircraft, while in an intoxicated condition or with an excessive blood alcohol content, the amount of alcohol in the person's blood at the time of the act, as shown by any chemical analysis of the person's blood, breath, saliva, or urine, is admissible in evidence and the provisions of subdivision (5) of section 491.060 shall not prevent the admissibility or introduction of such evidence if otherwise admissible.

2. If a chemical analysis of the defendant's breath, blood, saliva, or urine demonstrates there was eight-hundredths of one percent or more by weight of alcohol in the person's blood, this shall be prima facie evidence that the person was intoxicated at the time the specimen was taken. If a chemical analysis of the defendant's breath, blood, saliva, or urine demonstrates that there was less than eight-hundredths of one percent of alcohol in the defendant's blood, any charge alleging a criminal offense related to the operation of a vehicle, vessel, or aircraft while in an intoxicated condition [or with an excessive blood alcohol content] shall be dismissed with prejudice unless one or more of the following considerations cause the court to find a dismissal unwarranted:

- (1) There is evidence that the chemical analysis is unreliable as evidence of the defendant's intoxication at the time of the alleged violation due to the lapse of time between the alleged violation and the obtaining of the specimen;
- (2) There is evidence that the defendant was under the influence of a controlled substance, or drug, or a combination of either or both with or without alcohol; or
- (3) There is substantial evidence of intoxication from physical observations of witnesses or admissions of the defendant.

3. Percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood or grams of alcohol per two hundred ten liters of breath.

4. The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether the person was intoxicated.

5. A chemical analysis of a person's breath, blood, saliva or urine, in order to give rise to the presumption or to have the effect provided for in subsection 2 of this section, shall have been performed as provided in sections 577.020 to 577.041 and in accordance with methods and standards approved by the state department of health and senior services.

577.060. BEGINNING JANUARY 1, 2017 — LEAVING THE SCENE OF AN ACCIDENT — PENALTIES. — 1. A person commits the offense of leaving the scene of an accident when:

(1) Being the operator of a vehicle or a vessel involved in an accident resulting in injury or death or damage to property of another person; and

(2) Having knowledge of such accident he or she leaves the place of the injury, damage or accident without stopping and giving the following information to the other party or to a law enforcement officer, or if no law enforcement officer is in the vicinity, then to the nearest law enforcement agency:

(a) His or her name;

(b) His or her residence, including city and street number;

(c) The registration or license number for his or her vehicle or vessel; and

(d) His or her operator's license number, if any.

2. For the purposes of this section, all law enforcement officers shall have jurisdiction, when invited by an injured person, to enter the premises of any privately owned property for the purpose of investigating an accident and performing all necessary duties regarding such accident.

3. The offense of leaving the scene of an accident is:

(1) A class A misdemeanor; or

(2) A class E felony if:

(a) Physical injury was caused to another party; or

(b) Damage in excess of one thousand dollars was caused to the property of another person;

or

(c) The defendant has previously been found guilty of any offense **in violation of this section; or** committed in another jurisdiction which, if committed in this state, would be a violation of an offense [in] of this section.

4. A law enforcement officer who investigates or receives information of an accident involving an all-terrain vehicle and also involving the loss of life or serious physical injury shall make a written report of the investigation or information received and such additional facts relating to the accident as may come to his or her knowledge, mail the information to the department of public safety, and keep a record thereof in his or her office.

5. The provisions of this section shall not apply to the operation of all-terrain vehicles when property damage is sustained in sanctioned all-terrain vehicle races, derbies and rallies.

578.007. ACTS AND FACILITIES TO WHICH SECTION 574.130 AND SECTIONS 578.005 TO 578.023 DO NOT APPLY. — The provisions of **section 574.130**, sections 578.005 to 578.023 shall not apply to:

(1) Care or treatment performed by a licensed veterinarian within the provisions of chapter 340;

(2) Bona fide scientific experiments;

(3) Hunting, fishing, or trapping as allowed by chapter 252, including all practices and privileges as allowed under the Missouri Wildlife Code;

(4) Facilities and publicly funded zoological parks currently in compliance with the federal "Animal Welfare Act" as amended;

- (5) Rodeo practices currently accepted by the Professional Rodeo Cowboy's Association;
- (6) The killing of an animal by the owner thereof, the agent of such owner, or by a veterinarian at the request of the owner thereof;
- (7) The lawful, humane killing of an animal by an animal control officer, the operator of an animal shelter, a veterinarian, or law enforcement or health official;
- (8) With respect to farm animals, normal or accepted practices of animal husbandry;
- (9) The killing of an animal by any person at any time if such animal is outside of the owned or rented property of the owner or custodian of such animal and the animal is injuring any person or farm animal but shall not include police or guard dogs while working;
- (10) The killing of house or garden pests; or
- (11) Field trials, training and hunting practices as accepted by the Professional Houndsmen of Missouri.

579.015. BEGINNING JANUARY 1, 2017—POSSESSION OR CONTROL OF A CONTROLLED SUBSTANCE — PENALTY. — 1. A person commits the offense of possession of a controlled substance if he or she knowingly possesses a controlled substance, except as authorized by this chapter or chapter 195.

2. The offense of possession of any controlled substance except thirty-five grams or less of marijuana or any synthetic cannabinoid is a class D felony.

3. The offense of possession of more than ten grams but **thirty-five grams or less** [than thirty-six grams] of marijuana or any synthetic cannabinoid is a class A misdemeanor.

4. The offense of possession of not more than ten grams of marijuana or any synthetic cannabinoid is a class D misdemeanor. If the defendant has previously been found guilty of any offense of the laws related to controlled substances of this state, or of the United States, or any state, territory, or district, the offense is a class A misdemeanor. Prior findings of guilt shall be pleaded and proven in the same manner as required by section 558.021.

5. In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any provision of this chapter or chapter 195, it shall not be necessary to include any exception, excuse, proviso, or exemption contained in this chapter or chapter 195, and the burden of proof of any such exception, excuse, proviso or exemption shall be upon the defendant.

632.520. OFFENDER COMMITTING VIOLENCE AGAINST AN EMPLOYEE — DEFINITIONS — PENALTY — DAMAGE OF PROPERTY, VIOLATION, PENALTY. — 1. For purposes of this section, the following terms mean:

(1) "Employee of the department of mental health", a person who is an employee of the department of mental health, an employee or contracted employee of a subcontractor of the department of mental health, or an employee or contracted employee of a subcontractor of an entity responsible for confining offenders as authorized by section 632.495;

(2) "Offender", a person ordered to the department of mental health after a determination by the court that the person meets the definition of a sexually violent predator, a person ordered to the department of mental health after a finding of probable cause under section 632.489, or a person committed for control, care, and treatment by the department of mental health under sections 632.480 to 632.513;

(3) "Secure facility", a facility operated by the department of mental health or an entity responsible for confining offenders as authorized by section 632.495.

2. No offender shall knowingly commit violence to an employee of the department of mental health or to another offender housed in a secure facility. Violation of this subsection shall be a class B felony.

3. No offender shall knowingly damage any building or other property owned or operated by the department of mental health. Violation of this subsection shall be a class [C] D felony.

SECTION B. DELAYED EFFECTIVE DATE. — The repeal and reenactment of sections 192.2260, 301.559, 339.100, 400.9-501, 565.032, 571.020, 571.060, 571.063, 571.070, 571.072, and 632.520, and the repeal and reenactment of the first occurrence of section 563.046 of this act shall become effective on January 1, 2017.

SECTION C. EMERGENCY CLAUSE. — Because of the need to clarify Missouri's deadly force statute to align with supreme court precedent, the repeal and reenactment of the second occurrence of section 563.046 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 the repeal and reenactment of the second occurrence of section 563.046 of this act shall be in full force and effect upon its passage and approval.

Approved July 13, 2016

HB 2335 [SCS HB 2335]

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

Designates memorial highways in Dent and Audrain Counties

AN ACT to amend chapter 227, RSMo, by adding thereto two new sections relating to the designation of certain memorial transportation infrastructure.

SECTION

- A. Enacting clause.
 227.435. Trooper Gary Snodgrass Memorial Bridge designated for a Highway 32 bridge in Dent County.
 227.439. Trooper James M. Bava Memorial Highway designated for a portion of State Highway FF in Audrain 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 two new sections, to be known as sections 227.435 and 227.439, to read as follows:

227.435. TROOPER GARY SNODGRASS MEMORIAL BRIDGE DESIGNATED FOR A HIGHWAY 32 BRIDGE IN DENT COUNTY. — The bridge on Highway 32 crossing over the Meramec River in Dent County shall be designated the "Trooper Gary Snodgrass Memorial Bridge". The department of transportation shall erect and maintain appropriate signs designating the bridge, with the costs for such designation to be paid for by private donation.

227.439. TROOPER JAMES M. BAVA MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF STATE HIGHWAY FF IN AUDRAIN COUNTY. — The portion of state highway FF in Audrain County beginning at Elmwood Drive and extending west to County Road 977 shall be designated as "Trooper James M. Bava Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with costs to be paid for by private donations provided by the Missouri State Troopers Association.

Approved June 24, 2016

HB 2355 [SS HB 2355]

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 State Juvenile Justice Advisory Board

AN ACT to amend chapter 211, RSMo, by adding thereto one new section relating to the juvenile justice advisory board.

SECTION

A. Enacting clause.

211.355. Missouri state juvenile justice advisory board, members, report.

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

SECTION A. ENACTING CLAUSE. — Chapter 211, RSMo, is amended by adding thereto one new section, to be known as section 211.355, to read as follows:

211.355. MISSOURI STATE JUVENILE JUSTICE ADVISORY BOARD, MEMBERS, REPORT.
— 1. There is hereby created within the office of state courts administrator the "Missouri State Juvenile Justice Advisory Board", which shall provide consultation and recommendations regarding ongoing best practices within the juvenile court system and juvenile officer standards. The board shall consist of the following members:

(1) A judge of a juvenile or family court as appointed by the supreme court of Missouri;

(2) A juvenile officer as appointed by the Missouri juvenile justice association;

(3) A foster parent appointed by the Missouri state foster care and adoption board;

(4) One attorney representing parents' interests appointed by the Missouri bar association;

(5) One guardian ad litem appointed by the Missouri bar association;

(6) A representative from a child advocacy center to be appointed by the Missouri network of child advocacy centers;

(7) A prosecuting attorney appointed by the Missouri association of prosecuting attorneys;

(8) A law enforcement representative as designated by the Missouri sheriffs' association;

(9) A law enforcement representative as designated by the Missouri police chiefs association; and

(10) The following shall be ex officio voting members:

(a) The director of the children's division or the director's designee;

(b) The director of the division of youth services or the director's designee;

(c) The director of the Missouri juvenile justice association or the director's designee;

(d) The executive director of the Missouri court appointed special advocate association or the director's designee;

(e) The director of the office of child advocate or the director's designee; and

(f) The director of the public defender's office or the director's designee.

2. All appointed members of the board shall serve for a term of four years. Members may be reappointed to the board by their entities for consecutive terms. All vacancies on the board shall be filled for the balance of the unexpired term in the same manner in which the board membership which is vacant was originally filled. Members of the board shall serve without compensation.

3. The board shall elect officers from the membership consisting of a chairperson and secretary.

4. The board shall meet a minimum of four times per calendar year.

5. The board shall provide to the office of state courts administrator, the office of child advocate, and the joint committee on child abuse and neglect a written annual report of recommendations and activities conducted and made.

Approved June 15, 2016

HB 2376 [SS SCS HCS HB 2376]

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 construction management

AN ACT to repeal section 227.107, RSMo, and to enact in lieu thereof three new sections relating to construction regulation.

SECTION

A. Enacting clause.

67.5050. Definitions — use of construction manager-at-risk method, when — procedure — default, effect of — inapplicability — expiration date.

67.5060. Definitions — design-build contracts, requirements — phases I, II, and III — stipend permitted, when — wastewater or water contracts — bonding requirements — inapplicability — expiration date.

227.107. Design-build project contracts permitted, limitations, exceptions — definitions — written procedures required — submission of detailed disadvantaged business enterprise participation plan — bid process — rulemaking authority — status report to general assembly — cost estimates to be published.

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

SECTION A. ENACTING CLAUSE. — Section 227.107, is repealed and three new sections enacted in lieu thereof, to be known as sections 67.5050, 67.5060, and 227.107, to read as follows:

67.5050. DEFINITIONS — USE OF CONSTRUCTION MANAGER-AT-RISK METHOD, WHEN — PROCEDURE — DEFAULT, EFFECT OF — INAPPLICABILITY — EXPIRATION DATE. — 1.

As used in this section, the following terms mean:

(1) "Construction manager", the legal entity that proposes to enter into a construction management-at-risk contract under this section;

(2) "Construction manager-at-risk", a sole proprietorship, partnership, corporation, or other legal entity that assumes the risk for the construction, rehabilitation, alteration, or repair of a project at the contracted price as a general contractor and provides consultation to a political subdivision regarding construction during and after the design of the project.

2. Any political subdivision may use the construction manager-at-risk method for: civil works projects such as roads, streets, bridges, utilities, water supply projects, water plants, wastewater plants, water distribution and wastewater conveyance facilities, airport runways and taxiways, storm drainage and flood control projects, or transit projects commonly designed by professional engineers in excess of two million dollars; and non-civil works projects such as buildings, site improvements, and other structures, habitable or not, commonly designed by architects in excess of three million dollars. In using that method and in entering into a contract for the services of a construction manager-at-risk, the political subdivision shall follow the procedures prescribed by this section.

3. The political subdivision shall publicly disclose at a regular meeting its intent to utilize the construction management at-risk method and its selection criteria at least one week prior to publishing the request for qualifications. Before or concurrently with

selecting a construction manager-at-risk, the political subdivision shall select or designate an engineer or architect who shall prepare the construction documents for the project and who shall comply with all state laws, as applicable. If the engineer or architect is not a full-time employee of the political subdivision, the political subdivision shall select the engineer or architect on the basis of demonstrated competence and qualifications as provided by sections 8.285 to 8.291. The political subdivision's engineer or architect for a project may not serve, alone or in combination with another, as the construction manager-at-risk. This subsection does not prohibit a political subdivision's engineer or architect from providing customary construction phase services under the engineer's or architect's original professional service agreement in accordance with applicable licensing laws.

4. The political subdivision may provide or contract for, independently of the construction manager-at-risk, inspection services, testing of construction materials, engineering, and verification of testing services necessary for acceptance of the project by the political subdivision.

5. The political subdivision shall select the construction manager-at-risk in a two-step process. The political subdivision shall prepare a request for qualifications, for the case of the first step of the two-step process, that includes general information on the project site, project scope, schedule, selection criteria, and the time and place for receipt of proposals or qualifications, as applicable, and other information that may assist the political subdivision in its selection of a construction manager-at-risk. The political subdivision shall state the selection criteria in the request for proposals or qualifications, as applicable. The selection criteria may include the construction manager's experience, past performance, safety record, proposed personnel and methodology, and other appropriate factors that demonstrate the capability of the construction manager-at-risk. The political subdivision shall not request fees or prices in step one. In step two, the political subdivision may request that five or fewer construction managers, selected solely on the basis of qualifications, provide additional information, including the construction manager-at-risk's proposed fee and its price for fulfilling the general conditions. Qualifications shall account for a minimum of forty percent of the evaluation. Cost shall account for a maximum of sixty percent of the evaluation.

6. The political subdivision shall publish the request for proposals or qualifications by publication in a newspaper of general circulation published in the county where the political subdivision is located once a week for two consecutive weeks prior to opening the proposals or qualifications submissions or by a virtual notice procedure that notifies interested parties for at least twenty various purchases, design contracts, construction contracts, or other contracts each year for the political subdivision.

7. For each step, the political subdivision shall receive, publicly open, and read aloud the names of the construction managers. Within forty-five days after the date of opening the proposals or qualification submissions, the political subdivision or its representative shall evaluate and rank each proposal or qualification submission submitted in relation to the criteria set forth in the request for proposals or request for qualifications. The political subdivision shall interview at least two of the top qualified offerors as part of the final selection.

8. The political subdivision or its representative shall select the construction manager that submits the proposal that offers the best value for the political subdivision based on the published selection criteria and on its ranking evaluation. The political subdivision or its representative shall first attempt to negotiate a contract with the selected construction manager. If the political subdivision or its representative is unable to negotiate a satisfactory contract with the selected construction manager, the political subdivision or its representative shall, formally and in writing, end negotiations with that construction manager and proceed to negotiate with the next construction manager in the order of the selection ranking until a contract is reached or negotiations with all ranked construction managers end.

9. A construction manager-at-risk shall publicly advertise, in the manner prescribed by chapter 50, and receive bids or proposals from trade contractors or subcontractors for the performance of all major elements of the work other than the minor work that may be included in the general conditions. A construction manager-at-risk may seek to perform portions of the work itself if the construction manager-at-risk submits its sealed bid or sealed proposal for those portions of the work in the same manner as all other trade contractors or subcontractors. All sealed bids or proposals shall be submitted at the time and location as specified in the advertisement for bids or proposals and shall be publicly opened and the identity of each bidder and their bid amount shall be read aloud. The political subdivision shall have the authority to restrict the construction manager-at-risk from submitting bids to perform portions of the work.

10. The construction manager-at-risk and the political subdivision or its representative shall review all trade contractor, subcontractor, or construction manager-at-risk bids or proposals in a manner that does not disclose the contents of the bid or proposal during the selection process to a person not employed by the construction manager-at-risk, engineer, architect, or political subdivision involved with the project. If the construction manager-at-risk submitted bids or proposals, the political subdivision shall determine if the construction manager-at-risk's bid or proposal offers the best value for the political subdivision. After all proposals have been evaluated and clarified, the award of all subcontracts shall be made public.

11. If the construction manager-at-risk reviews, evaluates, and recommends to the political subdivision a bid or proposal from a trade contractor or subcontractor but the political subdivision requires another bid or proposal to be accepted, the political subdivision shall compensate the construction manager-at-risk by a change in price, time, or guaranteed maximum cost for any additional cost and risk that the construction manager-at-risk may incur because of the political subdivision's requirement that another bid or proposal be accepted.

12. If a selected trade contractor or subcontractor materially defaults in the performance of its work or fails to execute a subcontract after being selected in accordance with this section, the construction manager-at-risk may itself, without advertising, fulfill the contract requirements or select a replacement trade contractor or subcontractor to fulfill the contract requirements. The penal sums of the performance and payment bonds delivered to the political subdivision shall each be in an amount equal to the fixed contract amount or guaranteed maximum price. The construction manager-at-risk shall deliver the bonds not later than the tenth day after the date the fixed contract amount or guaranteed maximum price is established.

13. Any political subdivision engaged in a project under this section, which impacts a railroad regulated by the Federal Railroad Administration, shall consult with the affected railroad on required specifications relating to clearance, safety, insurance, and indemnification to be included in the construction documents for such project.

14. This section shall not apply to:

(1) Any metropolitan sewer district established under article VI, section 30(a) of the Constitution of Missouri;

(2) Any special charter city, or any city or county governed by home rule under article VI, section 18 or 19 of the Constitution of Missouri that has adopted a construction manager-at-risk method via ordinance, rule or regulation.

15. Notwithstanding the provisions of section 23.253 to the contrary, the provisions of this section shall expire September 1, 2026.

67.5060. DEFINITIONS — DESIGN-BUILD CONTRACTS, REQUIREMENTS — PHASES I, II, AND III — STIPEND PERMITTED, WHEN — WASTEWATER OR WATER CONTRACTS — BONDING REQUIREMENTS — INAPPLICABILITY — EXPIRATION DATE. — 1. As used in this section, the following terms mean:

(1) "Design-build", a project delivery method subject to a three-stage qualifications-based selection for which the design and construction services are furnished under one contract;

(2) "Design-build contract", a contract which is subject to a three-stage qualifications-based selection process similar to that described in sections 8.285 to 8.291 between a political subdivision and a design-builder to furnish the architectural, engineering, and related design services and the labor, materials, supplies, equipment, and other construction services required for a design-build project;

(3) "Design-build project", the design, construction, alteration, addition, remodeling, or improvement of any buildings or facilities under contract with a political subdivision. Such design-build projects include, but are not limited to:

(a) Civil works projects, such as roads, streets, bridges, utilities, airport runways and taxiways, storm drainage and flood control projects, or transit projects; and

(b) Non-civil works projects, such as buildings, site improvements, and other structures, habitable or not, commonly designed by architects in excess of seven million dollars;

(4) "Design-builder", any individual, partnership, joint venture, or corporation subject to a qualification-based selection that offers to provide or provides design services and general contracting services through a design-build contract in which services within the scope of the practice of professional architecture or engineering are performed respectively by a licensed architect or licensed engineer and in which services within the scope of general contracting are performed by a general contractor or other legal entity that furnishes architecture or engineering services and construction services either directly or through subcontracts or joint ventures;

(5) "Design criteria consultant", a person, corporation, partnership, or other legal entity duly licensed and authorized to practice architecture or professional engineering in this state under chapter 327, who is employed by or contracted by the political subdivision to assist the political subdivision in the development of project design criteria, requests for proposals, evaluation of proposals, the evaluation of the construction under a design-build contract to determine adherence to the design criteria, and any additional services requested by the political subdivisions to represent its interests in relation to a project. The design criteria consultant may not submit a proposal or furnish design or construction services for the design-build contract for which its services were sought;

(6) "Design criteria package", performance-oriented program, scope, and specifications for the design-build project sufficient to permit a design-builder to prepare a response to a political subdivision's request for proposals for a design-build project, which may include capacity, durability, standards, ingress and egress requirements, performance requirements, description of the site, surveys, soil and environmental information concerning the site, interior space requirements, material quality standards, design and construction schedules, site development requirements, provisions for utilities, storm water retention and disposal, parking requirements, applicable governmental code requirements, preliminary designs for the project or portions thereof, and other criteria for the intended use of the project;

(7) "Design professional services", services that are:

(a) Within the practice of architecture as defined in section 327.091, or within the practice of professional engineering as defined in section 327.181; or

(b) Performed by a licensed or authorized architect or professional engineer in connection with the architect's or professional engineer's employment or practice;

(8) "Proposal", an offer in response to a request for proposals by a design-builder to enter into a design-build contract for a design-build project under this section;

(9) "Request for proposal", the document by which the political subdivision solicits proposals for a design-build contract;

(10) "Stipend", an amount paid to the unsuccessful but responsive, short-listed design-builders to defray the cost of participating in phase II of the selection process described in this section.

2. In using a design-build contract, the political subdivision shall determine the scope and level of detail required to permit qualified persons to submit proposals in accordance with the request for proposals given the nature of the project.

3. A design criteria consultant shall be employed or retained by the political subdivision to assist in preparation of the design criteria package and request for proposal, perform periodic site visits to observe adherence to the design criteria, prepare progress reports, review and approve progress and final pay applications of the design-builder, review shop drawings and submissions, provide input in disputes, help interpret the construction documents, perform inspections upon substantial and final completion, assist in warranty inspections, and provide any other professional service assisting with the project administration. The design criteria consultant may also evaluate construction as to the adherence of the design criteria. The consultant shall be selected and its contract negotiated in compliance with sections 8.285 to 8.291 unless the consultant is a direct employee of the political subdivision.

4. The political subdivision shall publicly disclose at a regular meeting its intent to utilize the design-build method and its project design criteria at least one week prior to publishing the request for proposals. Notice of requests for proposals shall be advertised by publication in a newspaper of general circulation published in the county where the political subdivision is located once a week for two consecutive weeks prior to opening the proposals, or by a virtual notice procedure that notifies interested parties for at least twenty various purchases, design contracts, construction contracts, or other contracts each year for the political subdivision. The political subdivision shall publish a notice of a request for proposal with a description of the project, the procedures for submission, and the selection criteria to be used.

5. The political subdivision shall establish in the request for proposal a time, place, and other specific instructions for the receipt of proposals. Proposals not submitted in strict accordance with the instructions shall be subject to rejection.

6. A request for proposal shall be prepared for each design-build contract containing at minimum the following elements:

(1) The procedures to be followed for submitting proposals, the criteria for evaluating proposals and their relative weight, and the procedures for making awards;

(2) The proposed terms and conditions for the design-build contract, if available;

(3) The design criteria package;

(4) A description of the drawings, specifications, or other information to be submitted with the proposal, with guidance as to the form and level of completeness of the drawings, specifications, or other information that will be acceptable;

(5) A schedule for planned commencement and completion of the design-build contract, if any;

(6) Budget limits for the design-build contract, if any;

(7) Requirements including any available ratings for performance bonds, payment bonds, and insurance, if any;

(8) The amount of the stipend which will be available; and

(9) Any other information that the political subdivision in its discretion chooses to supply including, but not limited to, surveys, soil reports, drawings of existing structures, environmental studies, photographs, references to public records, or affirmative action and minority business enterprise requirements consistent with state and federal law.

7. The political subdivision shall solicit proposals in a three-stage process. Phase I shall be the solicitation of qualifications of the design-build team. Phase II shall be the solicitation of a technical proposal including conceptual design for the project. Phase III shall be the proposal of the construction cost.

8. The political subdivision shall review the submissions of the proposals and assign points to each proposal in accordance with this section and as set out in the instructions of the request for proposal.

9. Phase I shall require all design-builders to submit a statement of qualification that shall include, but not be limited to:

(1) Demonstrated ability to perform projects comparable in design, scope, and complexity;

(2) References of owners for whom design-build projects, construction projects, or design projects have been performed;

(3) Qualifications of personnel who will manage the design and construction aspects of the project; and

(4) The names and qualifications of the primary design consultants and the primary trade contractors with whom the design-builder proposes to subcontract or joint venture. The design-builder may not replace an identified contractor, subcontractor, design consultant, or subconsultant without the written approval of the political subdivision.

10. The political subdivision shall evaluate the qualifications of all the design-builders who submitted proposals in accordance with the instructions of the request for proposal. Architectural and engineering services on the project shall be evaluated in accordance with the requirements of sections 8.285 and 8.291. Qualified design-builders selected by the evaluation team may proceed to phase II of the selection process. Design-builders lacking the necessary qualifications to perform the work shall be disqualified and shall not proceed to phase II of the process. This process of short listing shall narrow the number of qualified design-builders to not more than five nor fewer than two. Under no circumstances shall price or fees be a part of the prequalification criteria. Design-builders may be interviewed in either phase I or phase II of the process. Points assigned in phase I of the evaluation process shall not carry forward to phase II of the process. All qualified design-builders shall be ranked on points given in phases II and III only.

11. The political subdivision shall have discretion to disqualify any design-builder who, in the political subdivision's opinion, lacks the minimum qualifications required to perform the work.

12. Once a sufficient number of no more than five and no fewer than two qualified design-builders have been selected, the design-builders shall have a specified amount of time in which to assemble phase II and phase III proposals.

13. Phase II of the process shall be conducted as follows:

(1) The political subdivision shall invite the top qualified design-builders to participate in phase II of the process;

(2) A design-builder shall submit its design for the project to the level of detail required in the request for proposal. The design proposal shall demonstrate compliance with the requirements set out in the request for proposal;

(3) The ability of the design-builder to meet the schedule for completing a project as specified by the political subdivision may be considered as an element of evaluation in phase II;

(4) Up to twenty percent of the points awarded to each design-builder in phase II may be based on each design-builder's qualifications and ability to design, contract, and deliver the project on time and within the budget of the political subdivision;

(5) Under no circumstances shall the design proposal contain any reference to the cost of the proposal; and

(6) The submitted designs shall be evaluated and assigned points in accordance with the requirements of the request for proposal. Phase II shall account for not less than forty percent of the total point score as specified in the request for proposal.

14. Phase III shall be conducted as follows:

(1) The phase III proposal shall provide a firm, fixed cost of design and construction. The proposal shall be accompanied by bid security and any other items, such as statements of minority participation as required by the request for proposal;

(2) Cost proposals shall be submitted in accordance with the instructions of the request for proposal. The political subdivision shall reject any proposal that is not submitted on time. Phase III shall account for not less than forty percent of the total point score as specified in the request for proposal;

(3) Proposals for phase II and phase III shall be submitted concurrently at the time and place specified in the request for proposal, but in separate envelopes or other means of submission. The phase III cost proposals shall be opened only after the phase II design proposals have been evaluated and assigned points, ranked in order, and posted;

(4) Cost proposals shall be opened and read aloud at the time and place specified in the request for proposal. At the same time and place, the evaluation team shall make public its scoring of phase II. Cost proposals shall be evaluated in accordance with the requirements of the request for proposal. In evaluating the cost proposals, the lowest responsive bidder shall be awarded the total number of points assigned to be awarded in phase III. For all other bidders, cost points shall be calculated by reducing the maximum points available in phase III by at least one percent for each percentage point by which the bidder exceeds the lowest bid and the points assigned shall be added to the points assigned for phase II for each design-builder;

(5) If the political subdivision determines that it is not in the best interest of the political subdivision to proceed with the project pursuant to the proposal offered by the design-builder with the highest total number of points, the political subdivision shall reject all proposals. In this event, all qualified and responsive design-builders with lower point totals shall receive a stipend and the responsive design-builder with the highest total number of points shall receive an amount equal to two times the stipend. If the political subdivision decides to award the project, the responsive design-builder with the highest number of points shall be awarded the contract; and

(6) If all proposals are rejected, the political subdivision may solicit new proposals using different design criteria, budget constraints, or qualifications.

15. As an inducement to qualified design-builders, the political subdivision shall pay a reasonable stipend, the amount of which shall be established in the request for proposal, to each prequalified design-builder whose proposal is responsive but not accepted. Such stipend shall be no less than one-half of one percent of the total project budget. Upon payment of the stipend to any unsuccessful design-builder, the political subdivision shall acquire a nonexclusive right to use the design submitted by the design-builder, and the design-builder shall have no further liability for the use of the design by the political subdivision in any manner. If the design-builder desires to retain all rights and interest in the design proposed, the design-builder shall forfeit the stipend.

16. As used in this subsection, "wastewater or water contract" means any design-build contract that involves the provision of engineering and construction services either directly by a party to the contract or through subcontractors retained by a party to the contract for a wastewater or water storage, conveyance, or treatment facility project.

(1) Any political subdivision may enter into a wastewater or water contract for design-build of a wastewater or water project.

(2) In disbursing community development block grants under 42 U.S.C. Sections 5301 to 5321, the department of economic development shall not reject wastewater or water projects solely for utilizing wastewater or water contracts.

(3) The department of natural resources shall not preclude wastewater or water contracts from consideration for funding provided by the water and wastewater loan fund under section 644.122.

(4) A political subdivision planning a wastewater or water design-build project shall retain an engineer duly licensed in this state to assist in preparing any necessary documents and specifications and evaluations of design-build proposals.

17. The payment bond requirements of section 107.170 shall apply to the design-build project. All persons furnishing design services shall be deemed to be covered by the payment bond the same as any person furnishing labor and materials. The performance bond for the design-builder shall not cover any damages of the type specified to be covered by the professional liability insurance established by the political subdivision in the request for proposals.

18. Any person or firm performing architectural, engineering, landscape architecture, or land-surveying services for the design-builder on the design-build project shall be duly licensed or authorized in this state to provide such services as required by chapter 327.

19. Any political subdivision engaged in a project under this section, which impacts a railroad regulated by the Federal Railroad Administration, shall consult with the affected railroad on required specifications relating to clearance, safety, insurance, and indemnification to be included in the construction documents for such project.

20. Under section 327.465, any design-builder that enters into a design-build contract with a political subdivision is exempt from the requirement that such person or entity hold a license or that such corporation hold a certificate of authority if the architectural, engineering, or land-surveying services to be performed under the design-build contract are performed through subcontracts or joint ventures with properly licensed or authorized persons or entities, and not performed by the design-builder or its own employees.

21. This section shall not apply to:

(1) Any metropolitan sewer district established under article VI, section 30(a) of the Constitution of Missouri; or

(2) Any special charter city, or any city or county governed by home rule under article VI, section 18 or 19 of the Constitution of Missouri that has adopted a design-build process via ordinance, rule, or regulation.

22. The authority to use design-build and design-build contracts provided under this section shall expire September 1, 2026.

227.107. DESIGN-BUILD PROJECT CONTRACTS PERMITTED, LIMITATIONS, EXCEPTIONS
— DEFINITIONS — WRITTEN PROCEDURES REQUIRED — SUBMISSION OF DETAILED DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION PLAN — BID PROCESS — RULEMAKING AUTHORITY — STATUS REPORT TO GENERAL ASSEMBLY — COST ESTIMATES TO BE PUBLISHED. — 1. Notwithstanding any provision of section 227.100 to the contrary, as an alternative to the requirements and procedures specified by sections 227.040 to 227.100, the state highways and transportation commission is authorized to enter into highway design-build project contracts. The total number of highway design-build project contracts awarded by the commission in any state fiscal year shall not exceed two percent of the total number of all state highway system projects awarded to contracts for construction from projects listed in the commission's approved statewide transportation improvement project for that state fiscal year. [Authority to enter into design-build projects granted by this section shall expire on July 1, 2018, unless extended by statute.]

2. Notwithstanding provisions of subsection 1 of this section to the contrary, the state highways and transportation commission is authorized to enter into additional design-build contracts for the design, construction, reconstruction, or improvement of Missouri Route 364 as contained in any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants and in any county with a charter form of government and with more than one million inhabitants, and the State Highway 169 and 96th Street intersection located within a home rule city with more than four hundred thousand inhabitants and located in more than one county. The state highways and transportation commission is authorized to enter into an additional design-build contract for the design,

construction, reconstruction, or improvement of State Highway 92, contained in a county of the first classification with more than one hundred eighty-four thousand but fewer than one hundred eighty-eight thousand inhabitants, from its intersection with State Highway 169, east to its intersection with State Highway E. The state highways and transportation commission is authorized to enter into an additional design-build contract for the design, construction, reconstruction, or improvement of US 40/61 I-64 Missouri River Bridge as contained in any county with a charter form of government and with more than one million inhabitants and any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants. [The authority to enter into a design-build highway project under this subsection shall not be subject to the time limitation expressed in subsection 1 of this section.]

3. For the purpose of this section a "design-builder" is defined as an individual, corporation, partnership, joint venture or other entity, including combinations of such entities making a proposal to perform or performing a design-build highway project contract.

4. For the purpose of this section, "design-build highway project contract" is defined as the procurement of all materials and services necessary for the design, construction, reconstruction or improvement of a state highway project in a single contract with a design-builder capable of providing the necessary materials and services.

5. For the purpose of this section, "highway project" is defined as the design, construction, reconstruction or improvement of highways or bridges under contract with the state highways and transportation commission, which is funded by state, federal or local funds or any combination of such funds.

6. In using a design-build highway project contract, the commission shall establish a written procedure by rule for prequalifying design-builders before such design-builders will be allowed to make a proposal on the project.

7. In any design-build highway project contract, whether involving state or federal funds, the commission shall require that each person submitting a request for qualifications provide a detailed disadvantaged business enterprise participation plan. The plan shall provide information describing the experience of the person in meeting disadvantaged business enterprise participation goals, how the person will meet the department of transportation's disadvantaged business enterprise participation goal and such other qualifications that the commission considers to be in the best interest of the state.

8. The commission is authorized to issue a request for proposals to a maximum of five design-builders prequalified in accordance with subsection 6 of this section.

9. The commission may require approval of any person performing subcontract work on the design-build highway project.

10. Notwithstanding the provisions of sections 107.170, and 227.100, to the contrary, the commission shall require the design-builder to provide to the commission directly such bid, performance and payment bonds, or such letters of credit, in such terms, durations, amounts, and on such forms as the commission may determine to be adequate for its protection and provided by a surety or sureties authorized to conduct surety business in the state of Missouri or a federally insured financial institution or institutions, satisfactory to the commission, including but not limited to:

(1) A bid or proposal bond, cash or a certified or cashier's check;

(2) A performance bond or bonds for the construction period specified in the design-build highway project contract equal to a reasonable estimate of the total cost of construction work under the terms of the design-build highway project contract. If the commission determines in writing supported by specific findings that the reasonable estimate of the total cost of construction work under the terms of the design-build highway project contract is expected to exceed two-hundred fifty million dollars and a performance bond or bonds in such amount is impractical, the commission shall set the performance bond or bonds at the largest amount reasonably available, but not less than two-hundred fifty million dollars, and may require

additional security, including but not limited to letters of credit, for the balance of the estimate not covered by the performance bond or bonds;

(3) A payment bond or bonds that shall be enforceable under section 522.300 for the protection of persons supplying labor and material in carrying out the construction work provided for in the design-build highway project contract. The aggregate amount of the payment bond or bonds shall equal a reasonable estimate of the total amount payable for the cost of construction work under the terms of the design-build highway project contract unless the commission determines in writing supported by specific findings that a payment bond or bonds in such amount is impractical, in which case the commission shall establish the amount of the payment bond or bonds; except that the amount of the payment bond or bonds shall not be less than the aggregate amount of the performance bond or bonds and any additional security to such performance bond or bonds; and

(4) Upon award of the design-build highway project contract, the sum of the performance bond and any required additional security established under subdivisions (2) and (3) of this subsection shall be stated, and shall be a matter of public record.

11. The commission is authorized to prescribe the form of the contracts for the work.

12. The commission is empowered to make all final decisions concerning the performance of the work under the design-build highway project contract, including claims for additional time and compensation.

13. The provisions of sections 8.285 to 8.291 shall not apply to the procurement of architectural, engineering or land surveying services for the design-build highway project, except that any person providing architectural, engineering or land surveying services for the design-builder on the design-build highway project must be licensed in Missouri to provide such services.

14. The commission shall pay a reasonable stipend to prequalified responsive design-builders who submit a proposal, but are not awarded the design-build highway project.

15. The commission shall comply with the provisions of any act of congress or any regulations of any federal administrative agency which provides and authorizes the use of federal funds for highway projects using the design-build process.

16. The commission shall promulgate administrative rules to implement this section or to secure federal funds. Such rules shall be published for comment in the Missouri Register and shall include prequalification criteria, the make-up of the prequalification review team, specifications for the design criteria package, the method of advertising, receiving and evaluating proposals from design-builders, the criteria for awarding the design-build highway project based on the design criteria package and a separate proposal stating the cost of construction, and other methods, procedures and criteria necessary to administer this section.

17. The commission shall make a status report to the members of the general assembly and the governor following the award of the design-build project, as an individual component of the annual report submitted by the commission to the joint transportation oversight committee in accordance with the provisions of section 21.795. The annual report prior to advertisement of the design-build highway project contracts shall state the goals of the project in reducing costs and/or the time of completion for the project in comparison to the design-bid-build method of construction and objective measurements to be utilized in determining achievement of such goals. Subsequent annual reports shall include: the time estimated for design and construction of different phases or segments of the project and the actual time required to complete such work during the period; the amount of each progress payment to the design-builder during the period and the percentage and a description of the portion of the project completed regarding such payment; the number and a description of design change orders issued during the period and the cost of each such change order; upon substantial and final completion, the total cost of the design-build highway project with a breakdown of costs for design and construction; and such other measurements as specified by rule. The annual report immediately after final completion of the project shall state an assessment of the advantages and disadvantages of the design-build

method of contracting for highway and bridge projects in comparison to the design-bid-build method of contracting and an assessment of whether the goals of the project in reducing costs and/or the time of completion of the project were met.

18. The commission shall give public notice of a request for qualifications in at least two public newspapers that are distributed wholly or in part in this state and at least one construction industry trade publication that is distributed nationally.

19. The commission shall publish its cost estimates of the design-build highway project award and the project completion date along with its public notice of a request for qualifications of the design-build project.

20. If the commission fails to receive at least two responsive submissions from design-builders considered qualified, submissions shall not be opened and it shall readvertise the project.

21. For any highway design-build project constructed under this section, the commission shall negotiate and reach agreements with affected railroads. Such agreements shall include clearance, safety, insurance, and indemnification provisions, but are not required to include provisions on right-of-way acquisitions.

Approved July 1, 2016

HB 2379 [SS SCS HCS HB 2379]

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 public schools shall screen students for dyslexia and related disorders and establishes a task force on dyslexia

AN ACT to amend chapters 167, 170, and 633, RSMo, by adding thereto four new sections relating to student safety.

SECTION

A. Enacting clause.

- 167.950. Dyslexia screening guidelines — screenings required, when — definitions — rulemaking authority.
 170.047. Youth suicide awareness and prevention, training for educators — guidelines — rulemaking authority.
 170.048. Youth suicide awareness and prevention policy, requirements — model policy, feedback.
 633.420. Dyslexia defined — task force created, members, duties, recommendations — expiration date.

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

SECTION A. ENACTING CLAUSE. — Chapters 167, 170, and 633, RSMo, are amended by adding thereto four new sections, to be known as sections 167.950, 170.047, 170.048, and 633.420, to read as follows:

167.950. DYSLEXIA SCREENING GUIDELINES — SCREENINGS REQUIRED, WHEN — DEFINITIONS — RULEMAKING AUTHORITY. — **1. (1) By December 31, 2017, the department of elementary and secondary education shall develop guidelines for the appropriate screening of students for dyslexia and related disorders and the necessary classroom support for students with dyslexia and related disorders. Such guidelines shall be consistent with the findings and recommendations of the task force created under section 633.420.**

(2) In the 2018-19 school year and subsequent years, each public school, including each charter school, shall conduct dyslexia screenings for students in the appropriate year consistent with the guidelines developed by the department of elementary and secondary education.

(3) In the 2018-19 school year and subsequent years, the school board of each district and the governing board of each charter school shall provide reasonable classroom support consistent with the guidelines developed by the department of elementary and secondary education.

2. In the 2018-19 school year and subsequent years, the practicing teacher assistance programs established under section 168.400 shall offer two hours of in-service training provided by each local school district for all practicing teachers in such district regarding dyslexia and related disorders. Each charter school shall also offer all of its teachers two hours of training on dyslexia and related disorders. Districts and charter schools may seek assistance from the department of elementary and secondary education in developing and providing such training. Completion of such training shall count as two contact hours of professional development under section 168.021.

3. For purposes of this section, the following terms mean:

(1) "Dyslexia", a disorder that is neurological in origin, characterized by difficulties with accurate and fluent word recognition and poor spelling and decoding abilities that typically result from a deficit in the phonological component of language, often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction, and of which secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge. Nothing in this definition shall require a student with dyslexia to obtain an individualized education program (IEP) unless the student has otherwise met the federal conditions necessary;

(2) "Dyslexia screening", a short test conducted by a teacher or school counselor to determine whether a student likely has dyslexia or a related disorder in which a positive result does not represent a medical diagnosis but indicates that the student could benefit from approved support;

(3) "Related disorders", disorders similar to or related to dyslexia, such as developmental auditory imperception, dysphasia, specific developmental dyslexia, developmental dysgraphia, and developmental spelling disability;

(4) "Support", low-cost and effective best practices, such as oral examinations and extended test-taking periods, used to support students who have dyslexia or any related disorder.

4. The state board of education shall promulgate rules and regulations for each public school to screen students for dyslexia and related disorders and to provide the necessary classroom support for students with dyslexia and related disorders. 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, 2016, shall be invalid and void.

5. Nothing in this section shall require the MO HealthNet program to expand the services that it provides.

170.047. YOUTH SUICIDE AWARENESS AND PREVENTION, TRAINING FOR EDUCATORS —GUIDELINES— RULEMAKING AUTHORITY. — 1. Beginning in the 2017-2018 school year, any licensed educator may annually complete up to two hours of training or professional development in youth suicide awareness and prevention as part of the professional development hours required for state board of education certification.

2. The department of elementary and secondary education shall develop guidelines suitable for training or professional development in youth suicide awareness and

prevention. The department shall develop materials that may be used for such training or professional development.

3. For purposes of this section, the term "licensed educator" shall refer to any teacher with a certificate of license to teach issued by the state board of education or any other educator or administrator required to maintain a professional license issued by the state board of education.

4. The department of elementary and secondary education may promulgate rules and regulations to implement this section.

5. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void.

170.048. YOUTH SUICIDE AWARENESS AND PREVENTION POLICY, REQUIREMENTS — MODEL POLICY, FEEDBACK. — 1. By July 1, 2018, each district shall adopt a policy for youth suicide awareness and prevention, including plans for how the district will provide for the training and education of its district employees.

2. Each district's policy shall include, but not be limited to the following:

- (1) Strategies that can help identify students who are at possible risk of suicide;
- (2) Strategies and protocols for helping students at possible risk of suicide; and
- (3) Protocols for responding to a suicide death.

3. By July 1, 2017, the department of elementary and secondary education shall develop a model policy that districts may adopt. When developing the model policy, the department shall cooperate, consult with, and seek input from organizations that have expertise in youth suicide awareness and prevention. By July 1, 2021, and at least every three years thereafter, the department shall request information and seek feedback from districts on their experience with the policy for youth suicide awareness and prevention. The department shall review this information and may use it to adapt the department's model policy. The department shall post any information on its website that it has received from districts that it deems relevant. The department shall not post any confidential information or any information that personally identifies any student or school employee.

633.420. DYSLEXIA DEFINED — TASK FORCE CREATED, MEMBERS, DUTIES, RECOMMENDATIONS—EXPIRATION DATE. — 1. For the purposes of this section, the term "dyslexia" means a disorder that is neurological in origin, characterized by difficulties with accurate and fluent word recognition, and poor spelling and decoding abilities that typically result from a deficit in the phonological component of language, often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction, and of which secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge. Nothing in this section shall prohibit a district from assessing students for dyslexia and offering students specialized reading instruction if a determination is made that a student suffers from dyslexia. Nothing in this definition shall require a student with dyslexia to obtain an individualized education program (IEP) unless the student has otherwise met the federal conditions necessary.

2. There is hereby created the "Legislative Task Force on Dyslexia". The joint committee on education shall provide technical and administrative support as required

by the task force to fulfill its duties; any such support involving monetary expenses shall first be approved by the chairman of the joint committee on education. The task force shall meet at least quarterly and may hold meetings by telephone or video conference. The task force shall advise and make recommendations to the governor, joint committee on education, and relevant state agencies regarding matters concerning individuals with dyslexia, including education and other adult and adolescent services.

3. The task force shall be comprised of twenty-one members consisting of the following:

(1) Two members of the senate appointed by the president pro tempore of the senate, with one member appointed from the minority party and one member appointed from the majority party;

(2) Two members of the house of representatives appointed by the speaker of the house of representatives, with one member appointed from the minority party and one member appointed from the majority party;

(3) The commissioner of education, or his or her designee;

(4) One representative from an institution of higher education located in this state with specialized expertise in dyslexia and reading instruction;

(5) A representative from a state teachers association or the Missouri National Education Association;

(6) A representative from the International Dyslexia Association of Missouri;

(7) A representative from Decoding Dyslexia of Missouri;

(8) A representative from the Missouri Association of Elementary School Principals;

(9) A representative from the Missouri Council of Administrators of Special Education;

(10) A professional licensed in the state of Missouri with experience diagnosing dyslexia including, but not limited to, a licensed psychologist, school psychologist, or neuropsychologist;

(11) A speech-language pathologist with training and experience in early literacy development and effective research-based intervention techniques for dyslexia, including an Orton-Gillingham remediation program recommended by the Missouri Speech-Language Hearing Association;

(12) A certified academic language therapist recommended by the Academic Language Therapists Association who is a resident of this state;

(13) A representative from an independent private provider or nonprofit organization serving individuals with dyslexia;

(14) An assistive technology specialist with expertise in accessible print materials and assistive technology used by individuals with dyslexia recommended by the Missouri assistive technology council;

(15) One private citizen who has a child who has been diagnosed with dyslexia;

(16) One private citizen who has been diagnosed with dyslexia;

(17) A representative of the Missouri State Council of the International Reading Association;

(18) A pediatrician with knowledge of dyslexia; and

(19) A member of the Missouri School Board Association.

4. The members of the task force, other than the members from the general assembly and ex officio members, shall be appointed by the president pro tempore of the senate or the speaker of the house of representatives by September 1, 2016, by alternating appointments beginning with the president pro tempore of the senate. A chairperson shall be selected by the members of the task force. Any vacancy on the task force shall be filled in the same manner as the original appointment. Members shall serve on the task force without compensation.

5. The task force shall make recommendations for a statewide system for identification, intervention, and delivery of supports for students with dyslexia, including

the development of resource materials and professional development activities. These recommendations shall be included in a report to the governor and joint committee on education and shall include findings and proposed legislation and shall be made available no longer than twelve months from the task force's first meeting.

6. The recommendations and resource materials developed by the task force shall:

(1) Identify valid and reliable screening and evaluation assessments and protocols that can be used and the appropriate personnel to administer such assessments in order to identify children with dyslexia or the characteristics of dyslexia as part of an ongoing reading progress monitoring system, multi-tiered system of supports, and special education eligibility determinations in schools;

(2) Recommend an evidence-based reading instruction, with consideration of the National Reading Panel Report and Orton-Gillingham methodology principles for use in all Missouri schools, and intervention system, including a list of effective dyslexia intervention programs, to address dyslexia or characteristics of dyslexia for use by schools in multi-tiered systems of support and for services as appropriate for special education eligible students;

(3) Develop and implement preservice and inservice professional development activities to address dyslexia identification and intervention, including utilization of accessible print materials and assistive technology, within degree programs such as education, reading, special education, speech-language pathology, and psychology;

(4) Review teacher certification and professional development requirements as they relate to the needs of students with dyslexia;

(5) Examine the barriers to accurate information on the prevalence of students with dyslexia across the state and recommend a process for accurate reporting of demographic data; and

(6) Study and evaluate current practices for diagnosing, treating, and educating children in this state and examine how current laws and regulations affect students with dyslexia in order to present recommendations to the governor and the joint committee on education.

7. The task force shall hire or contract for hire specialist services to support the work of the task force as necessary with appropriations made to the joint committee on education for that purpose or from other available funding.

8. The task force authorized under this section shall expire on August 31, 2018, unless reauthorized by an act of the general assembly.

Approved June 22, 2016

HB 2380 [SS SCS HCS HB 2380]

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

Allows owners of personal motor vehicles and owners of commercial motor vehicles licensed in excess of twelve thousand pounds to apply for special personalized license plates.

AN ACT to repeal sections 301.010, 301.067, 301.130, 301.134, 301.144, 301.145, 301.441, 301.443, 301.444, 301.445, 301.447, 301.448, 301.451, 301.456, 301.457, 301.463, 301.464, 301.465, 301.466, 301.467, 301.468, 301.469, 301.471, 301.472, 301.473, 301.474, 301.475, 301.477, 301.481, 301.3032, 301.3040, 301.3043, 301.3045, 301.3047, 301.3049, 301.3050, 301.3052, 301.3053, 301.3054, 301.3055, 301.3060, 301.3061, 301.3062, 301.3065, 301.3074, 301.3075, 301.3076, 301.3077, 301.3078, 301.3079,

301.3080, 301.3082, 301.3084, 301.3085, 301.3086, 301.3087, 301.3088, 301.3089, 301.3090, 301.3092, 301.3093, 301.3094, 301.3095, 301.3096, 301.3097, 301.3098, 301.3099, 301.3101, 301.3102, 301.3103, 301.3105, 301.3106, 301.3107, 301.3109, 301.3115, 301.3116, 301.3117, 301.3118, 301.3119, 301.3122, 301.3123, 301.3124, 301.3125, 301.3126, 301.3128, 301.3129, 301.3130, 301.3131, 301.3132, 301.3133, 301.3137, 301.3139, 301.3141, 301.3142, 301.3143, 301.3144, 301.3145, 301.3146, 301.3147, 301.3150, 301.3158, 301.3161, 301.3162, 301.3163, 301.3165, 301.3166, 301.3167, 301.3168, 301.3169, and 301.3170, RSMo, and to enact in lieu thereof one hundred twelve new sections relating to license plates.

SECTION

- A. Enacting clause.
- 301.010. Definitions.
- 301.067. Trailer or semitrailer registration required, fee — optional period fee for certain trailers and semitrailers — permanent registration allowed, procedure.
- 301.125. Advisory committee established — purpose to develop uniform designs and common colors of license plates, members — dissolved, when.
- 301.130. License plates, required slogan and information — special plates — plates, how displayed — tabs to be used — rulemaking authority, procedure.
- 301.134. Daughters of the American Revolution special license plates, application, fee.
- 301.144. Personalized license plates, appearance, fees — new plates every three years without charge — obscene or offensive plates prohibited — amateur radio operators, plates, how marked — repossessed vehicles, placards — retired U.S. military plates, how marked.
- 301.145. Congressional Medal of Honor, special license plates.
- 301.441. Retired members of the United States military special license plates — application — proof required — license, how marked.
- 301.443. Prisoners of war entitled to free registration and special plates — prisoner of war defined — eligibility — plate design.
- 301.444. Firefighters, special licenses for certain vehicles — fee.
- 301.445. Combat infantryman special license plates — application — license how marked — proof required — fee.
- 301.447. Pearl Harbor survivor license plates — how marked — application — proof required — transferable when.
- 301.448. Military, military reserve and National Guard plates for certain vehicles — application, requirements — design, how made.
- 301.451. Purple Heart medal, special license plates.
- 301.456. Silver star, special license plate — application procedure — design — fee.
- 301.457. Vietnam veterans, special license plates — application procedure — fees, restrictions.
- 301.463. Children's trust fund logo plates — annual fee for authority to use — design — deposit of fee in trust fund — sample plate display.
- 301.464. Korean War veteran, special license plates.
- 301.465. World War II veteran, special license plates.
- 301.466. Jaycees, special license plate — application, procedure, design, fee.
- 301.467. Emergency medical services, special license plates — emblem authorization — application procedure, fees.
- 301.468. Lions Club, special license plates — emblem authorization — application procedure, fees.
- 301.469. Missouri conservation heritage foundation, special license plate — application, procedure, design, fee.
- 301.471. Ducks Unlimited, special license plates — emblem authorization — application procedure, fees.
- 301.472. Professional sports team special license plates, emblem — teams to make agreement for use of emblem with department of revenue — procedure to use, application, form, fee — sports team to forward contributions, where, amount — rulemaking authority.
- 301.473. Missouri Junior Golf Foundation — Building the Future special license plate, application, fee.
- 301.474. Korean Defense Service Medal, special license plates, application, fee.
- 301.475. Brain Tumor Awareness Organization special license plates, procedure.
- 301.477. Combat Action Badge special license plate authorized, fee.
- 301.481. Missouri 4-H special license plate, application, fee.
- 301.3032. March of Dimes special license plates, application, fee.
- 301.3040. Armed Forces Expeditionary Medal special license plate, procedure.
- 301.3043. Missouri Botanical Garden special license plate, application, fees.
- 301.3045. St. Louis Zoo special license plate, application, fees.
- 301.3047. Kansas City Zoo special license plate, application, fees.
- 301.3049. Springfield Zoo special license plate, application, fees.
- 301.3050. Safari Club International specialized license plate, issuance, fees.
- 301.3052. Navy Cross special license plate, application, fee.

- 301.3053. Distinguished Flying Cross military service award, special license plates — application procedure, fees — no additional personalization fee — design.
- 301.3054. Honorable discharge from the military special license plates, application, fee.
- 301.3055. Missouri Remembers, special license plates commemorating prisoners of war and persons missing in action — application procedure, fees — no additional personalization fee — design.
- 301.3060. Civil Air Patrol special license plate, application, fee.
- 301.3061. Disabled American Veterans special license plate — design, fee — pickup truck plates — rulemaking authority.
- 301.3062. American Legion, special license plates — emblem authorization, application procedure, fees, design.
- 301.3065. MO-AG Businesses special license plate, application, fee.
- 301.3074. NAACP special license plates, application, fee.
- 301.3075. Bronze Star military service award, special license plates — application procedure, fees — no additional personalization fee — design.
- 301.3076. Combat medic badge, special license plates — application procedure, fees — no additional personalization fee — design.
- 301.3077. Desert Storm and Desert Shield, special license plates for Gulf War veterans — application procedure, fees — no additional personalization fee — design.
- 301.3078. Operation Iraqi Freedom special license plate, application, fee.
- 301.3079. Missouri agriculture special license plates, application, fee.
- 301.3080. Rotary International special license plate, application, fee.
- 301.3082. Hearing Impaired Kids Endowment Fund, Inc., special license plate, application, fee.
- 301.3084. Breast Cancer Awareness special license plate, application, fee.
- 301.3085. United States Marine Corps, active duty combat, special license plate authorized.
- 301.3086. Delta Sigma Theta and Omega Psi Phi special license plates, application, fee.
- 301.3087. Missouri State Humane Association special license plate, application, fee — Missouri pet spay/neuter fund created.
- 301.3088. Prevent Disasters in Missouri, September 11, 2001, special license plate, application, fee.
- 301.3089. Missouri Coroners' and Medical Examiners' Association special license plate, application, fee.
- 301.3090. Operation Enduring Freedom special license plates, application, fee.
- 301.3092. Friends of Arrow Rock special license plate, application, fee.
- 301.3093. Eagle Scout special license plate, application, fee.
- 301.3094. Tribe of Mic-O-Say special license plate, application, fee.
- 301.3095. Order of the Arrow special license plate, application, fee.
- 301.3096. Missouri Federation of Square and Round Dance Clubs special license plate, application, fee.
- 301.3097. God Bless America special license plate, application, fee.
- 301.3098. Kingdom of Calontir special license plate, application, fee.
- 301.3099. Missouri Civil War Reenactors Association special license plate, application, fee.
- 301.3101. Missouri-Kansas-Nebraska Conference of Teamsters special license plate, application, fee.
- 301.3102. St. Louis College of Pharmacy special license plate, application, fee.
- 301.3103. Fraternal Order of Police special license plate, application, fee.
- 301.3105. Veterans of Foreign Wars special license plates, application, fee.
- 301.3106. Former Missouri legislator special license plate, application, fee.
- 301.3107. Missouri Task Force One special license plate, application, fee.
- 301.3109. Certain Greek organizations special license plates, application, fee (Kappa Alpha Psi, Iota Phi Theta, Sigma Gamma Rho, Alpha Phi Alpha, Alpha Kappa Alpha, Zeta Phi Beta, Phi Beta Sigma).
- 301.3115. Air medal award special license plate, application, fee.
- 301.3116. Operation Noble Eagle special license plate, application, fee.
- 301.3117. Jefferson National Parks Association special license plate, application, fee.
- 301.3118. Missouri Elks Association special license plate, application, fee.
- 301.3119. Missouri Travel Council special license plate, application, fee.
- 301.3122. Friends of Kids with Cancer special license plates, application, fee.
- 301.3123. Fight Terrorism special license plates, application, contribution requirement — fee — rules authorized.
- 301.3124. Special Olympics Missouri special license plates, application, fee.
- 301.3125. Be An Organ Donor special license plates, application, fee.
- 301.3126. Fox trotter — state horse special license plates, application, fee.
- 301.3128. To Protect and Serve special license plates, application, fee.
- 301.3129. Firefighters, special license plates — fee, appearance of plate, application procedure — definition of person eligible for plate — rulemaking authority.
- 301.3130. Missouri Association of State Troopers Emergency Relief Society, special license plate — emblem authorization — use of contributions, fee, application procedure — rulemaking authority.
- 301.3131. Optimist International special license plates, application, fee.
- 301.3132. Missouri Society of Professional Engineers special license plates, application, fee.
- 301.3133. Lewis and Clark expedition anniversary special license plates, application, fee.
- 301.3137. Alpha Phi Omega special license plates, application, fee.
- 301.3139. Boy Scouts of America special license plates, application, fee.
- 301.3141. Some Gave All special license plate — contribution — fee, design — rulemaking authority — exception.

- 301.3142. Military killed in line of duty special license plates, application by immediate family members, fee.
- 301.3143. Delta Tau Delta special license plates, application, fee.
- 301.3144. Camp Quality special license plates, application, fee.
- 301.3145. American Heart Association special license plates, application, fee.
- 301.3146. Search and Rescue special license plates, application, fee.
- 301.3147. Theta Chi special license plates, application, fee.
- 301.3150. Procedure for approval, exceptions — transfer of moneys collected.
- 301.3158. Legion of merit medal special license plate, procedure.
- 301.3161. Cass County — The Burnt District special license plate authorized, fee.
- 301.3162. Nixa Education Foundation special license plate authorized, fee.
- 301.3163. Don't Tread on Me specialty personalized license plate authorized.
- 301.3165. DARE TO DREAM special license plate, application, fee.
- 301.3166. National Wild Turkey Federation special license plate, application, fee.
- 301.3167. GO TEAM USA special license plate, application, fee.
- 301.3168. PROUD SUPPORTER (American Red Cross) special license plate, application, fee.
- 301.3169. Pony Express special license plate, application, fee.
- 301.3170. National Rifle Association special license plate, application, fee.
- 301.3173. Missouri Boys State and Missouri Girls State special license plate, application, fee.

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

SECTION A. ENACTING CLAUSE. — Sections 301.010, 301.067, 301.130, 301.134, 301.144, 301.145, 301.441, 301.443, 301.444, 301.445, 301.447, 301.448, 301.451, 301.456, 301.457, 301.463, 301.464, 301.465, 301.466, 301.467, 301.468, 301.469, 301.471, 301.472, 301.473, 301.474, 301.475, 301.477, 301.481, 301.3032, 301.3040, 301.3043, 301.3045, 301.3047, 301.3049, 301.3050, 301.3052, 301.3053, 301.3054, 301.3055, 301.3060, 301.3061, 301.3062, 301.3065, 301.3074, 301.3075, 301.3076, 301.3077, 301.3078, 301.3079, 301.3080, 301.3082, 301.3084, 301.3085, 301.3086, 301.3087, 301.3088, 301.3089, 301.3090, 301.3092, 301.3093, 301.3094, 301.3095, 301.3096, 301.3097, 301.3098, 301.3099, 301.3101, 301.3102, 301.3103, 301.3105, 301.3106, 301.3107, 301.3109, 301.3115, 301.3116, 301.3117, 301.3118, 301.3119, 301.3122, 301.3123, 301.3124, 301.3125, 301.3126, 301.3128, 301.3129, 301.3130, 301.3131, 301.3132, 301.3133, 301.3137, 301.3139, 301.3141, 301.3142, 301.3143, 301.3144, 301.3145, 301.3146, 301.3147, 301.3150, 301.3158, 301.3161, 301.3162, 301.3163, 301.3165, 301.3166, 301.3167, 301.3168, 301.3169, and 301.3170, RSMo, are repealed and one hundred twelve new sections enacted in lieu thereof, to be known as sections 301.010, 301.067, 301.125, 301.130, 301.134, 301.144, 301.145, 301.441, 301.443, 301.444, 301.445, 301.447, 301.448, 301.451, 301.456, 301.457, 301.463, 301.464, 301.465, 301.466, 301.467, 301.468, 301.469, 301.471, 301.472, 301.473, 301.474, 301.475, 301.477, 301.481, 301.3032, 301.3040, 301.3043, 301.3045, 301.3047, 301.3049, 301.3050, 301.3052, 301.3053, 301.3054, 301.3055, 301.3060, 301.3061, 301.3062, 301.3065, 301.3074, 301.3075, 301.3076, 301.3077, 301.3078, 301.3079, 301.3080, 301.3082, 301.3084, 301.3085, 301.3086, 301.3087, 301.3088, 301.3089, 301.3090, 301.3092, 301.3093, 301.3094, 301.3095, 301.3096, 301.3097, 301.3098, 301.3099, 301.3101, 301.3102, 301.3103, 301.3105, 301.3106, 301.3107, 301.3109, 301.3115, 301.3116, 301.3117, 301.3118, 301.3119, 301.3122, 301.3123, 301.3124, 301.3125, 301.3126, 301.3128, 301.3129, 301.3130, 301.3131, 301.3132, 301.3133, 301.3137, 301.3139, 301.3141, 301.3142, 301.3143, 301.3144, 301.3145, 301.3146, 301.3147, 301.3150, 301.3158, 301.3161, 301.3162, 301.3163, 301.3165, 301.3166, 301.3167, 301.3168, 301.3169, 301.3170, and 301.3173, 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; 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] **23 U.S.C. Section 103, as amended**, 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, delimiting, 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.

301.067. TRAILER OR SEMITRAILER REGISTRATION REQUIRED, FEE — OPTIONAL PERIOD FEE FOR CERTAIN TRAILERS AND SEMITRAILERS — PERMANENT REGISTRATION ALLOWED, PROCEDURE. — 1. For each trailer or semitrailer there shall be paid an annual fee of seven dollars fifty cents, and in addition thereto such permit fee authorized by law against trailers used in combination with tractors operated under the supervision of the [motor carrier and railroad safety division] **highways and transportation commission** of the department of [economic development] **transportation**. The fees for tractors used in any combination with trailers or semitrailers or both trailers and semitrailers (other than on passenger-carrying trailers or semitrailers) shall be computed on the total gross weight of the vehicles in the combination with load.

2. Any trailer or semitrailer may at the option of the registrant be registered for a period of three years upon payment of a registration fee of twenty-two dollars and fifty cents.

3. Any trailer as defined in section 301.010 or semitrailer [which is operated coupled to a towing vehicle by a fifth wheel and kingpin assembly or by a trailer converter dolly] may, at the option of the registrant, be registered permanently upon the payment of a registration fee of fifty-two dollars and fifty cents. The permanent plate and registration fee is vehicle specific. The plate and the registration fee paid is nontransferable and nonrefundable, except those covered under the provisions of section 301.442.

301.125. ADVISORY COMMITTEE ESTABLISHED — PURPOSE TO DEVELOP UNIFORM DESIGNS AND COMMON COLORS OF LICENSE PLATES, MEMBERS — DISSOLVED, WHEN. — **There is hereby established an advisory committee for the department of revenue, which shall exist solely to develop uniform designs and common colors for license plates issued under this chapter and to determine appropriate license plate parameters for all license plates issued under this chapter. The advisory committee shall adopt a type of design and color scheme for license plates issued under this chapter that commemorates the bicentennial of Missouri. The advisory committee may adopt more than one type of design and color scheme; however, each license plate of a distinct type shall be uniform in design and color scheme with all other license plates of that distinct type. The specifications for the fully reflective material used for the plates, as required by section 301.130, shall be determined by the committee. Such plates shall meet any specific requirements prescribed in this chapter, except such plates shall be exempt from the requirements of subsection 1 of section 301.130. The advisory committee shall consist of the director of revenue or his or her designee, the superintendent of the highway patrol,**

the correctional enterprises administrator, the director of the department of transportation, the executive director of the State Historical Society of Missouri, and the respective chairpersons of both the senate and house of representatives transportation committees. The committee shall meet, select a chairperson from among its members, and develop uniform design and license plate parameters for the license plates issued under this chapter not later than January 1, 2017. Prior to determining the final design of the plates, the committee shall hold at least three public meetings in different areas of the state to invite public input on the final design. Members of the committee shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties under this section. The director of revenue shall have the final design of the uniform license plates, along with specific parameters for all license plates developed by the committee, available for issuance in all license fee offices in this state not later than January 1, 2019. The committee shall be dissolved upon completion of its duties under this section.

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 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] **twenty-four** thousand pounds gross weight may apply for special personalized license plates. Vehicles licensed for [eighteen] **twenty-four** thousand pounds that display special personalized license plates shall be subject to the provisions of subsections 1 and 2 of section 301.030. **On and after August 28, 2016, owners of motor vehicles, other than apportioned motor vehicles or commercial motor vehicles licensed in excess of twenty-four thousand pounds gross weight, may apply for any preexisting or hereafter statutorily created special personalized license plates.**

9. No later than January 1, [2009] **2019**, the director of revenue shall commence the reissuance of new license plates of such design as [directed by the director] **approved by the advisory committee under section 301.125** consistent with the terms, conditions, and provisions of [this] section **301.125** 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.

301.134. DAUGHTERS OF THE AMERICAN REVOLUTION SPECIAL LICENSE PLATES, APPLICATION, FEE. — 1. Daughters of the American Revolution who have obtained an emblem-use authorization statement from the Missouri State Society Daughters of the American Revolution may apply for Missouri State Society Daughters of the American Revolution 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] **twenty-four** thousand pounds gross weight. The Missouri State Society Daughters of the American Revolution hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section.

2. Upon application and payment of a one-time twenty-five dollar emblem-use contribution to the Missouri State Society Daughters of the American Revolution, the Missouri State Society Daughters of the American Revolution shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented to the department of revenue at the time of registration of a motor vehicle.

3. Upon presentation of the statement and payment of a fifteen dollar fee in addition to the regular registration fees and presentation of other documents which may be required by law, the department of revenue shall issue a personalized license plate to the vehicle owner, which shall bear the emblem of the Missouri State Society Daughters of the American Revolution and the words "MISSOURI STATE SOCIETY DAUGHTERS OF THE AMERICAN REVOLUTION" and shall engrave 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. A fee for the issuance of personalized license plates issued pursuant to section 301.144 shall not be required for plates issued pursuant to this section.

4. 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, 2004, shall be invalid and void.

301.144. PERSONALIZED LICENSE PLATES, APPEARANCE, FEES — NEW PLATES EVERY THREE YEARS WITHOUT CHARGE — OBSCENE OR OFFENSIVE PLATES PROHIBITED — AMATEUR RADIO OPERATORS, PLATES, HOW MARKED — REPOSSESSED VEHICLES, PLACARDS — RETIRED U.S. MILITARY PLATES, HOW MARKED. — 1. The director of revenue shall establish and issue special personalized license plates containing letters or numbers or combinations 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. Any person desiring to obtain a special personalized license plate 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] **twenty-four** thousand pounds gross weight shall apply to the director of revenue on a form provided by the director and shall pay a fee of fifteen dollars in addition to the regular registration fees. The director of revenue shall issue rules and regulations setting the standards and establishing the procedure for application for and issuance of the special personalized license plates and shall provide a deadline each year for the applications. 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. No two owners shall be issued identical plates. An owner shall make a new application and pay a new fee each year such owner desires to obtain or retain special personalized license plates; however, notwithstanding the provisions of subsection 8 of section 301.130 to the contrary, the director shall allow the special personalized license plates to be replaced with new plates every three years without any additional charge, above the fee established in this section, to the renewal applicant. Any person currently in possession of an approved personalized license plate shall have first priority on that particular plate for each of the following years that timely and appropriate application is made.

2. Upon application for a personalized plate by the owner of a motor vehicle for which the owner has no registration plate available for transfer as prescribed by section 301.140, the director shall issue a temporary permit authorizing the operation of the motor vehicle until the personalized plate is issued.

3. No personalized license plates shall be issued containing any letters, numbers or combination of letters and numbers which are obscene, profane, patently offensive or contemptuous of a racial or ethnic group, or offensive to good taste or decency, or would present an unreasonable danger to the health or safety of the applicant, of other users of streets and highways, or of the public in any location where the vehicle with such a plate may be found. The director may recall any personalized license plates, including those issued prior to August 28, 1992, if the director determines that the plates are obscene, profane, patently offensive or contemptuous of a racial or ethnic group, or offensive to good taste or decency, or would present an unreasonable danger to the health or safety of the applicant, of other users of streets and highways, or of the public in any location where the vehicle with such a plate may be found.

Where the director recalls such plates pursuant to the provisions of this subsection, the director shall reissue personalized license plates to the owner of the motor vehicle for which they were issued at no charge, if the new plates proposed by the owner of the motor vehicle meet the standards established pursuant to this section. The director shall not apply the provisions of this statute in a way that violates the Missouri or United States Constitutions as interpreted by the courts with controlling authority in the state of Missouri. The primary purpose of motor vehicle license plates is to identify motor vehicles. Nothing in the issuance of a personalized license plate creates a designated or limited public forum. Nothing contained in this subsection shall be interpreted to prohibit the use of license plates, which are no longer valid for registration purposes, as collector's items or for decorative purposes.

4. The director may also establish categories of special license plates from which license plates may be issued. Any such person, other than a person exempted from the additional fee pursuant to subsection 7 of this section, that desires a personalized special license plate from any such category shall pay the same additional fee and make the same kind of application as that required by subsection 1 of this section, and the director shall issue such plates in the same manner as other personalized special license plates are issued.

5. The director of revenue shall issue to residents of the state of Missouri who hold an unrevoked and unexpired official amateur radio license issued by the Federal Communications Commission, upon application and upon payment of the additional fee specified in subsection 1 of this section, except for a person exempted from the additional fee pursuant to subsection 7 of this section, personalized special license plates bearing the official amateur radio call letters assigned by the Federal Communications Commission to the applicant with the words "AMATEUR RADIO" in place of the words "SHOW-ME STATE". The application shall be accompanied by a statement stating that the applicant has an unrevoked and unexpired amateur radio license issued by the Federal Communications Commission and the official radio call letters assigned by the Federal Communications Commission to the applicant. An owner making a new application and paying a new fee to retain an amateur radio license plate may request a replacement plate with the words "AMATEUR RADIO" in place of the words "SHOW-ME STATE". If application is made to retain a plate that is three years old or older, the replacement plate shall be issued upon the payment of required fees.

6. Notwithstanding any other provision to the contrary, any business that repossesses motor vehicles or trailers and sells or otherwise disposes of them shall be issued a placard displaying the word "Repossessed", provided such business pays the license fees presently required of a manufacturer, distributor, or dealer in section 301.560. Such placard shall bear a number and shall be in such form as the director of revenue shall determine, and shall be only used for demonstrations when displayed substantially as provided for number plates on the rear of the repossessed motor vehicle or trailer.

7. Notwithstanding any provision of law to the contrary, any person who has retired from any branch of the United States Armed Forces or reserves, the United States Coast Guard or reserve, the United States Merchant Marines or reserve, the National Guard, or any subdivision of any such services shall be exempt from the additional fee required for personalized license plates issued pursuant to section 301.441. As used in this subsection, "retired" means having served twenty or more years in the appropriate branch of service and having received an honorable discharge.

301.145. CONGRESSIONAL MEDAL OF HONOR, SPECIAL LICENSE PLATES. — Any person who has been awarded the Congressional Medal of Honor 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] **twenty-four** thousand pounds, as provided in this section. Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof of receipt of the Congressional Medal of Honor as the director may require. The director shall then issue license plates bearing the words

"CONGRESSIONAL MEDAL OF HONOR" in a form prescribed by the advisory committee established in section 301.129, except that 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 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 this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle may operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person.**

301.441. RETIRED MEMBERS OF THE UNITED STATES MILITARY SPECIAL LICENSE PLATES — APPLICATION — PROOF REQUIRED — LICENSE, HOW MARKED. — Any person who is a retired member of the United States Army, Navy, Air Force, Marine Corps or Coast Guard may apply for retired military motor vehicle 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] **twenty-four** thousand pounds gross weight. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for a vehicle owned solely or jointly by such person. No additional fee shall be charged for license 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. Such person shall make application for the license plates on a form provided by the director of revenue and furnish such proof of retired status from that particular branch of the United States Armed Forces as the director may require. The plates shall have a white background with a blue and red configuration at the discretion of the advisory committee established in section 301.129. Such plates shall bear the insignia of the respective branch the applicant served in. The director shall then issue license plates bearing the words "RETIRED MILITARY" in preference to 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, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. **There shall be no limit on the number of license plates any person qualified under this section may obtain as 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 this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle may operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person.**

301.443. PRISONERS OF WAR ENTITLED TO FREE REGISTRATION AND SPECIAL PLATES — PRISONER OF WAR DEFINED — ELIGIBILITY — PLATE DESIGN. — 1. Any legal resident of the state of Missouri who is a veteran of service in the Armed Forces of the United States and has been honorably discharged from such service and who is a former prisoner of war and any legal resident of the state of Missouri who is a former prisoner of war and who was a United States citizen not in the Armed Forces of the United States during such time is, upon filing an application for registration together with such information and proof in the form of a statement from the United States Veterans Administration or the Department of Defense or any other form of proof as the director may require, entitled to receive annually one certificate of registration and one set of license plates or other evidence of registration as provided in section 301.130 for a motor vehicle other than a commercial motor vehicle licensed in excess of [twelve] **twenty-four** thousand pounds gross weight. There shall be no fee charged for license plates issued under the provisions of this section.

2. Not more than one certificate of registration and one corresponding set of motor vehicle license plates or other evidence of registration as provided in section 301.130 shall be issued each year to a qualified former prisoner of war under this section.

3. Proof of ownership and vehicle inspection of the particular motor vehicle for which a registration certificate and set of license plates is requested must be shown at the time of application. Proof of status as a former prisoner of war as required in subsection 1 of this section shall only be required on the initial application.

4. As used in this section, "former prisoner of war" means any person who was taken as an enemy prisoner during World War I, World War II, the Korean Conflict, or the Vietnam Conflict.

5. The director shall furnish each former prisoner of war obtaining a set of license plates under the provisions of subsections 1 to 4 of this section special plates which shall have the words "FORMER P.O.W." on the license plates in preference to the words "SHOW-ME STATE" as provided in section 301.130 in a form prescribed by the advisory committee established in section 301.129. Such license plates shall be made with fully reflective material, shall have a white background with a blue and red configuration at the discretion of the advisory committee established in section 301.129, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

6. Registration certificates and 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 will be entitled to operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified former prisoner of war.

7. (1) Notwithstanding the provisions of subsection 6 of this section to the contrary, the surviving spouse of a former prisoner of war who has not remarried and who has been issued license plates described in subsection 5 of this section shall be entitled to transfer such license plates to the motor vehicle of the surviving spouse and receive annually one certificate of registration and one set of license plates or other evidence of registration as provided in section 301.130 as if a former prisoner of war until remarriage. There shall be no fee charged for the transfer of such license plates.

(2) The department of revenue shall promulgate rules for the obtaining of a set of license plates described in subsection 5 of this section by the surviving spouse of the former prisoner of war when such license plates are not issued prior to the death of the former prisoner of war. The surviving spouse shall be entitled to receive annually one certificate of registration and one set of license plates or other evidence of registration as provided in section 301.130 as if a former prisoner of war until remarriage. There shall be no fee charged for the license plates issued pursuant to this subdivision.

301.444. FIREFIGHTERS, SPECIAL LICENSES FOR CERTAIN VEHICLES — FEE. — 1. Owners or a joint owner of motor vehicles who are residents of the state of Missouri, and who are directors of a fire protection district or who are compensated, partially compensated, or volunteer members of any fire department, fire protection district, or voluntary fire protection association in this state, upon application accompanied by affidavit as prescribed in this section, complying with the state motor vehicle laws relating to registration and licensing of motor vehicles, and upon payment of a fee as prescribed in this section, shall be issued a set of 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] **twenty-four** thousand pounds gross weight. The license plates shall be inscribed with a variation of the Maltese cross that signifies the universally recognized symbol for firefighters. In addition, upon such set of license plates shall be inscribed, in lieu of the words "SHOW-ME STATE", the word "FIREFIGHTER". Such license plates shall be made with fully reflective material, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

2. Applications for license plates issued under this section shall be made to the director of revenue and shall be accompanied by an affidavit stating that the applicant is a person described in subsection 1 of this section. Any person who is lawfully in possession of such plates who resigns, is removed, or otherwise terminates or is terminated from his association with such fire department, fire protection district, or voluntary fire protection association shall return such special plates to the director within fifteen days.

3. An additional annual fee equal to that charged for personalized license plates in section 301.144 shall be paid to the director of revenue for the issuance of the license plates provided for in this section.

301.445. COMBAT INFANTRYMAN SPECIAL LICENSE PLATES — APPLICATION — LICENSE HOW MARKED — PROOF REQUIRED — FEE. — Any person who has been awarded the combat infantry badge may apply for special motor vehicle license plates for any vehicle such person owns, either solely or jointly, for issuance either to passenger motor vehicles subject to the registration fees provided in section 301.055, or for a nonlocal property-carrying commercial motor vehicle licensed for a gross weight not in excess of [twelve] **twenty-four** thousand pounds as provided in section 301.057. 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 combat infantry badge as the director may require. The director shall then issue license plates bearing the words "COMBAT INFANTRYMAN" in place of the words "SHOW-ME STATE" in a form prescribed by the director, except that such license plates shall be made with fully reflective material, shall have a white background with a blue and red configuration at the discretion of the director, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Such plates shall also bear an image of the combat infantry badge. There shall be an additional fee charged for each set of special combat infantry badge license plates issued equal to the fee charged for personalized license plates in section 301.144. 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 pursuant to 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.

301.447. PEARL HARBOR SURVIVOR LICENSE PLATES — HOW MARKED — APPLICATION — PROOF REQUIRED — TRANSFERABLE WHEN. — 1. Any member of the United States Military Service who was stationed on or within three miles of the Hawaiian Island of Oahu on December 7, 1941, during the enemy attack on Pearl Harbor and other related military installations may apply for special motor vehicle license plates for one vehicle he owns, either solely or jointly, as provided in this section. Any such person shall make application for the special license plates on a form provided by the director of revenue and pay an additional fee equal to the fee charged for personalized license plates in section 301.144 for the issuance of the license plates provided for herein. Applications for license plates issued under this section shall be accompanied by such proof of eligibility as the director may require.

2. Notwithstanding the provisions of section 301.130, each such license plate shall be embossed with the words "PEARL HARBOR SURVIVOR" at the bottom of the plate in the form prescribed by the advisory committee established in section 301.129. Such license plates shall be made with fully reflective material, shall have a white background with a blue and red configuration at the discretion of the advisory committee established in section 301.129, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Such plates shall be available for issuance either to passenger motor vehicles subject to the registration fees provided in section 301.055, or to nonlocal property-carrying commercial motor

vehicles licensed for a gross weight of six thousand pounds up through and including [twelve] **twenty-four** thousand pounds as provided in section 301.057.

3. 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] **a vehicle** 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 as provided herein. Any registered co-owner of a motor vehicle will be entitled to operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified applicant. Pearl Harbor survivor plates issued under the provisions of this section shall be transferable only to a widow or widower of a Pearl Harbor survivor.

301.448. MILITARY, MILITARY RESERVE AND NATIONAL GUARD PLATES FOR CERTAIN VEHICLES—APPLICATION, REQUIREMENTS—DESIGN, HOW MADE. — Any person who has served and was honorably discharged or currently serves in any branch of the United States Armed Forces or reserves, the United States Coast Guard or reserve, the United States Merchant Marines or reserve or the Missouri National Guard, or any subdivision of any of such services or a member of the United States Marine Corps League may apply for special motor vehicle license plates, either solely or jointly, for issuance either to passenger motor vehicles subject to the registration fees provided in section 301.055, or to nonlocal property-carrying commercial motor vehicles licensed for a gross weight of six thousand pounds up through and including [twelve] **twenty-four** thousand pounds as provided in section 301.057. Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof that such person is a member or former member of any such branch of service as the director may require. Upon presentation of the proof of eligibility and annual payment of the fee required for personalized license plates in section 301.144, and other fees and documents which may be required by law, the department shall issue personalized license plates which shall bear the seal, logo or emblem, along with a word or words designating the branch or subdivision of such service for which the person applies. All seals, logos, emblems or special symbols shall become an integral part of the license plate; however, no plate shall contain more than one seal, logo, emblem or special symbol and the design of such plates shall be approved by the advisory committee established in section 301.129 and by the branch or subdivision of such service or the Marine Corps League prior to issuing such plates. The plates shall have a white background with a blue and red configuration at the discretion of the advisory committee established in section 301.129. **The plates shall be clearly visible at night and shall be aesthetically attractive, as prescribed by section 301.130.** The bidding process used to select a vendor for the material to manufacture the license plates authorized by this section shall consider the aesthetic appearance of the plate. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms. All license plates issued under this provision must be renewed in accordance with law. 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 applicant.

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] **twenty-four** 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 purple heart license plates issued to the applicant. 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.

301.456. SILVER STAR, SPECIAL LICENSE PLATE — APPLICATION PROCEDURE — DESIGN — FEE. — Any person who has been awarded the military service award known as the "Silver Star" may apply for special motor vehicle license plates 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] **twenty-four** thousand pounds gross weight. 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 silver star as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the advisory committee established in section 301.129, with the words "SILVER STAR" 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. Such plates shall also bear an image of the silver star. There shall be an additional fee charged for each set of silver star license plates issued pursuant to this section equal to the fee charged for personalized license 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 with such plates for the duration of the year licensed in the event of the death of the qualified person.

301.457. VIETNAM VETERANS, SPECIAL LICENSE PLATES — APPLICATION PROCEDURE — FEES, RESTRICTIONS. — Any person who served in the Vietnam Conflict and either currently serves in any branch of the United States Armed Forces or was honorably discharged from such service may apply for special motor vehicle license plates **for any motor vehicle such person owns**, either solely or jointly, [for issuance either for any passenger motor vehicle subject to the registration fees provided in section 301.055 or for a nonlocal property-carrying commercial motor vehicle licensed for a gross weight of nine thousand one pounds to twelve thousand pounds as provided in section 301.057, whether such vehicle is owned solely or jointly] **other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight.** Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof of service in the Vietnam Conflict and status as currently serving in a branch of the Armed Forces of the United States or as an honorably discharged veteran as the director may require. Upon presentation of the proof of eligibility and annual payment of the fee required for personalized license plates prescribed by section 301.144, and other fees and documents which may be required by law, the director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the advisory committee established in section 301.129, with the words "VIETNAM VETERAN" in place of the words "SHOW-ME STATE". Such plates shall also bear an image of the Vietnam service medal. The plates shall be clearly visible at night and shall be aesthetically attractive, as prescribed by section 301.130. 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 pursuant to this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle may operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person.

301.463. CHILDREN'S TRUST FUND LOGO PLATES — ANNUAL FEE FOR AUTHORITY TO USE — DESIGN — DEPOSIT OF FEE IN TRUST FUND — SAMPLE PLATE DISPLAY. — 1. The children's trust fund board established in section 210.170 may authorize the use of their logo to be incorporated on motor vehicle 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] **twenty-four** thousand pounds gross weight. The license plate shall contain an emblem designed by the board depicting two handprints of a child and the words "CHILDREN'S TRUST FUND" and the children's trust fund logo in preference to the words "SHOW-ME STATE". The license plates shall have a common background and shall bear as many letters and numbers as will fit on the plate without damaging the plate's aesthetic appearance as determined by the director of revenue. Any vehicle owner may annually apply to the board or director for the use of the logo. Upon annual application and payment of a twenty-five dollar logo use contribution to the board, the board shall issue to the vehicle owner, without further charge, a logo-use authorization statement, which shall be presented by the vehicle owner to the department of revenue at the time of registration. Application for use of the logo and payment of the twenty-five dollar contribution may also be made at the time of registration to the director, who shall deposit such contribution in the state treasury to the credit of the children's trust fund. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the regular registration fees and presentation of documents which may be required by law, the department of revenue shall issue a license plate described in this section to the vehicle owner. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person. The license plate authorized by this section shall be issued with a design approved by both the board and the director of revenue. The bidding process used to select a vendor for the material to manufacture the license plates authorized by this section shall consider the aesthetic appearance of the plate. A vehicle owner, who was previously issued a plate with a logo authorized by this section and who does not provide a logo-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the logo, as otherwise provided by law. Any contribution to the board derived from this section shall be deposited in the state treasury to the credit of the children's trust fund established in section 210.173.

2. The director of revenue shall issue samples of license plates authorized pursuant to this section to all offices in this state where vehicles are registered and license plates are issued. Such sample license plates shall be prominently displayed in such offices along with literature prepared by the director or by the children's trust fund board describing the purposes of the children's trust fund. The general assembly may appropriate moneys annually from the children's trust fund to the department of revenue to offset costs reasonably incurred by the director of revenue pursuant to this subsection.

301.464. KOREAN WAR VETERAN, SPECIAL LICENSE PLATES. — Any person who served in the Korean War and was honorably discharged from such service may apply for special motor vehicle license plates, either solely or jointly, for issuance for any **motor** vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or commercial motor vehicle licensed in excess of [eighteen] **twenty-four** 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 of service in the Korean War and status as an honorably discharged veteran as the director may require. Upon presentation of the proof of eligibility and annual payment of the fee required for personalized license plates prescribed by section 301.144, and other fees and documents which may be required by law, the director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the advisory committee established in section 301.129, with the words "KOREAN WAR VETERAN" in place of the words "SHOW-ME STATE". Such plates shall also bear an image of the Korean War service medal. The plates shall be clearly visible at night and shall be aesthetically attractive, as prescribed by section 301.130. 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 pursuant to this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle may operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person.

301.465. WORLD WAR II VETERAN, SPECIAL LICENSE PLATES. — Any person who served in World War II and was honorably discharged from such service may apply for special motor vehicle license plates **for any motor vehicle such person owns**, either solely or jointly, [for issuance either for any passenger motor vehicle subject to the registration fees provided in section 301.055, or for a nonlocal property-carrying commercial motor vehicle licensed for a gross weight of nine thousand one pounds to twelve thousand pounds as provided in section 301.057, whether such vehicle is owned solely or jointly] **other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight.** Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof of service in World War II and status as an honorably discharged veteran as the director may require. Upon presentation of the proof of eligibility and annual payment of the fee required for personalized license plates prescribed by section 301.144, and other fees and documents which may be required by law, the director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the advisory committee established in section 301.129, with the words "WORLD WAR II VETERAN" in place of the words "SHOW-ME-STATE". Such plates shall also bear an image of the World War II service medal. The plates shall be clearly visible at night and shall be aesthetically attractive, as prescribed by section 301.130. 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 pursuant to this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle may operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person.

301.466. JAYCEES, SPECIAL LICENSE PLATE — APPLICATION, PROCEDURE, DESIGN, FEE.
— 1. Any person who is an active member or alumni member of any Missouri chapter of the junior chamber of commerce may apply for special motor vehicle license plates for any **motor** vehicle he owns, either solely or jointly, for issuance either to passenger motor vehicles subject to the registration fees provided in section 301.055, or for a nonlocal property-carrying commercial motor vehicle licensed for a gross weight of nine thousand one pounds up through and including [twelve] **twenty-four** thousand pounds as provided in section 301.057.

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 of membership in the junior chamber of commerce as the director may require. The director shall then issue license plates bearing the words "MISSOURI JAYCEES" 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. Such plates shall also bear the shield of the Missouri junior chamber of commerce to the left of the letters or numbers or combination thereof.

3. There shall be a fee charged for each set of Missouri junior chamber of commerce license plates issued equal to the fee charged for personalized license plates in addition to other fees required by law. No more than one set of Missouri junior chamber of commerce license plates shall be issued to a qualified applicant. 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.

301.467. EMERGENCY MEDICAL SERVICES, SPECIAL LICENSE PLATES — EMBLEM AUTHORIZATION — APPLICATION PROCEDURE, FEES. — 1. Any paramedic or emergency medical technician may, after an annual payment of an emblem-use authorization fee to the Missouri Emergency Medical Services Association as provided in subsection 2 of this section, apply for emergency medical services license plates for any motor vehicle such person owns, either solely or jointly, for issuance either for a passenger motor vehicle subject to the registration fees as provided in section 301.055, or for a local or nonlocal property-carrying commercial motor vehicle licensed for a gross weight not in excess of [twelve] **twenty-four** thousand pounds as provided in section 301.057 or 301.058. The Missouri Emergency Medical Services Association hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section.

2. Upon annual application and payment of a fifteen dollar emblem-use contribution to the Missouri Emergency Medical Services Association, the Missouri Emergency Medical Services Association shall issue to the person, without further charge, an emblem-use authorization statement which shall be presented by the member to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement and payment of the fee required for personalized license plates in section 301.144, and other fees and documents which may be required by law, the department of revenue shall issue a personalized license plate, which shall bear the emblem of the Missouri Emergency Medical Services Association and the words "PARAMEDIC" or the words "EMERGENCY MEDICAL TECHNICIAN" in place of the words "SHOW-ME STATE" to the person. The emblem, seal or logo shall be reproduced on the license plate in as a clear and defined manner as possible. If the emblem, seal or logo is unacceptable to the Missouri Emergency Medical Services Association, it shall be the Missouri Emergency Medical Services Association's responsibility to furnish the artwork in a digitalized format. 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.

3. The director shall issue no more than one set of such license plates to a qualified applicant. License plates issued pursuant to 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.

301.468. LIONS CLUB, SPECIAL LICENSE PLATES — EMBLEM AUTHORIZATION — APPLICATION PROCEDURE, FEES. — 1. Any vehicle owner who has obtained an annual emblem-use authorization statement from the Lions Club may, subject to the registration fees provided in section 301.055, apply for Lions Club license plates for any motor vehicle such person owns, other than a commercial motor vehicle licensed for a gross weight in excess of [twelve] **twenty-four** thousand pounds. The Lions Club hereby authorizes the use of its official emblem to be affixed on multiyear license plates as provided in this section. Any vehicle owner may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Lions Club, the Lions Club shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the department of revenue at the time of registration of a motor vehicle.

3. Upon presentation of the annual statement and payment of a fifteen dollar fee in addition to the regular registration fees and presentation of other documents which may be required by law, the department of revenue shall issue a license plate to the vehicle owner, which shall bear the emblem of the Lions Club in a form prescribed by the director, shall bear six letters or numbers and shall bear the words "LIONS CLUB" 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. A fee for the issuance of personalized license plates pursuant to section 301.144 shall not be required for plates issued pursuant to this section.

4. A vehicle owner, who was previously issued a plate with the Lions Club emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Lions Club emblem, as otherwise provided by law.

5. The director of revenue may promulgate rules and regulations for the administration of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

301.469. MISSOURI CONSERVATION HERITAGE FOUNDATION, SPECIAL LICENSE PLATE — APPLICATION, PROCEDURE, DESIGN, FEE. — 1. Any vehicle owner may receive license plates as prescribed in this section, 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] **twenty-four** thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to the Missouri conservation heritage foundation. The foundation hereby authorizes the use of its official emblems to be affixed on multiyear license plates as provided in this section. Any vehicle owner may annually apply for the use of the emblems.

2. Upon annual application and payment of a twenty-five dollar emblem-use authorization fee to the Missouri conservation heritage foundation, the foundation shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented to the director of the department of revenue at the time of registration of a motor vehicle.

3. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the regular registration fees and documents which may be required by law, the director of the department of revenue shall issue a license plate, which shall bear an emblem of the Missouri conservation heritage foundation in a form prescribed by the director, to the vehicle owner. 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. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section.

4. A vehicle owner, who was previously issued a plate with a Missouri conservation heritage foundation emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the foundation emblem, as otherwise provided by law.

5. The director of the department 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 promulgated under the authority delegated in this section shall become effective only if it has been promulgated pursuant to the provisions of chapter 536. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect; however, 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 the provisions of chapter 536. 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.

301.471. DUCKS UNLIMITED, SPECIAL LICENSE PLATES — EMBLEM AUTHORIZATION — APPLICATION PROCEDURE, FEES. — 1. Any person may receive license plates as prescribed in this section, for issuance either to passenger motor vehicles subject to the registration fees provided in section 301.055, or for a local or nonlocal property-carrying commercial motor vehicle licensed for a gross weight not in excess of [twelve] **twenty-four** thousand pounds as provided in section 301.057 or 301.058, after an annual payment of an emblem-use authorization fee to Ducks Unlimited. Ducks Unlimited hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to Ducks Unlimited derived from this section, except reasonable administrative costs, shall be used solely for the purposes of Ducks Unlimited. Any member of Ducks Unlimited may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to Ducks Unlimited, Ducks Unlimited shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fees and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of Ducks Unlimited. 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.

3. A vehicle owner, who was previously issued a plate with the Ducks Unlimited emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Ducks Unlimited emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

301.472. PROFESSIONAL SPORTS TEAM SPECIAL LICENSE PLATES, EMBLEM — TEAMS TO MAKE AGREEMENT FOR USE OF EMBLEM WITH DEPARTMENT OF REVENUE — PROCEDURE TO USE, APPLICATION, FORM, FEE — SPORTS TEAM TO FORWARD CONTRIBUTIONS, WHERE, AMOUNT — RULEMAKING AUTHORITY. — 1. Any motor vehicle owner may receive special 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] **twenty-four** thousand pounds gross weight as prescribed in this section after an annual payment of an emblem-use authorization fee to a professional sports team which has made an agreement pursuant to subsection 5 of this section. For the purposes of this section a "professional sports team" shall mean an organization located in this state franchised by the National Professional Soccer League, the National Football League, the National Basketball Association, the National Hockey League, the International Hockey League, or the American League or the National League of Major League Baseball or a team playing in Major League Soccer.

2. The professional sports team which has made an agreement pursuant to subsection 5 of this section and which receives the emblem-use authorization fee hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this

section. Any vehicle owner may annually apply for the use of the emblem. The director of revenue shall not authorize the manufacturer of the material to produce such license plates with the individual seal, logo, or emblem until the department of revenue receives a minimum of one hundred applications for each specific professional sports team.

3. Upon annual application and payment of a thirty-five dollar emblem-use contribution to the professional sports team such team shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the director of the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement and payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of other documents which may be required by law, the director shall issue a personalized license plate, which shall bear the official emblem of the professional sports team in a manner determined by the director. 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. A fee for the issuance of personalized license plates issued pursuant to section 301.144 shall not be required for plates issued pursuant to this section.

4. A vehicle owner, who was previously issued a plate with a professional sports team emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the professional sports team emblem, as otherwise provided by law.

5. The director of the department of revenue is authorized to make agreements with professional sports teams on behalf of the state which allow the use of any such team's official emblem pursuant to the provisions of this section as consideration for receiving a thirty-five dollar emblem-use contribution.

6. Except as provided in subsection 7 of this section, a professional sports team receiving a thirty-five dollar contribution shall forward such contribution, less an amount not in excess of five percent of the contribution for the costs of administration, to the Jackson County Sports Authority or the St. Louis Regional Convention and Visitors Commission. The moneys shall be administered as follows:

(1) The sports authority may retain not in excess of five percent of all funds forwarded to it pursuant to this section for the costs of administration and shall expend the remaining balance of such funds, after consultation with a professional sports team within the authority's area, on marketing and promoting such team. The amount of money expended from the funds obtained pursuant to this section by the authority per professional sports team shall be in the same proportion to the total funds available to be expended on such team as the proportion of contributions forwarded by the team to the authority is to the total contributions received by the authority;

(2) The regional convention and visitors commission shall hold the revenues received from the professional sports teams in the St. Louis area in separate accounts for each team. Each team may submit an annual marketing plan to the commission. Expenses of a team which are in accordance with the marketing plan shall be reimbursed by the commission as long as moneys are available in the account. The commission may retain not in excess of five percent for the costs of administration. If no marketing plan is submitted by a team, the commission shall market and promote the team.

7. The Kansas City Chiefs shall forward all emblem-use fees received, less an amount not in excess of five percent of the costs of administration, to the Chiefs' Children's Fund, a not-for-profit fund established to benefit children in need in the Kansas City area.

8. The director of the department of revenue shall promulgate rules and regulations for the administration of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

301.473. MISSOURI JUNIOR GOLF FOUNDATION — BUILDING THE FUTURE SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Notwithstanding any other provision of law, any person, after an annual payment of an emblem-use fee to the Missouri Junior Golf Foundation, may receive personalized specialty license plates for any **motor** vehicle owned, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of [eighteen] **twenty-four** thousand pounds gross weight. The Missouri Junior Golf Foundation hereby authorizes the use of its official emblem to be affixed on multiyear personalized specialty license plates as provided in this section. Any contribution to the Missouri Junior Golf Foundation derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Missouri Junior Golf Foundation. Any person may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Missouri Junior Golf Foundation, the Missouri Junior Golf Foundation shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual emblem-use authorization statement and 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 personalized specialty license plate which shall bear the emblem of the Missouri Junior Golf Foundation, and the words "MISSOURI JUNIOR GOLF FOUNDATION - BUILDING THE FUTURE" 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, 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 personalized specialty plates issued under this section.

3. A vehicle owner who was previously issued a plate with the Missouri Junior Golf Foundation's emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Missouri Junior Golf Foundation's emblem, as otherwise provided by law. 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.

4. Prior to the issuance of a Missouri Junior Golf Foundation specialty plate authorized under this section, the department of revenue must be in receipt of an application, as prescribed by the director, [which shall be accompanied by a list of at least two hundred potential applicants who plan to purchase the specialty plate,] the proposed art design for the specialty license plate, and an application fee, not to exceed five thousand dollars, to defray the department's cost for issuing, developing, and programming the implementation of the specialty plate. [Once the plate design is approved, the director of revenue shall not authorize the manufacture of the material to produce such personalized specialty license plates with the individual seal, logo, or emblem until such time as the director has received two hundred applications, the fifteen dollar specialty plate fee per application, and emblem-use statements, if applicable, and other required documents or fees for such plates.]

5. The specialty personalized plate shall not be redesigned unless the organization pays the director in advance for all redesigned plate fees for the plate established in this section. If a person chooses to replace the specialty personalized plate for the new design, the person must pay the replacement fees prescribed in section 301.300 for the replacement of the existing specialty personalized plate. All other applicable license [plates] **plate** fees in accordance with this chapter shall be required.

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] **twenty-four** 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.

301.475. BRAIN TUMOR AWARENESS ORGANIZATION SPECIAL LICENSE PLATES, PROCEDURE. — 1. Notwithstanding any other provision of law to the contrary, any person, after an annual payment of an emblem-use fee to the Brain Tumor Awareness Organization, may receive special 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] **twenty-four** thousand pounds gross weight. The Brain Tumor Awareness Organization hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Brain Tumor Awareness Organization derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Brain Tumor Awareness Organization. Any member of the Brain Tumor Awareness Organization may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Brain Tumor Awareness Organization, the Brain Tumor Awareness Organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration.

Upon presentation of the annual statement and payment of a twenty-five 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 license plate which shall bear the emblem of the Brain Tumor Awareness Organization. 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. In addition, upon such set of license plates shall be inscribed, in lieu of the words "SHOW-ME STATE", the words "BRAINTUMORAWARENESS.ORG". 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 the Brain Tumor Awareness Organization's emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Brain Tumor Awareness Organization's emblem, as otherwise provided by law. 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.

4. Prior to the issuance of a Brain Tumor Awareness Organization specialty plate authorized under this section the department of revenue must be in receipt of an application, as prescribed by the director, which shall be accompanied by a list of at least two hundred potential applicants who plan to purchase the specialty plate, the proposed art design for the specialty license plate, and an application fee, not to exceed five thousand dollars, to defray the department's cost for issuing, developing, and programming the implementation of the specialty plate. Once the plate design is approved, the director of revenue shall not authorize the manufacture of the material to produce such specialized license plates with the individual seal, logo, or emblem until such time as the director has received two hundred applications, the twenty-five dollar specialty plate fee per [application] **authorization**, and emblem-use statements, if applicable, and other required documents or fees for such plates.

301.477. COMBAT ACTION BADGE SPECIAL LICENSE PLATE AUTHORIZED, FEE. — 1.

Any person who has been awarded the combat action badge may apply for special personalized motor vehicle 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] **twenty-four** 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 combat action badge as the director may require.

3. The director shall then issue license plates bearing the words "COMBAT ACTION" in place of the words "SHOW-ME STATE" in a form prescribed by the director, except that such license plates shall be made with fully reflective material, shall have a white background with a blue and red configuration at the discretion of the director, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Such plates shall also bear an image of the combat action badge.

4. There shall be an additional fee of fifteen dollars charged for each set of special combat action badge license 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.

5. 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.

6. License plates issued pursuant to 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.

7. The director may consult with the Missouri National Guard or any other organization which represents the interests of persons receiving combat action badges when formulating the design for the special license plates described in this section.

8. 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 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, 2011, shall be invalid and void.

301.481. MISSOURI 4-H SPECIAL LICENSE PLATE, APPLICATION, FEE. — Any person who is a member or a former member or whose child is a member of the Missouri 4-H may apply for motor vehicle license plates for any **motor** vehicle such person owns, either solely or jointly, other than a commercial or apportioned motor vehicle licensed in excess of [eighteen] **twenty-four** thousand pounds gross weight. Any such person shall make application for the license plates on a form provided by the director of revenue and furnish such proof as a member or member's parent of the Missouri 4-H as the director may require. Upon payment of a fifteen dollar fee, presentation of all documents and payment of all other fees required by law, the director shall issue license plates bearing letters or numbers or a combination thereof as determined by the advisory committee established in section 301.129, with the words "MISSOURI 4-H" 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. Such plates shall also bear an image of the Missouri 4-H emblem. No additional fee shall be charged for personalization of plates issued pursuant to this section. There shall be no limit on the number of plates [issued pursuant to this section] **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 this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle may operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person.**

301.3032. MARCH OF DIMES SPECIAL LICENSE PLATES, APPLICATION, FEE. — 1. Any person, after an annual payment of an emblem-use authorization fee to a Missouri chapter of the March of Dimes, may receive special license plates for any **motor** vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of [eighteen] **twenty-four** thousand pounds gross weight. The March of Dimes hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates within the plate area prescribed by the director of revenue and as provided in this section. Any contribution to a Missouri chapter of the March of Dimes derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the March of Dimes. Any person may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to a Missouri chapter of the March of Dimes, the March of Dimes shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual statement and 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 license plate which shall bear the emblem of the March of Dimes and the words "MARCH OF DIMES" 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 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 pursuant to this section.

3. A vehicle owner who was previously issued a plate with the March of Dimes emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the March of Dimes emblem, as otherwise provided by law. 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.

301.3040. ARMED FORCES EXPEDITIONARY MEDAL SPECIAL LICENSE PLATE, PROCEDURE. — 1. Any person who has been awarded the military service award known as the "Armed Forces Expeditionary Medal" may apply for Armed Forces Expeditionary Medal 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] **twenty-four** thousand pounds gross weight.

2. Any such person shall make application for Armed Forces Expeditionary Medal license plates on a form provided by the director of revenue and furnish such proof as a recipient of the Armed Forces Expeditionary Medal as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the director with the words "ARMED FORCES EXPEDITIONARY MEDAL" 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. Such plates shall also be inscribed with the words "expeditionary service" and bear a reproduction of the Armed Forces expeditionary service ribbon.

3. There shall be a fifteen dollar fee in addition to the regular registration fees charged for each set of Armed Forces Expeditionary Medal license plates issued under this section. A fee for the issuance of personalized license plates under and pursuant to section 301.144 shall not be required for plates issued under this section. There shall be no limit on the number of license plates any person qualified under and pursuant to this section may obtain so long as each set of license plates issued under and pursuant to this section is issued for vehicles owned solely or jointly by such person. License plates issued under and pursuant to 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.

301.3043. MISSOURI BOTANICAL GARDEN SPECIAL LICENSE PLATE, APPLICATION, FEES. — 1. Any member of the Missouri Botanical Garden, after an annual payment of an emblem-use authorization fee to the Missouri Botanical Garden, may receive special license plates for any **motor** vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of [eighteen] **twenty-four** thousand pounds gross weight. The Missouri Botanical Garden hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Missouri Botanical Garden derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Missouri Botanical Garden. Any member of the Missouri Botanical Garden may annually apply for the use of the emblem.

2. Upon annual application and payment of a thirty-five dollar emblem-use contribution to the Missouri Botanical Garden, the Missouri Botanical Garden shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual statement and 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 license plate which shall bear the emblem of the Missouri Botanical Garden. 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. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section.

3. A vehicle owner who was previously issued a plate with the Missouri Botanical Garden's emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Missouri Botanical Garden's emblem, as otherwise provided by law. 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.

301.3045. ST. LOUIS ZOO SPECIAL LICENSE PLATE, APPLICATION, FEES. — 1. Any member of the Saint Louis Zoo, after an annual payment of an emblem-use authorization fee to the Saint Louis Zoo, may receive special license plates for any **motor** vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of [eighteen] **twenty-four** thousand pounds gross weight. The Saint Louis Zoo hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Saint Louis Zoo derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Saint Louis Zoo. Any member of the Saint Louis Zoo may annually apply for the use of the emblem.

2. Upon annual application and payment of a thirty-five dollar emblem-use contribution to the Saint Louis Zoo, the Saint Louis Zoo shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual statement and 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 license plate which shall bear the emblem of the Saint Louis Zoo. 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. 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 the Saint Louis Zoo's emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Saint Louis Zoo's emblem, as otherwise provided by law. 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.

301.3047. KANSAS CITY ZOO SPECIAL LICENSE PLATE, APPLICATION, FEES. — 1. Any member of the Kansas City Zoo, after an annual payment of an emblem-use authorization fee to the Kansas City Zoo, may receive special license plates for any **motor** vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of [eighteen] **twenty-four** thousand pounds gross weight. The Kansas City Zoo hereby authorizes the use of its official emblem to be affixed on multiyear personalized

license plates as provided in this section. Any contribution to the Kansas City Zoo derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Kansas City Zoo. Any member of the Kansas City Zoo may annually apply for the use of the emblem.

2. Upon annual application and payment of a thirty-five dollar emblem-use contribution to the Kansas City Zoo, the Kansas City Zoo shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual statement and payment of a fifteen dollar fee in addition to the regular registration fees and presentation of documents which may be required by law, the director of revenue shall issue to the vehicle owner a special license plate which shall bear the emblem of the Kansas City Zoo. 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. 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 the Kansas City Zoo's emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Kansas City Zoo's emblem, as otherwise provided by law. 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.

301.3049. SPRINGFIELD ZOO SPECIAL LICENSE PLATE, APPLICATION, FEES. — 1. Any member of the Springfield Zoo, after an annual payment of an emblem-use authorization fee to the Springfield Zoo, may receive special 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] **twenty-four** thousand pounds gross weight. The Springfield Zoo hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Springfield Zoo derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Springfield Zoo. Any member of the Springfield Zoo may annually apply for the use of the emblem.

2. Upon annual application and payment of a thirty-five dollar emblem-use contribution to the Springfield Zoo, the Springfield Zoo shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual statement and payment of a fifteen dollar fee in addition to the regular registration fees and presentation of documents which may be required by law, the director of revenue shall issue to the vehicle owner a special license plate which shall bear the emblem of the Springfield Zoo. 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. 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 the Springfield Zoo's emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Springfield Zoo's emblem, as otherwise provided by law. 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.

301.3050. SAFARI CLUB INTERNATIONAL SPECIALIZED LICENSE PLATE, ISSUANCE, FEES. — 1. Any person may receive license plates as prescribed in this section, for issuance

either to **motor vehicles**, passenger motor vehicles subject to the registration fees provided in section 301.055, or for a local or nonlocal property-carrying commercial motor vehicle licensed for a gross weight not in excess of [twelve] **twenty-four** thousand pounds as provided in section 301.057 or 301.058, after an annual payment of an emblem-use authorization fee to Safari Club International. Safari Club International hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to Safari Club International derived from this section, except reasonable administrative costs, shall be used solely for the purposes of Safari Club International. Any member of Safari Club International may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to Safari Club International, Safari Club International shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fees and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of Safari Club International. 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.

3. A vehicle owner, who was previously issued a plate with the Safari Club International emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Safari Club International emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

301.3052. NAVY CROSS SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Any person who has been awarded the military service award or medal known as the "Navy Cross" pursuant to 10 U.S.C. Section 6242 may apply for Navy Cross 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] **twenty-four** thousand pounds gross weight.

2. Any such person shall make application for the Navy Cross license plates on a form provided by the director of revenue and furnish such proof as a recipient of the Navy Cross as the director may require.

3. Upon presentation of such proof as a recipient of the Navy Cross and payment of a fifteen dollar fee in addition to 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 an image of the Navy Cross medal and the words "NAVY CROSS" at the bottom of the plate, in a manner [proscribed] **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. There shall be a fifteen dollar fee in addition to the regular registration fees charged for each set of Navy Cross license 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.

5. 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 pursuant to this section is issued for vehicles owned solely or jointly by such person.

6. License plates issued pursuant to 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.

7. The director may consult with any organization which represents the interests of persons receiving the Navy Cross when formulating the design for the special license plates described in this section.

8. 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.

301.3053. DISTINGUISHED FLYING CROSS MILITARY SERVICE AWARD, SPECIAL LICENSE PLATES — APPLICATION PROCEDURE, FEES — NO ADDITIONAL PERSONALIZATION FEE — DESIGN. — 1. Any person who has been awarded the military service award known as the "Distinguished Flying Cross" may apply for Distinguished Flying Cross 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] **twenty-four** thousand pounds gross weight.

2. Any such person shall make application for the Distinguished Flying Cross license plates on a form provided by the director of revenue and furnish such proof as a recipient of the Distinguished Flying Cross as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the director with the words "DISTINGUISHED FLYING CROSS" 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. Such plates shall also bear an image of the Distinguished Flying Cross.

3. There shall be a fifteen-dollar fee in addition to the regular registration fees charged for each set of Distinguished Flying Cross license plates issued pursuant to this section. A fee for the issuance of personalized license plates pursuant to section 301.144 shall not be required for plates issued pursuant to this section. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to 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.

301.3054. HONORABLE DISCHARGE FROM THE MILITARY SPECIAL LICENSE PLATES, APPLICATION, FEE. — 1. Any person who served in the active military service in a branch of the armed services of the United States and was honorably discharged from such service may apply for special personalized license plates for any **motor** vehicle other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of [eighteen] **twenty-four** thousand pounds gross weight. Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof of service and status as an honorably discharged veteran as the director may require.

2. Upon presentation of proof of eligibility and 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 shall issue to the vehicle owner special personalized license plates with the words "U.S. VET" 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, shall have a reflective white background with a blue and red configuration 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 pursuant to this section.

3. 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 pursuant to this section shall not be transferable to any other person except that any registered co-owner of the vehicle may operate the vehicle for the duration of the registration in the event of the death of the qualified person. 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, 2004, shall be invalid and void.

301.3055. MISSOURI REMEMBERS, SPECIAL LICENSE PLATES COMMEMORATING PRISONERS OF WAR AND PERSONS MISSING IN ACTION — APPLICATION PROCEDURE, FEES — NO ADDITIONAL PERSONALIZATION FEE — DESIGN. — 1. Any person who wishes to pay tribute to those persons who were prisoners of war or those now listed as missing in action may apply for specialized motor vehicle 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] **twenty-four** thousand pounds gross weight.

2. Upon presentation of the annual statement, payment of a fifteen-dollar fee in addition to other registration fees and documents which may be required by law, the director of revenue shall issue a specialized license plate which shall have the words "MISSOURI REMEMBERS" on the license plates in preference to the words "SHOW-ME STATE". Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. Such license plate shall also bear the POW/MIA insignia. The license plate authorized by this section shall be made with a 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.

301.3060. CIVIL AIR PATROL SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Any person who is a member of the Civil Air Patrol may, after an annual payment of an emblem-use authorization fee to the Civil Air Patrol as provided in subsection 2 of this section, apply for Civil Air Patrol license plates for any motor vehicle such person owns, either solely or jointly, for issuance either for a passenger motor vehicle subject to the registration fees as provided in section 301.055 or for a local or nonlocal property-carrying commercial motor vehicle licensed for a gross weight not in excess of [eighteen] **twenty-four** thousand pounds as provided in section 301.057 or 301.058. The Civil Air Patrol hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section.

2. Upon annual application and payment of a fifteen dollar emblem-use contribution to the Civil Air Patrol, the Civil Air Patrol shall issue to the person, without further charge, an emblem-

use authorization statement which shall be presented by the member to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement and payment of the fee required for personalized license plates in section 301.144 and other fees and documents which may be required by law, the department of revenue shall issue a personalized license plate, which shall bear the emblem of the Civil Air Patrol in the left hand section of such license plate and the words "CIVIL AIR PATROL" in place of the words "SHOW-ME STATE" to the person. The emblem, seal or logo shall be reproduced on the license plate in as a clear and defined manner as possible. If the emblem, seal or logo is unacceptable to the Civil Air Patrol, it shall be the Civil Air Patrol's responsibility to furnish the artwork in a digitalized format. 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.

3. A fee for the issuance of personalized license plates pursuant to section 301.144 shall not be required for plates issued pursuant to this section. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle may operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person.

301.3061. DISABLED AMERICAN VETERANS SPECIAL LICENSE PLATE — DESIGN, FEE — PICKUP TRUCK PLATES — RULEMAKING AUTHORITY. — 1. Any person eligible for membership in the Disabled American Veterans and who possesses a valid membership card issued by the Disabled American Veterans may apply for Missouri Disabled American Veterans 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] **twenty-four** thousand pounds gross weight. The Missouri Disabled American Veterans hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section.

2. Upon presentation of a current photo identification, the person's valid membership card issued by the Disabled American Veterans, and payment of a fifteen dollar fee in addition to the regular registration fees and presentation of other documents which may be required by law, the department of revenue shall issue a personalized license plate to the vehicle owner, which shall bear the emblem of the Disabled American Veterans, an emblem consisting exclusively of a red letter "D", followed by a white letter "A" and a blue letter "V" in modified block letters, with each letter having a black shaded edging, and shall engrave the words "WARTIME DISABLED" in red letters centered near the bottom of the plate. 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. A fee for the issuance of personalized license plates issued under section 301.144 shall not be required for plates issued under this section.

3. Any person who applies for a Disabled American Veterans license plate under this section to be used on a vehicle commonly known and referred to as a pickup truck may be issued a Disabled American Veterans license plate with the designation "beyond local" indicated in the upper right corner of the plate.

4. **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 this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle may operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person.**

5. The director 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.

301.3062. AMERICAN LEGION, SPECIAL LICENSE PLATES — EMBLEM AUTHORIZATION, APPLICATION PROCEDURE, FEES, DESIGN. — 1. Any vehicle owner who is a member of and has obtained an annual emblem-use authorization statement from the American Legion may apply for American Legion 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] **twenty-four** thousand pounds gross weight. The American Legion hereby authorizes the use of their official emblem to be affixed on multiyear personalized license plates as provided in this section. Any vehicle owner may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five-dollar emblem-use contribution to the American Legion, the American Legion shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented to the department of revenue at the time of registration of a motor vehicle.

3. Upon presentation of the annual statement and payment of a fifteen-dollar fee in addition to the regular registration fees and presentation of other documents which may be required by law, the department of revenue shall issue a personalized license plate to the vehicle owner, which shall bear the emblem of the American Legion in a form prescribed by the director. 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. A fee for the issuance of personalized license plates issued pursuant to section 301.144 shall not be required for plates issued pursuant to this section.

4. A vehicle owner, who was previously issued a plate with the American Legion emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the American Legion emblem, as otherwise provided by law.

5. The director of revenue may promulgate rules and regulations for the administration of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

301.3065. MO-AG BUSINESSES SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Any motor vehicle owner who has obtained an annual emblem-use authorization statement from the MO-AG Businesses may apply for MO-AG Businesses 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] **twenty-four** thousand pounds gross weight. MO-AG Businesses hereby authorize the use of their official emblem to be affixed on multiyear personalized license plates as provided in this section. Any motor vehicle owner may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to MO-AG Businesses, MO-AG Businesses shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented to the department of revenue at the time of registration of a motor vehicle.

3. Upon presentation of the annual statement and payment of a fifteen dollar fee in addition to the regular registration fees and presentation of other documents which may be required by law, the department of revenue shall issue a personalized license plate to the vehicle owner,

which shall bear the emblem of the MO-AG Businesses in a form prescribed by the director. 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. A fee for the issuance of personalized license plates issued pursuant to section 301.144 shall not be required for plates issued pursuant to this section.

4. A vehicle owner, who was previously issued a plate with the MO-AG Businesses authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the MO-AG Businesses emblem, as otherwise provided by law.

5. The director of revenue may promulgate rules and regulations for the administration of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

301.3074. NAACP SPECIAL LICENSE PLATES, APPLICATION, FEE. — 1. Any member of the National Association for the Advancement of Colored People, after an annual payment of an emblem-use authorization fee to any branch office of the National Association for the Advancement of Colored People located within Missouri, may receive special license plates for any **motor** vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of [eighteen] **twenty-four** thousand pounds gross weight. The National Association for the Advancement of Colored People hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates within the plate area prescribed by the director of revenue and as provided in this section. Any contribution to the National Association for the Advancement of Colored People derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the National Association for the Advancement of Colored People. Any member of the National Association for the Advancement of Colored People may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to any branch office of the National Association for the Advancement of Colored People located within Missouri, the National Association for the Advancement of Colored People shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual statement and 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 license plate which shall bear the emblem of the National Association for the Advancement of Colored People and the letters "NAACP" 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 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 pursuant to this section.

3. A vehicle owner who was previously issued a plate with the National Association for the Advancement of Colored People emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the National Association for the Advancement of Colored People emblem, as otherwise provided by law. 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.

301.3075. BRONZE STAR MILITARY SERVICE AWARD, SPECIAL LICENSE PLATES — APPLICATION PROCEDURE, FEES — NO ADDITIONAL PERSONALIZATION FEE — DESIGN. —

1. Any person who has been awarded the military service award known as the "bronze star" may apply for bronze star 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] **twenty-four** thousand pounds gross weight.

2. Any such person shall make application for the bronze star license plates on a form provided by the director of revenue and furnish such proof as a recipient of the bronze star as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the director with the words "BRONZE STAR" 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. Such plates shall also bear an image of the bronze star.

3. If the person has been awarded a bronze star with a "V" for valor device on the medal, then the director of revenue shall issue plates bearing the letter "V" in addition to the words and images required by this section. Such letter "V" shall be placed on the plate in a conspicuous manner as determined by the director.

4. There shall be a fifteen-dollar fee in addition to the regular registration fees charged for each set of bronze star license 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. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to 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.

301.3076. COMBAT MEDIC BADGE, SPECIAL LICENSE PLATES — APPLICATION PROCEDURE, FEES — NO ADDITIONAL PERSONALIZATION FEE — DESIGN. — Any person who has been awarded the combat medic badge may apply for combat medic motor vehicle 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] **twenty-four** thousand pounds gross weight. Any such person shall make application for the license plates on a form provided by the director of revenue and furnish such proof as a recipient of the combat medic badge as the director may require. Upon presentation of proof of eligibility, the director shall then issue license plates bearing the words "COMBAT MEDIC" in place of the words "SHOW-ME STATE", except that such license plates shall be made with fully reflective material, shall be clearly visible at night, and shall be aesthetically attractive. Such plates shall also bear an image of the combat medic badge. There shall be a fee of fifteen dollars in addition to the regular registration fees charged for 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. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to 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.

301.3077. DESERT STORM AND DESERT SHIELD, SPECIAL LICENSE PLATES FOR GULF WAR VETERANS — APPLICATION PROCEDURE, FEES — NO ADDITIONAL PERSONALIZATION FEE — DESIGN. — Any person who served in the military operation known as Desert Storm or

Desert Shield and either currently serves in any branch of the United States Armed Forces or was honorably discharged from such service may apply for Desert Storm or Desert Shield motor vehicle 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] **twenty-four** thousand pounds gross weight. Any such person shall make application for the license plates authorized by this section on a form provided by the director of revenue and furnish such proof of service in Desert Storm or Desert Shield and status as currently serving in a branch of the Armed Forces of the United States or as an honorably discharged veteran as the director may require. Upon presentation of the proof of eligibility, payment of a fifteen-dollar fee in addition to the regular registration fees and presentation of documents which may be required by law, the director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the director, with the words "GULF WAR VETERAN" in place of the words "SHOW-ME STATE". Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. Such plates shall also bear an image of the southwest Asia service medal awarded for service in Desert Storm or Desert Shield. The plates shall be clearly visible at night and shall be aesthetically attractive, as prescribed by section 301.130. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle may operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person.

301.3078. OPERATION IRAQI FREEDOM SPECIAL LICENSE PLATE, APPLICATION, FEE.

— Any person who served in the military operation known as Operation Iraqi Freedom and either currently serves in any branch of the United States Armed Forces or was honorably discharged from such service may apply for Operation Iraqi Freedom motor vehicle 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] **twenty-four** thousand pounds gross weight. Any such person shall make application for the license plates authorized by this section on a form provided by the director of revenue and furnish such proof of service in Operation Iraqi Freedom and status as currently serving in a branch of the Armed Forces of the United States or as an honorably discharged veteran as the director may require. Upon presentation of the proof of eligibility, payment of a fifteen dollar fee in addition to the regular registration fees and presentation of documents which may be required by law, the director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the director, with the words "OPERATION IRAQI FREEDOM VETERAN" in place of the words "SHOW-ME STATE". 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 plates shall be clearly visible at night and shall be aesthetically attractive, as prescribed by section 301.130. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle may operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person.

301.3079. MISSOURI AGRICULTURE SPECIAL LICENSE PLATES, APPLICATION, FEE. —

1. Any person, after an annual payment of an emblem-use authorization fee to the Missouri Farm Bureau, may receive special license plates for any **motor** vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of [eighteen] **twenty-four** thousand pounds gross weight. The Missouri Farm Bureau

hereby authorizes the use of the Missouri "Agriculture in the Classroom" official emblem to be affixed on multiyear personalized license plates within the plate area prescribed by the director of revenue and as provided in this section. All moneys received by the Missouri Farm Bureau pursuant to this section shall be used solely to fund Missouri's agriculture in the classroom program and to further the mission of such program. Any person may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to Missouri Farm Bureau, the Missouri Farm Bureau shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual statement and 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 license plate which shall bear the emblem of the Missouri agriculture in the classroom program and the words "MISSOURI AGRICULTURE" 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 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 pursuant to this section.

3. A vehicle owner who was previously issued a plate with an emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear such emblem, as otherwise provided by law. 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.

301.3080. ROTARY INTERNATIONAL SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Any member of Rotary International may receive special license plates as prescribed by this section, 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] **twenty-four** thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to Rotary International of which the person is a member. Rotary International hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to Rotary International derived from this section, except reasonable administrative costs, shall be used solely for the purposes of Rotary International. Any member of Rotary International may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to Rotary International, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of Rotary International. 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.

3. A vehicle owner, who was previously issued a plate with the Rotary International emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Rotary International emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to

the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

301.3082. HEARING IMPAIRED KIDS ENDOWMENT FUND, INC., SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Any person may receive special license plates as prescribed by this section 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] **twenty-four** thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to the Hearing Impaired Kids Endowment Fund, Inc. The Hearing Impaired Kids Endowment Fund, Inc., hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Hearing Impaired Kids Endowment Fund, Inc., derived from this section, except reasonable administrative costs, shall be used solely for the benefit of children who are residents of Missouri.

2. Upon annual application and payment of a twenty-five dollar emblem-use authorization fee to the Hearing Impaired Kids Endowment Fund, Inc., that organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of the Hearing Impaired Kids Endowment Fund, Inc. 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.

3. A vehicle owner, who was previously issued a plate with the Hearing Impaired Kids Endowment Fund, Inc., emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Hearing Impaired Kids Endowment Fund, Inc., emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

301.3084. BREAST CANCER AWARENESS SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Any person may receive special license plates as prescribed by this section, 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] **twenty-four** thousand pounds gross weight. Upon making a twenty-five dollar annual contribution to support breast cancer awareness activities conducted by the department of health and senior services, the vehicle owner may apply for a breast cancer awareness license plate. If the contribution is made directly to the state treasurer, the state treasurer shall issue the individual making the contribution a receipt verifying the contribution that may be used to apply for the breast cancer awareness license plate. 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 breast cancer awareness 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 breast cancer awareness plates issued pursuant to this section. The state treasurer or the director of revenue shall deposit the twenty-five dollar annual contribution in the Missouri public health services fund. Funds in such account shall be used to support breast cancer awareness activities conducted by the department of health and senior services.

2. Upon presentation of the annual statement or a twenty-five dollar annual contribution, as applicable, and payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a

personalized license plate which shall bear a graphic design depicting the breast cancer awareness pink ribbon symbol and the words "Breast Cancer Awareness" 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 pursuant to this section.

3. A vehicle owner, who was previously issued a plate with a breast cancer awareness emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

301.3085. UNITED STATES MARINE CORPS, ACTIVE DUTY COMBAT, SPECIAL LICENSE PLATE AUTHORIZED. — Any person who has participated in active duty combat action while serving in the United States Marine Corps or the United States Navy 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 licensed in excess of [eighteen] **twenty-four** thousand pounds gross weight. 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 combat infantry badge as the director may require. The director shall then issue license plates bearing the words "COMBAT ACTION RIBBON" in place of the words "SHOW-ME STATE" in a form prescribed by the director, except that such license plates shall be made with fully reflective material, shall have a white background with a blue and red configuration at the discretion of the director, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Such plates shall also bear an image of a blue, yellow, and red ribbon. There shall be an additional fee charged for each set of special combat action ribbon license plates issued equal to the fee charged for personalized license plates in section 301.144. 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 pursuant to 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.

301.3086. DELTA SIGMA THETA AND OMEGA PSI PHI SPECIAL LICENSE PLATES, APPLICATION, FEE. — 1. Any current member or alumnus of the Delta Sigma Theta or Omega Psi Phi Greek organizations at any college or university within this state 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] **twenty-four** thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to the appropriate organization. Delta Sigma Theta and Omega Psi Phi hereby authorize the use of their official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to Delta Sigma Theta or Omega Psi Phi derived from this section, except reasonable administrative costs, shall be used solely for the purposes of those organizations. Any member of Delta Sigma Theta or Omega Psi Phi may annually apply for the use of the organization's emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to Delta Sigma Theta or Omega Psi Phi, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of Delta Sigma Theta or Omega Psi Phi. 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. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section.

3. A vehicle owner, who was previously issued a plate with the Delta Sigma Theta or Omega Psi Phi emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Delta Sigma Theta or Omega Psi Phi emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

301.3087. MISSOURI STATE HUMANE ASSOCIATION SPECIAL LICENSE PLATE, APPLICATION, FEE — MISSOURI PET SPAY/NEUTER FUND CREATED. — 1. Any person may receive special license plates as prescribed by this section, 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] **twenty-four** thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to the Missouri State Humane Association. The Missouri State Humane Association hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. All emblem-use authorization fees, except reasonable administrative costs, shall be placed into a special fund as described in subsection 4 of this section and shall be used exclusively for the purpose of spaying and neutering dogs and cats in the state of Missouri.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Missouri State Humane Association, the Missouri State Humane Association shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of the Missouri State Humane Association and shall have the words "TM PET FRIENDLY" on the license plates 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. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section.

3. A vehicle owner, who was previously issued a plate with the Missouri State Humane Association emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Missouri State Humane Association emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

4. The "Missouri Pet Spay/Neuter Fund" is hereby created as a special fund in the state treasury and shall be administered by the department of agriculture. This fund shall consist of moneys collected pursuant to this section. All moneys deposited in the Missouri pet spay/neuter fund, except reasonable administrative costs, shall be paid as grants to humane societies, local municipal animal shelters regulated by sections 273.400 to 273.405, and organizations exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code to be used solely for the spaying and neutering of dogs and cats in the state of Missouri. For purposes of approving grants under this section, the governor shall appoint a volunteer board that shall consist of three Missouri residents, of which two shall be administrators of local municipal animal shelters regulated by sections 273.400 to 273.405 and one shall be an administrator of a humane society. Each of the three members shall be from separate congressional districts. Members of this board shall be appointed for three-year terms and shall meet at least twice a year to review grant applications. All moneys deposited in the Missouri pet spay/neuter fund, except reasonable administrative costs, shall be spent by the end of each fiscal year. Notwithstanding the provisions of section 33.080 to the contrary, if any moneys remain in the fund at the end of the biennium, said moneys shall not revert to the credit of the general revenue fund.

301.3088. PREVENT DISASTERS IN MISSOURI, SEPTEMBER 11, 2001, SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Any person who wishes to pay tribute to the disaster relief efforts made in the aftermath of the events of September 11, 2001, may apply for special license plates as prescribed by this section, 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] **twenty-four** thousand pounds gross weight, after payment of an annual contribution to the American Red Cross. Any contribution to the American Red Cross derived from this section, except reasonable administrative costs, shall be deposited in and used solely for the purposes of the Missouri state service delivery area single family disaster fund. Any person may annually apply for such special license plates.

2. Upon annual application and payment of a twenty-five dollar contribution to the American Red Cross disaster relief fund, the organization shall issue to the vehicle owner, without further charge, an annual contribution statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual contribution statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate herein described. Such license plates shall have the words "PREVENT DISASTERS IN MISSOURI" in lieu of the words "SHOW-ME STATE" and shall have a white background with a blue and red configuration at the discretion of the advisory committee established in section 301.129. The license plates shall be inscribed with the image of an American flag, and further 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. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section.

3. A vehicle owner, who was previously issued a special license plate pursuant to this section but who does not provide an annual contribution statement at a subsequent time of registration, shall be issued a new plate which does not bear the design as described in subsection 2 of this section, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

301.3089. MISSOURI CORONERS' AND MEDICAL EXAMINERS' ASSOCIATION SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Any person who is a member in good standing of

the Missouri Coroners' and Medical Examiners' Association, after payment of an emblem-use authorization fee to the Missouri Coroners' and Medical Examiners' Association, may apply for coroners' office 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] **twenty-four** thousand pounds gross weight. The Missouri Coroners' and Medical Examiners' Association hereby authorizes the use of its official emblem to be affixed on multiyear license plates as provided in this section.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Missouri Coroners' and Medical Examiners' Association, the Missouri Coroners' and Medical Examiners' Association shall issue to a member, without further charge, an emblem-use authorization statement which shall be presented by the member to the department of revenue at the time of registration of a motor vehicle. Any contribution to the Missouri Coroners' and Medical Examiners' Association derived from this section, except reasonable administrative costs, shall be used for the purpose of promoting and supporting the objectives of the Missouri Coroners' and Medical Examiners' Association.

3. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the regular registration fees and presentation of documents required by law, the department of revenue shall issue a license plate to the member, which shall bear the emblem of the Missouri Coroners' and Medical Examiners' Association, the six-point star which is the universally recognized symbol for law enforcement, and the words "CORONERS' OFFICE" in place of the words "SHOW-ME STATE". The director of revenue shall annually set aside personalized license plates bearing each member's designated number to be issued to each member of the Missouri Coroners' and Medical Examiners' Association who meets all requirements established by 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 license plate authorized by this section shall use a process to ensure that the emblem shall be displayed upon the license plate in the clearest and most attractive manner possible. Such license plates shall be made with fully reflective material with a common color scheme and design and shall be aesthetically attractive, as prescribed by section 301.130.

4. License plates issued pursuant to this section shall be held by the appropriate member of the Missouri Coroners' and Medical Examiners' Association only while such person remains a member in good standing of the Missouri Coroners' and Medical Examiners' Association. Within fifteen days of the loss of member-in-good-standing status, the member shall surrender the license plates issued pursuant to this section to the director of revenue, who shall make them available to the succeeding member of the Missouri Coroners' and Medical Examiners' Association.

301.3090. OPERATION ENDURING FREEDOM SPECIAL LICENSE PLATES, APPLICATION, FEE. — Any person who is serving on active duty or has served in any branch of the United States military, including the reserves or National Guard, during any part of Operation Enduring Freedom and has not been dishonorably discharged may receive 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] **twenty-four** thousand pounds gross weight. Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof of service during Operation Enduring Freedom or proof of status as an honorably discharged veteran as the director may require. Upon presentation of the proof of eligibility and annual payment of the fee required for personalized license plates prescribed by section 301.144, and other fees and documents which may be required by law, the director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the advisory committee established in section 301.129, with the words "OPERATION ENDURING FREEDOM" in place of the words "SHOW-ME STATE". Such plates shall also bear an image of the American flag. The

plates shall be clearly visible at night and shall be aesthetically attractive, as prescribed by section 301.130. 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 pursuant to this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle may operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person.

301.3092. FRIENDS OF ARROW ROCK SPECIAL LICENSE PLATE, APPLICATION, FEE. —

1. Any member of the organization known as Friends of Arrow Rock may receive special license plates as prescribed by this section, 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] **twenty-four** thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to Friends of Arrow Rock of which the person is a member. Friends of Arrow Rock hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to Friends of Arrow Rock derived from this section, except reasonable administrative costs, shall be used solely for the purposes of Friends of Arrow Rock. Any member of Friends of Arrow Rock may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to Friends of Arrow Rock, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of Friends of Arrow Rock. 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.

3. A vehicle owner, who was previously issued a plate with the Friends of Arrow Rock emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Friends of Arrow Rock emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

301.3093. EAGLE SCOUT SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Any Eagle Scout or parents of an Eagle Scout may receive special license plates as prescribed by this section, 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] **twenty-four** thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to the Boy Scouts of America Council of which the person is a member or the parent of a member. The Boy Scouts of America hereby authorizes the use of its official Eagle Scout emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Boy Scouts of America derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Boy Scouts of America. Any Eagle Scout or parent of an Eagle Scout may annually apply for the use of the emblem. An Eagle Scout or parent of an Eagle Scout may apply for the use of the emblem and pay the twenty-five dollar emblem-use authorization fee at any local district council in the state.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Boy Scouts of America, the organization shall issue to the vehicle owner, without further

charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the Eagle Scout emblem. 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.

3. A vehicle owner, who was previously issued a plate with the Eagle Scout emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Eagle Scout emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

301.3094. TRIBE OF MIC-O-SAY SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Any member of the Tribe of Mic-O-Say may receive special license plates as prescribed by this section, 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] **twenty-four** thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to the Tribe of Mic-O-Say of which the person is a member. The Tribe of Mic-O-Say hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Tribe of Mic-O-Say derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Tribe of Mic-O-Say. Any member of the Tribe of Mic-O-Say may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Tribe of Mic-O-Say, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of the Tribe of Mic-O-Say. 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.

3. A vehicle owner, who was previously issued a plate with the Tribe of Mic-O-Say emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Tribe of Mic-O-Say emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

301.3095. ORDER OF THE ARROW SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Any member of the Order of the Arrow may receive special license plates as prescribed by this section, 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] **twenty-four** thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to the Order of the Arrow of which the person is a member. The Order of the Arrow hereby authorizes the use of its official emblem to be affixed on multiyear personalized

license plates as provided in this section. Any contribution to the Order of the Arrow derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Order of the Arrow. Any member of the Order of the Arrow may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Order of the Arrow, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of the Order of the Arrow. 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.

3. A vehicle owner, who was previously issued a plate with the Order of the Arrow emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Order of the Arrow emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

301.3096. MISSOURI FEDERATION OF SQUARE AND ROUND DANCE CLUBS SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Any member of the Missouri Federation of Square and Round Dance Clubs may receive special license plates as prescribed by this section, 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] **twenty-four** thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to the Missouri Federation of Square and Round Dance Clubs of which the person is a member. The Missouri Federation of Square and Round Dance Clubs hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Missouri Federation of Square and Round Dance Clubs derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Missouri Federation of Square and Round Dance Clubs. Any member of the Missouri Federation of Square and Round Dance Clubs may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Missouri Federation of Square and Round Dance Clubs, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of the Missouri Federation of Square and Round Dance Clubs. 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.

3. A vehicle owner, who was previously issued a plate with the Missouri Federation of Square and Round Dance Clubs emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Missouri Federation of Square and Round Dance Clubs emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of

this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

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] **twenty-four** thousand pounds gross weight. Upon making a ten dollar contribution to the World War 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.

301.3098. KINGDOM OF CALONTIR SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Any member of the Kingdom of Calontir may receive special license plates as prescribed by this section, 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] **twenty-four** thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to the Kingdom of Calontir, a subdivision of the Society for Creative Anachronism, of which the person is a member. The Kingdom of Calontir hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Kingdom of Calontir derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Kingdom of Calontir. Any member of the Kingdom of Calontir may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Kingdom of Calontir, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of the Kingdom of Calontir and shall bear the words "KINGDOM OF CALONTIR" 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. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section.

3. A vehicle owner, who was previously issued a plate with the Society for Creative Anachronism emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Society for Creative Anachronism emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

301.3099. MISSOURI CIVIL WAR REENACTORS ASSOCIATION SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Any member of the Missouri Civil War Reenactors Association may receive special license plates as prescribed by this section, 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] **twenty-four** thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to the Missouri Civil War Reenactors Association of which the person is a member. The Missouri Civil War Reenactors Association hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Missouri Civil War Reenactors Association derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Missouri Civil War Reenactors Association. Any member of the Missouri Civil War Reenactors Association may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Missouri Civil War Reenactors Association, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of the Missouri Civil War Reenactors Association. 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. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section.

3. A vehicle owner, who was previously issued a plate with the Missouri Civil War Reenactors Association emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Missouri Civil War Reenactors Association emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

301.3101. MISSOURI-KANSAS-NEBRASKA CONFERENCE OF TEAMSTERS SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Any member of the Missouri-Kansas-Nebraska Conference of Teamsters may receive special license plates as prescribed by this section, 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] **twenty-four** thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to the Missouri-Kansas-Nebraska Conference of Teamsters of which the person is a member. The Missouri-Kansas-Nebraska Conference of Teamsters hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution

to the Missouri-Kansas-Nebraska Conference of Teamsters derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Missouri-Kansas-Nebraska Conference of Teamsters. Any member of the Missouri-Kansas-Nebraska Conference of Teamsters may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Missouri-Kansas-Nebraska Conference of Teamsters, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of the Missouri-Kansas-Nebraska Conference of Teamsters and the words "MKN Conference of Teamsters" 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. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section.

3. A vehicle owner, who was previously issued a plate with the Missouri-Kansas-Nebraska Conference of Teamsters emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Missouri-Kansas-Nebraska Conference of Teamsters emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

301.3102. ST. LOUIS COLLEGE OF PHARMACY SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Any vehicle owner who has obtained an annual emblem-use authorization statement from the St. Louis College of Pharmacy may, subject to the registration fees provided in section 301.055, apply for St. Louis College of Pharmacy 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] **twenty-four** thousand pounds gross weight. The St. Louis College of Pharmacy hereby authorizes the use of its official emblem to be affixed on multiyear license plates as provided in this section. Any vehicle owner may annually apply for the use of the emblem. Any contribution to the St. Louis College of Pharmacy derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the St. Louis College of Pharmacy.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the St. Louis College of Pharmacy, the St. Louis College of Pharmacy shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement and payment of a fifteen dollar fee in addition to the regular registration fees and presentation of other documents which may be required by law, the department of revenue shall issue a license plate to the vehicle owner, which shall bear the emblem of the St. Louis College of Pharmacy in a form prescribed by the director, shall bear six letters or numbers and shall bear the words "ST. LOUIS COLLEGE OF PHARMACY" 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. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section. A fee for the issuance of personalized license plates pursuant to section 301.144 shall not be required for plates issued pursuant to this section.

3. A vehicle owner, who was previously issued a plate with the St. Louis College of Pharmacy emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the St. Louis College of Pharmacy emblem, as otherwise provided by law. The director of revenue may promulgate rules and regulations for the administration of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

301.3103. FRATERNAL ORDER OF POLICE SPECIAL LICENSE PLATE, APPLICATION, FEE.

— 1. Any member of the fraternal order of police of the state of Missouri may receive special license plates as prescribed by this section 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] **twenty-four** thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to the fraternal order of police of the state of Missouri. The fraternal order of police of the state of Missouri hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the fraternal order of police of the state of Missouri derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the fraternal order of police of the state of Missouri. Any member of the fraternal order of police of the state of Missouri may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the fraternal order of police of the state of Missouri, the fraternal order of police of the state of Missouri shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of the fraternal order of police of the state of Missouri. 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. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section.

3. A vehicle owner who was previously issued a plate with the fraternal order of police of the state of Missouri emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration shall be issued a new plate which does not bear the fraternal order of police of the state of Missouri emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

301.3105. VETERANS OF FOREIGN WARS SPECIAL LICENSE PLATES, APPLICATION, FEE.

— 1. Any member of the Veterans of Foreign Wars may receive special license plates as prescribed by this section, 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] **twenty-four** thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to the Department of Missouri, Veterans of Foreign Wars of which the person is a member. The Veterans of Foreign Wars hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Veterans of Foreign Wars derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Department of Missouri,

Veterans of Foreign Wars. Any member of the Veterans of Foreign Wars may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Department of Missouri, Veterans of Foreign Wars, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of the Veterans of Foreign Wars. 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. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section.

3. A vehicle owner, who was previously issued a plate with the Veterans of Foreign Wars emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Veterans of Foreign Wars emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

301.3106. FORMER MISSOURI LEGISLATOR SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Any individual who is a former legislator of the Missouri general assembly may receive special license plates as prescribed by this section, 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] **twenty-four** thousand pounds gross weight. Any individual who is a former legislator of the Missouri general assembly may annually apply for such license plates.

2. Upon presentation of the appropriate proof of eligibility as determined by the director and annual payment of a fifteen dollar fee in addition to the registration fee, and other documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear an appropriate emblem to be determined by the director, with the words "FORMER MISSOURI LEGISLATOR" 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. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section.

3. No more than two sets of license plates shall be issued pursuant to this section to a qualified applicant. License plates issued pursuant to 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. The director of revenue shall make 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 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

301.3107. MISSOURI TASK FORCE ONE SPECIAL LICENSE PLATE, APPLICATION, FEE.

— 1. Any member of Missouri Task Force One may receive special license plates as prescribed by this section, 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] **twenty-four** thousand pounds gross weight. Any member of Missouri Task Force One may annually apply for such license plates.

2. Upon presentation of the appropriate proof of eligibility as determined by the director and annual payment of a fifteen dollar fee in addition to the registration fee, and other documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear an appropriate configuration to be determined by the director, with the words "MISSOURI TASK FORCE ONE" 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. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section.

3. No more than one set of license plates shall be issued pursuant to this section to a qualified applicant. License plates issued pursuant to 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. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

301.3109. CERTAIN GREEK ORGANIZATIONS SPECIAL LICENSE PLATES, APPLICATION, FEE (KAPPA ALPHA PSI, IOTA PHI THETA, SIGMA GAMMA RHO, ALPHA PHI ALPHA, ALPHA KAPPA ALPHA, ZETA PHI BETA, PHI BETA SIGMA).

— 1. Any current member or alumnus of the Kappa Alpha Psi, Iota Phi Theta, Sigma Gamma Rho, Alpha Phi Alpha, Alpha Kappa Alpha, Zeta Phi Beta, and Phi Beta Sigma Greek organizations at any college or university within this state 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] **twenty-four** thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to the appropriate organization. Kappa Alpha Psi, Iota Phi Theta, Sigma Gamma Rho, Alpha Phi Alpha, Alpha Kappa Alpha, Zeta Phi Beta, and Phi Beta Sigma hereby authorize the use of their official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to Kappa Alpha Psi, Iota Phi Theta, Sigma Gamma Rho, Alpha Phi Alpha, Alpha Kappa Alpha, Zeta Phi Beta, or Phi Beta Sigma derived from this section, except reasonable administrative costs, shall be used solely for the purposes of those organizations. Any member of Kappa Alpha Psi, Iota Phi Theta, Sigma Gamma Rho, Alpha Phi Alpha, Alpha Kappa Alpha, Zeta Phi Beta, and Phi Beta Sigma may annually apply for the use of the organization's emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to Kappa Alpha Psi, Iota Phi Theta, Sigma Gamma Rho, Alpha Phi Alpha, Alpha Kappa Alpha, Zeta Phi Beta, or Phi Beta Sigma the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of Kappa Alpha Psi, Iota Phi Theta, Sigma Gamma Rho, Alpha Phi Alpha, Alpha Kappa Alpha, Zeta Phi Beta, or Phi Beta Sigma. 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. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section.

3. A vehicle owner, who was previously issued a plate with the Kappa Alpha Psi, Iota Phi Theta, Sigma Gamma Rho, Alpha Phi Alpha, Alpha Kappa Alpha, Zeta Phi Beta, or Phi Beta Sigma emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Kappa Alpha Psi, Iota Phi Theta, Sigma Gamma Rho, Alpha Phi Alpha, Alpha Kappa Alpha, Zeta Phi Beta, or Phi Beta Sigma emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

301.3115. AIR MEDAL AWARD SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Any person who has been awarded the military service award known as the "Air Medal" may apply for Air Medal 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] **twenty-four** thousand pounds gross weight.

2. Any such person shall make application for the Air Medal license plates on a form provided by the director of revenue and furnish such proof as a recipient of the Air Medal as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the director with the words "AIR MEDAL" 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. Such plates shall also bear an image of the Air Medal.

3. There shall be a fifteen-dollar fee in addition to the regular registration fees charged for each set of Air Medal license plates issued pursuant to this section. A fee for the issuance of personalized license plates pursuant to section 301.144 shall not be required for plates issued pursuant to this section. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to 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.

301.3116. OPERATION NOBLE EAGLE SPECIAL LICENSE PLATE, APPLICATION, FEE. — Any person who is serving or has served in any branch of the United States military, including the reserves or National Guard, during any part of Operation Noble Eagle and has not been dishonorably discharged may receive 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] **twenty-four** thousand pounds gross weight. Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof of service during Operation Noble Eagle or proof of status as an honorably discharged veteran as the director may require. Upon presentation of the proof of eligibility and annual payment of the fee required for personalized license plates prescribed by section 301.144, and other fees and documents which may be required by law, the director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the advisory committee established in section 301.129, with the words "OPERATION NOBLE EAGLE" in place of the words "SHOW-ME STATE". Such plates shall also bear an image of the American flag. The plates shall be clearly visible at night and shall be aesthetically attractive, as prescribed by section 301.130. 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 pursuant to this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle may operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person.

301.3117. JEFFERSON NATIONAL PARKS ASSOCIATION SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Any member of Jefferson National Parks Association may receive special license plates as prescribed by this section, 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] **twenty-four** thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to Jefferson National Parks Association of which the person is a member. Jefferson National Parks Association hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to Jefferson National Parks Association derived from this section, except reasonable administrative costs, shall be used solely for the purposes of Jefferson National Parks Association. Any member of Jefferson National Parks Association may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to Jefferson National Parks Association, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee, and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of the Jefferson National Parks Association and shall have the words "Jefferson National Parks Association" 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. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section.

3. A vehicle owner, who was previously issued a plate with the Jefferson National Parks Association emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Jefferson National Parks Association emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

301.3118. MISSOURI ELKS ASSOCIATION SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Any member of Missouri Elks Association may receive special license plates as prescribed by this section, 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] **twenty-four** thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to Missouri Elks Association of which the person is a member. Missouri Elks Association hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to Missouri Elks Association derived from this section, except reasonable administrative costs, shall be used solely for the purposes of Missouri Elks Association. Any member of Missouri Elks Association may annually apply for the use of the emblem.

2. Upon annual application and payment of a fifteen dollar emblem-use contribution to Missouri Elks Association, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of Missouri Elks Association. 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.

3. A vehicle owner, who was previously issued a plate with the Missouri Elks Association emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Missouri Elks Association emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

301.3119. MISSOURI TRAVEL COUNCIL SPECIAL LICENSE PLATE, APPLICATION, FEE.

— 1. Any individual may receive special license plates as prescribed by this section, 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] **twenty-four** thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to Missouri Travel Council. Missouri Travel Council hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to Missouri Travel Council derived from this section, except reasonable administrative costs, shall be used solely for the purposes of Missouri Travel Council. Any member of Missouri Travel Council may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to Missouri Travel Council, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of Missouri Travel Council. 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. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section.

3. A vehicle owner, who was previously issued a plate with the Missouri Travel Council emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Missouri Travel Council emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

301.3122. FRIENDS OF KIDS WITH CANCER SPECIAL LICENSE PLATES, APPLICATION, FEE.

— 1. Any person may receive special license plates as prescribed by this section, 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~~] **twenty-four** thousand pounds gross weight, after an annual contribution of an emblem-use authorization fee to the Friends of Kids with Cancer. The Friends of Kids with Cancer hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any person may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Friends of Kids with Cancer, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of the Friends of Kids with Cancer and shall bear the words "FRIENDS OF KIDS WITH CANCER" 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. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section.

3. A vehicle owner, who was previously issued a plate with the Friends of Kids with Cancer emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Friends of Kids with Cancer emblem, as otherwise provided by law.

4. The director of revenue shall make 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 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

301.3123. FIGHT TERRORISM SPECIAL LICENSE PLATES, APPLICATION, CONTRIBUTION REQUIREMENT — FEE — RULES AUTHORIZED. — 1. Any vehicle owner may apply for "FIGHT TERRORISM" 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~~] **twenty-four** thousand pounds gross weight. Upon making an annual twenty-five dollar contribution to the antiterrorism fund established pursuant to section 41.033, the vehicle owner may apply for the "FIGHT TERRORISM" plate. If the contribution is made directly to the Missouri office of homeland security it shall issue the individual making the contribution a receipt, verifying the contribution, that may be used to apply for the "FIGHT TERRORISM" 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 "FIGHT TERRORISM" 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 "FIGHT TERRORISM" 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 "FIGHT TERRORISM" plate shall bear an emblem prescribed by the director of revenue and shall have the words "FIGHT TERRORISM" in place of the words "SHOW-ME STATE". The insignia shall be affixed on multiyear personalized license plates within the plate area 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.

2. A vehicle owner, who was previously issued a "FIGHT TERRORISM" license plate authorized by this section but who does not provide proof of the annual contribution at a subsequent time of registration, shall be issued a new plate which does not bear the emblem or motto "FIGHT TERRORISM", as otherwise provided by law.

3. The director of revenue may promulgate 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 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, 2003, shall be invalid and void.

301.3124. SPECIAL OLYMPICS MISSOURI SPECIAL LICENSE PLATES, APPLICATION, FEE.

— 1. Any person may receive special license plates as prescribed by this section 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] **twenty-four** thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to Special Olympics Missouri. Special Olympics Missouri hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section.

2. Upon annual application and payment of a twenty-five dollar emblem-use authorization fee to Special Olympics Missouri, that organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear an emblem approved by Special Olympics Missouri and the director of the department of revenue and shall have the words "SPECIAL OLYMPICS MISSOURI" 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. 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 the Special Olympics Missouri emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Special Olympics Missouri emblem, as otherwise provided by law. The director of revenue shall make 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 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

301.3125. BE AN ORGAN DONOR SPECIAL LICENSE PLATES, APPLICATION, FEE. — 1.

Any vehicle owner may apply for "Be An Organ Donor" special personalized 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] **twenty-four** thousand pounds gross weight. Upon making a twenty-five dollar annual contribution to the organ donor program fund, established pursuant to section 194.297, the vehicle owner may apply for the "Be An Organ Donor" plate. If the contribution is made directly to the state treasurer, the state treasurer shall issue the individual making the contribution a receipt, verifying the contribution, that may be used to apply for the "Be An Organ Donor" license plate. 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 "Be An Organ Donor" 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 "Be An Organ Donor" 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.

2. The "Be An Organ Donor" plate shall have the words "BE AN ORGAN DONOR" 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.

3. These plates shall be designed by the director, in consultation with the organ donation advisory committee, established pursuant to section 194.300, to educate the public about the urgent need for organ donation and the life saving benefits of organ transplants.

4. A vehicle owner, who was previously issued a plate with the words "BE AN ORGAN DONOR" authorized by this section but who does not present a contribution receipt or make a contribution to the organ donor program fund at a subsequent time of registration, shall be issued a new plate which does not bear the words "BE AN ORGAN DONOR", as otherwise provided by law.

5. 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, 2004, shall be invalid and void.

301.3126. FOX TROTTER — STATE HORSE SPECIAL LICENSE PLATES, APPLICATION, FEE.

— 1. Any member of the Missouri Fox Trotting Horse Breed Association may receive special license plates as prescribed by this section, 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] **twenty-four** thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to the Missouri Fox Trotting Horse Breed Association of which the person is a member. The Missouri Fox Trotting Horse Breed Association hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Missouri Fox Trotting Horse Breed Association derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Missouri Fox Trotting Horse Breed Association. Any member of the Missouri Fox Trotting Horse Breed Association may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Missouri Fox Trotting Horse Breed Association, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the

vehicle owner a personalized license plate which shall bear the emblem of the Missouri Fox Trotting Horse Breed Association and shall bear the words "FOX TROTTER - STATE HORSE" in place of the words "SHOW-ME STATE". Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section. 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.

3. A vehicle owner, who was previously issued a plate with the Missouri Fox Trotting Horse Breed Association emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Missouri Fox Trotting Horse Breed Association emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

301.3128. TO PROTECT AND SERVE SPECIAL LICENSE PLATES, APPLICATION, FEE. —

1. Any person, as defined by subsection 3 of this section, may apply for special 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] **twenty-four** thousand pounds gross weight. Any person desiring a special license plate as provided by this section shall make an application for the special license plates on a form provided by the director of revenue and furnish proof of eligibility as the director may require.

2. Upon payment of a fifteen dollar fee in addition to the registration fee and other documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear an insignia depicting a yellow rose superimposed over the outline of a badge and shall bear the words "TO PROTECT AND SERVE" in the 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. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section.

3. As used in this section the term "person" shall mean:

- (1) A person wounded in the line of duty as a peace officer; or
- (2) A surviving spouse, parent, brother, sister, or adult child, including an adopted child or stepchild, of a person killed in the line of duty as a peace officer.

4. As used in this section, the term "peace officer" has the same meaning assigned by section 590.010.

5. The director may consult with any organization which represents the interests of any person, as defined in subsection 3 of this section when formulating the design for the special license plate described in this section.

6. The director of revenue shall make 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 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

301.3129. FIREFIGHTERS, SPECIAL LICENSE PLATES — FEE, APPEARANCE OF PLATE, APPLICATION PROCEDURE — DEFINITION OF PERSON ELIGIBLE FOR PLATE — RULEMAKING AUTHORITY. — 1. Any person, as defined by subsection 3 of this section, may apply for special 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] **twenty-four** thousand pounds gross weight. Any person desiring a special license plate as provided by this section shall make an application for the special license plates on a form provided by the director of revenue and furnish proof of eligibility as the director may require.

2. Upon payment of a fifteen dollar fee in addition to the registration fee and other documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear an insignia designed by the director or the director's designee and shall bear the words "FIREFIGHTERS MEMORIAL" 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. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section.

3. As used in this section the term "person" shall mean:

- (1) A person wounded in the line of duty as a firefighter; or
- (2) A surviving spouse, parent, brother, sister, or adult child, including an adopted child or stepchild, of a person killed in the line of duty as a firefighter.

4. The director of revenue shall make 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 pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

301.3130. MISSOURI ASSOCIATION OF STATE TROOPERS EMERGENCY RELIEF SOCIETY, SPECIAL LICENSE PLATE — EMBLEM AUTHORIZATION — USE OF CONTRIBUTIONS, FEE, APPLICATION PROCEDURE — RULEMAKING AUTHORITY. — 1. Any member of the Missouri Association of State Troopers Emergency Relief Society, after an annual payment of an emblem-use authorization fee to the Missouri Association of State Troopers Emergency Relief Society, may receive special license plates for any **motor** vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of [eighteen] **twenty-four** thousand pounds gross weight. The Missouri Association of State Troopers Emergency Relief Society hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates within the plate area prescribed by the director of revenue as provided in this section. Any contribution to the Missouri Association of State Troopers Emergency Relief Society derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Missouri Association of State Troopers Emergency Relief Society. Any member of the Missouri Association of State Troopers Emergency Relief Society may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Missouri Association of State Troopers Emergency Relief Society, the Missouri Association of State Troopers Emergency Relief Society shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual statement and 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 license plate which shall bear the emblem of the Missouri Association of State Troopers Emergency Relief Society and the words "The MASTERS" 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 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 pursuant to this section.

3. A vehicle owner who was previously issued a plate with the Missouri Association of State Troopers Emergency Relief Society emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Missouri Association of State Troopers Emergency Relief Society emblem, as otherwise provided by law.

4. 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, 2004, shall be invalid and void.

301.3131. OPTIMIST INTERNATIONAL SPECIAL LICENSE PLATES, APPLICATION, FEE. — 1. Any member of Optimist International may receive special license plates as prescribed by this section, 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] **twenty-four** thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to Optimist International of which the person is a member. Optimist International hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to Optimist International derived from this section, except reasonable administrative costs, shall be used solely for the purposes of Optimist International. Any member of Optimist International may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to Optimist International, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of Optimist International and shall have the words "FRIEND OF YOUTH" 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.

Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section.

3. A vehicle owner, who was previously issued a plate with the Optimist International emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Optimist International emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

301.3132. MISSOURI SOCIETY OF PROFESSIONAL ENGINEERS SPECIAL LICENSE PLATES, APPLICATION, FEE. — 1. Any member of or designated by the Missouri Society of Professional Engineers may receive special license plates as prescribed by this section, 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] **twenty-four** thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to the Missouri Society of Professional Engineers Educational Foundation. The Missouri Society of Professional Engineers hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Missouri Society of Professional Engineers Educational Foundation derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Missouri Society of Professional Engineers Educational Foundation and shall be deposited into the society's educational fund. Any member of or person designated by the Missouri Society of Professional Engineers may annually apply for the use of the emblem.

2. Upon annual application and annual payment of a twenty-five dollar emblem-use contribution to the Missouri Society of Professional Engineers Educational Foundation, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of the Missouri Society of Professional Engineers and the words "MISSOURI SOCIETY OF PROFESSIONAL ENGINEERS" 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. Notwithstanding the provisions of section 301.144, no additional fee shall be added or charged for the personalization of license plates issued pursuant to this section.

3. A vehicle owner, who was previously issued a plate with the Missouri Society of Professional Engineers' emblem authorized by this section but who does not provide an emblem-use authorization statement at the subsequent time of registration, shall be issued a new plate which does not bear the Missouri Society of Professional Engineers' emblem, as otherwise provided by law.

4. The director of the department of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter

536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

301.3133. LEWIS AND CLARK EXPEDITION ANNIVERSARY SPECIAL LICENSE PLATES, APPLICATION, FEE. — 1. Any vehicle owner, after an annual contribution to the Missouri Travel Council, may receive special license plates commemorating the bicentennial anniversary of the Lewis and Clark expedition for any **motor** vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of [eighteen] **twenty-four** thousand pounds gross weight. The Missouri Travel Council, in conjunction with the department of revenue, shall design the Lewis and Clark bicentennial special license plate. The background of the plate shall depict a full-color image, covering the entire plate, and lightened across two-thirds of the area so as not to hinder the readability of the license plate registration number. Such license plates shall be made with fully reflective material, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

2. Upon making a twenty-five dollar contribution to the Missouri Travel Council, the motor vehicle owner may apply for the special license plate commemorating the bicentennial anniversary of the Lewis and Clark expedition. If the contribution is made directly to the Missouri Travel Council, the Missouri Travel Council shall issue the individual making the contribution a receipt, verifying the contribution, that may be used to apply for the Lewis and Clark special license plate. 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 Lewis and Clark plate. The applicant for such special license 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 Lewis and Clark 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.

3. 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, 2004, shall be invalid and void.

4. A vehicle owner who was previously issued a Lewis and Clark special license plate pursuant to this section, but does not provide a receipt evidencing a contribution to the Missouri Travel Council or make a contribution directly to the department of revenue at a subsequent time of registration, shall be issued a new license plate which does not commemorate the bicentennial anniversary of the Lewis and Clark expedition. 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.

301.3137. ALPHA PHI OMEGA SPECIAL LICENSE PLATES, APPLICATION, FEE. — 1. Any current member or alumnus of the Alpha Phi Omega organizations at any college or university within this state 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] **twenty-four** thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to Alpha Phi Omega. Alpha Phi Omega hereby authorizes the use of their official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to Alpha Phi Omega derived from this

section, except reasonable administrative costs, shall be used solely for the purposes of that organization. Any member or alumnus of Alpha Phi Omega may annually apply for the use of the organization's emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to Alpha Phi Omega, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of Alpha Phi Omega and the words "ALPHA PHI OMEGA" shall replace 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. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section.

3. A vehicle owner, who was previously issued a plate with the Alpha Phi Omega emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Alpha Phi Omega emblem, as otherwise provided by law. The director of revenue shall make 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 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

301.3139. BOY SCOUTS OF AMERICA SPECIAL LICENSE PLATES, APPLICATION, FEE. —

1. Any Boy Scout of appropriate age as prescribed by law or parent of a Boy Scout may receive special license plates as prescribed by this section, 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] **twenty-four** thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to the Boy Scouts of America Council of which the person is a member or the parent of a member. The Boy Scouts of America hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Boy Scouts of America derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Boy Scouts of America. Any Boy Scout or parent of a Boy Scout may annually apply for the use of the emblem and pay the twenty-five dollar emblem-use authorization fee at any local district council in the state.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Boy Scouts of America, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of the Boy Scouts of America and the words "BOY SCOUTS OF 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. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section.

3. A vehicle owner, who was previously issued a plate with the Boy Scouts of America emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Boy Scouts of America emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

301.3141. SOME GAVE ALL SPECIAL LICENSE PLATE — CONTRIBUTION — FEE, DESIGN — RULEMAKING AUTHORITY — EXCEPTION. — 1. Any parent or sibling who has had a member of his or her immediate family die in the line of duty while serving in the U.S. Armed Forces, after making an annual payment described in subsection 2 of this section to the Veterans of Foreign Wars Department of Missouri and paying all applicable registration fees, may receive special 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] **twenty-four** thousand pounds gross weight. The Veterans of Foreign Wars Department of Missouri, in conjunction with the director of the department of revenue, shall design the special license plate. Any immediate family member of a fallen soldier may apply annually for the use of the emblem.

2. Upon making a twenty-five dollar contribution to the Veterans of Foreign Wars Department of Missouri, the motor vehicle owner may apply for the special license plate described in this section. If the contribution is made directly to the Veterans of Foreign Wars Department of Missouri, the Veterans of Foreign Wars Department of Missouri shall issue the individual making the contribution a receipt, verifying the contribution, that may be used to apply for the special license plate. If the contribution is made directly to the director of revenue, the director shall note the contribution, and the owner then may apply for the special license plate. All contribution fees shall be remitted to the Veterans of Foreign Wars Department of Missouri.

3. Upon presentation of the receipt described in subsection 2 of this section or payment of the twenty-five dollar contribution directly to the department of revenue, payment of a fifteen dollar fee in addition to the regular registration fees, presentation of any documents that may be required by law, and any proof that the applicant's family member died in the line of duty while serving in the United States Armed Forces as the director may require, the director of revenue shall issue to the vehicle owner a special license plate that shall bear the emblem of a five-pointed star and the words "SOME GAVE ALL" 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 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 under this section.

4. A vehicle owner who previously was issued a special license plate authorized by this section, but who does not provide a receipt as described under subsection 2 of this section at a subsequent time of registration, shall be issued a new plate that does not bear the emblem described in this section, as otherwise provided by law. 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, 2006, shall be invalid and void.

5. The provisions of section 301.3150 shall not apply to the specialized license plate created under this section.

301.3142. MILITARY KILLED IN LINE OF DUTY SPECIAL LICENSE PLATES, APPLICATION BY IMMEDIATE FAMILY MEMBERS, FEE. — 1. Any immediate family member, including stepsiblings or stepchildren, who wishes to pay tribute to a member of the United States military who was a resident of this state and who was killed in the line of duty may receive special personalized license plates as prescribed by this section, 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] **twenty-four** 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 of eligibility as the director may require.

3. Upon presentation of such proof of eligibility and payment of 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 initials of the member of the United States military killed while in the line of duty, a gold star on the left side of the plates, followed by a three-letter description of the relative's relation to the veteran, provided such license plate configuration is not currently in use, and the words "WE SHALL NOT FORGET" 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. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section.

5. 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.

6. License plates issued pursuant to 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.

7. 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 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

301.3143. DELTA TAU DELTA SPECIAL LICENSE PLATES, APPLICATION, FEE. — 1. Any current member or alumnus of the Delta Tau Delta organization at any college or university within this state 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] **twenty-four** thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to the appropriate organization. Delta Tau Delta hereby authorizes the use of their official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to Delta Tau Delta derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the organization. Any member of Delta Tau Delta may annually apply for the use of the organization's emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to Delta Tau Delta, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee, and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of Delta Tau Delta and shall bear the words "DELTA TAU DELTA" 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. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section.

3. A vehicle owner, who was previously issued a plate with the Delta Tau Delta emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Delta Tau Delta emblem, as otherwise provided by law. The director of revenue shall make 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 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

301.3144. CAMP QUALITY SPECIAL LICENSE PLATES, APPLICATION, FEE. — 1. Any person may receive special license plates as prescribed by this section, 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] **twenty-four** thousand pounds gross weight, after an annual contribution of an emblem-use authorization fee to Camp Quality of Missouri. Any contribution given pursuant to this section shall be designated for the sole use of providing scholarships to children with cancer who are residents of the state of Missouri for attendance at any summer camp conducted by Camp Quality in the state of Missouri. Camp Quality of Missouri hereby authorizes the use of its official emblem to be affixed on single-year or multiyear personalized license plates as provided in this section. Any person may annually or [biannually] **biennially** apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to Camp Quality of Missouri, that organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual or [biannual] **biennial** statement, payment of a fifteen dollar fee, in addition to the registration fees, and presentation of other documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of Camp Quality of Missouri and shall bear the words "CAMP QUALITY-

FUN FOR KIDS WITH CANCER" in the 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. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section.

3. A vehicle owner, who was previously issued a plate with the Camp Quality of Missouri emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Camp Quality of Missouri emblem, as otherwise provided by law.

4. The director of the department of revenue shall make 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 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

301.3145. AMERICAN HEART ASSOCIATION SPECIAL LICENSE PLATES, APPLICATION, FEE. — 1. Any supporter of the American Heart Association of appropriate age as prescribed by law may receive special license plates as prescribed by this section, 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] **twenty-four** thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to the American Heart Association of which the person is a supporter. The American Heart Association hereby authorizes the use of its official emblem red dress icon to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the American Heart Association derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the American Heart Association. Any supporter of the American Heart Association may annually apply for the use of the emblem and pay the twenty-five dollar emblem-use authorization fee at any local district council in the state.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the American Heart Association, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of the red dress icon on the left side of the plate and the words "WINNING WOMEN" shall replace 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. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section.

3. A vehicle owner, who was previously issued a plate with the red dress icon emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the red dress icon emblem, as otherwise provided by law. The director of revenue shall make 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, 2004, shall be invalid and void.

301.3146. SEARCH AND RESCUE SPECIAL LICENSE PLATES, APPLICATION, FEE. — 1. Any member of the search and rescue council of Missouri, after an annual payment of an emblem-use authorization fee to the search and rescue council of Missouri, may receive special license plates for any **motor** vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of [eighteen] **twenty-four** thousand pounds gross weight. The search and rescue council of Missouri hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates within the plate area prescribed by the director of revenue and as provided in this section. Any contribution to the search and rescue council of Missouri derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the search and rescue council of Missouri. Any member of the search and rescue council of Missouri may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the search and rescue council of Missouri, the search and rescue council of Missouri shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual statement and 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 license plate which shall bear the emblem of the search and rescue council of Missouri and the words "SEARCH AND RESCUE" 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 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 pursuant to this section.

3. A vehicle owner who was previously issued a plate with the search and rescue council of Missouri emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the search and rescue council of Missouri emblem, as otherwise provided by law. 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.

301.3147. THETA CHI SPECIAL LICENSE PLATES, APPLICATION, FEE. — 1. Any current undergraduate or alumnus member of any chapter of Theta Chi Fraternity 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] **twenty-four** thousand pounds gross weight, after an annual contribution of at least twenty-five dollars to the Foundation Chapter of Theta Chi Fraternity, Inc. Theta Chi Fraternity, Inc., hereby authorizes the use of their official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to Theta Chi Fraternity, Inc., derived from this section, except reasonable administrative costs, shall be used solely for the purposes of that organization. Any undergraduate or alumnus member of Theta Chi Fraternity, Inc., may annually apply for the use of the organization's emblem.

2. Upon annual application and payment of twenty-five dollars to the Foundation Chapter of Theta Chi Fraternity, Inc., the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the

department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of Theta Chi Fraternity, Inc., and shall bear the words "THETA CHI FRATERNITY" in the 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. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for personalization of license plates pursuant to this section.

3. A vehicle owner, who was previously issued a plate with the Theta Chi Fraternity, Inc., emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Theta Chi Fraternity, Inc., emblem, as otherwise provided by law. The director of revenue shall make 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 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

301.3150. PROCEDURE FOR APPROVAL, EXCEPTIONS — TRANSFER OF MONEYS COLLECTED. — 1. An organization, other than an organization seeking a special military license plate or a collegiate or university plate, that seeks authorization to establish a new specialty license plate shall initially petition the department of revenue by submitting the following:

(1) An application in a form prescribed by the director for the particular specialty license plate being sought, describing the proposed specialty license plate in general terms and have a sponsor of at least one current member of the general assembly in the same legislative session in which the application is reviewed pursuant to subsection 5 of section 21.795. The application may contain written testimony for support of this specialty plate;

(2) Each application submitted pursuant to this section shall be accompanied by a list of at least two hundred potential applicants who plan to purchase the specialty plate if the specialty plate is approved pursuant to this section;

(3) An application fee, not to exceed five thousand dollars, to defray the department's cost for issuing, developing and programming the implementation of the specialty plate, if authorized; and

(4) All moneys received by the department of revenue, for the reviewing and development of specialty plates shall be deposited in the state treasury to the credit of the "Department of Revenue Specialty Plate Fund" which is hereby created. The state treasurer shall be custodian of the fund and shall make disbursements from the fund requested by the Missouri director of revenue for personal services, expenses, and equipment required to prepare, review, develop, and disseminate a new specialty plate and process the two hundred applications to be submitted once the plate is approved and to refund deposits for the application of such specialty plate, if the application is not approved by the joint committee on transportation oversight and for no other purpose.

2. At the end of each state fiscal year, the director of revenue shall:

(1) Determine the amount of all moneys deposited into the department of revenue specialty plate fund;

(2) Determine the amount of disbursements from the department of revenue specialty plate fund which were made to produce the specialty plate and process the two hundred applications; and

(3) Subtract the amount of disbursements from the income figure referred to in subdivision (1) of this subsection and deliver this figure to the state treasurer.

3. The state treasurer shall transfer an amount of money equal to the figure provided by the director of revenue from the department of revenue specialty plate fund to the state highway department fund. An unexpended balance in the department of revenue specialty plate fund at the end of the biennium not exceeding twenty-five thousand dollars shall be exempt from the provisions of section 33.080 relating to transfer of unexpended balances to the general revenue fund.

4. The documents and fees required pursuant to this section shall be submitted to the department of revenue by July first prior to the next regular session of the general assembly to be approved or denied by the joint committee on transportation oversight during that legislative session.

5. The department of revenue shall give notice of any proposed specialty plate in a manner reasonably calculated to advise the public of such proposal. Reasonable notice shall include posting the proposal for the specialty plate on the department's official public website, and making available copies of the specialty plate 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.

6. Adequate notice conforming with all the requirements of subsection 5 of this section shall be given not less than four weeks, exclusive of weekends and holidays when the facility is closed, after the submission of the application by the organization to the department of revenue. Written or electronic testimony in support or opposition of the proposed specialty plate shall be submitted to the department of revenue by November thirtieth of the year of filing of the original proposal. All written testimony shall contain the printed name, signature, address, phone number, and email address, if applicable, of the individual giving the testimony.

7. The department of revenue shall submit for approval all applications for the development of specialty plates to the joint committee on transportation oversight during a regular session of the general assembly for approval.

8. If the specialty license plate requested by an organization is approved by the joint committee on transportation oversight, the organization shall submit the proposed art design for the specialty license plate to the department as soon as practicable, but no later than sixty days after the approval of the specialty license plate. If the specialty license plate requested by the organization is not approved by the joint committee on transportation oversight, ninety-seven percent of the application fee shall be refunded to the requesting organization.

9. An emblem-use authorization fee may be charged by the organization prior to the issuance of an approved specialty plate. The organization's specialty plate proposal approved by the joint committee on transportation oversight shall state what fee is required to obtain such statement and if such fee is required annually or biennially, if the applicant has a two-year registration. An organization applying for specialty plates shall authorize the use of its official emblem to be affixed on multiyear personalized license plates within the plate area prescribed by the director of revenue and as provided in this section. Any contribution to the organization derived from the emblem-use contribution, except reasonable administrative costs, shall be used solely for the purposes of the organization. Any member of the organization or nonmember, if applicable, may annually apply for the use of the emblem, if applicable.

10. The department shall begin production and distribution of each new specialty license plate within one year after approval of the specialty license plate by the joint committee on transportation oversight.

11. The department shall issue a specialty license plate to the owner who meets the requirements for issuance of the specialty plate for any motor vehicle such owner owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of [eighteen] **twenty-four** thousand pounds gross weight.

12. Each new or renewed application for an approved specialty license plate shall be made to the department of revenue, accompanied by an additional fee of fifteen dollars and the appropriate emblem-use authorization statement.

13. The appropriate registration fees, fifteen dollar specialty plate fee, processing fees and documents otherwise required for the issuance of registration of the motor vehicle as set forth by law must be submitted at the time the specialty plates are actually issued and renewed or as otherwise provided by law. However, no additional fee for the personalization of this plate shall be charged.

14. Once a specialty plate design is approved, a request for such plate may be made any time during a registration period. If a request is made for a specialty license plate to replace a current valid license plate, all documentation, credits, and fees provided for in this chapter when replacing a current license plate shall apply.

15. A vehicle owner who was previously issued a plate with an organization emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration if required, shall be issued a new plate which does not bear the organization's emblem, as otherwise provided by law.

16. Specialty license plates shall bear a design approved by the organization submitting the original application for approval by the joint committee on transportation oversight. The design shall be within the plate area prescribed by the director of revenue, and the designated organization's name or slogan shall be in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme, 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 and as provided in this section. In addition to a design, the specialty license plates shall be in accordance with criteria and plate design set forth in this chapter.

17. The department is authorized to discontinue the issuance and renewal of a specialty license plate if the organization has stopped providing services and emblem-use authorization statements are no longer being issued by the organization. Such organizations shall notify the department immediately to discontinue the issuance of a specialty plate.

18. The organization that requested the specialty license plate shall not redesign the specialty personalized license plate unless such organization pays the director in advance all redesigned plate fees. All plate holders of such plates must pay the replacement fees prescribed in section 301.300 for the replacement of the existing specialty plate. All other applicable license plate fees in accordance with this chapter shall be required.

301.3158. LEGION OF MERIT MEDAL SPECIAL LICENSE PLATE, PROCEDURE. — Any person who has been awarded the military service award known as the legion of merit 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] **twenty-four** thousand pounds gross weight. 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 legion of merit medal as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the advisory committee established in section 301.129, with the words "LEGION OF MERIT" 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. Such plates shall also bear an image of the legion of merit medal. There

shall be an additional fee charged for each set of legion of merit license plates issued under this section equal to the fee charged for personalized license 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 with such plates for the duration of the year licensed in the event of the death of the qualified person.

301.3161. CASS COUNTY — THE BURNT DISTRICT SPECIAL LICENSE PLATE AUTHORIZED, FEE. — 1. Notwithstanding any other provision of law to the contrary, any person 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] **twenty-four** thousand pounds gross weight, after an annual contribution of twenty-five dollars to the Cass County collector of revenue. Any contribution derived from this section, except reasonable administrative costs, shall be distributed within the county as follows:

- (1) Seventy percent to public safety;
- (2) Fifteen percent to the Cass County Historical Society; and
- (3) Fifteen percent to the Cass County parks and recreation department.

2. Upon annual application and payment of twenty-five dollars to the Cass County collector of revenue, the county shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the director of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a specialty personalized license plate which shall bear the words "CASS COUNTY — THE BURNT DISTRICT" at the bottom of the plate in a manner prescribed by the director of revenue. Such license plates shall be yellow beginning at the top with the color fading into orange at the bottom and shall have a black decorative scroll on the left and right side of the plate configuration. The scrolls shall not be more than one inch in width or three and [a half] **one-half** inches in height. 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. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for personalization of license plates under this section.

3. A vehicle owner who was previously issued a plate with the emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Cass County Burnt District emblem, as otherwise provided by law. 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.

4. Prior to the issuance of a specialty personalized plate authorized under this section, the department of revenue must be in receipt of an application, as prescribed by the director, which shall be accompanied by a list of at least two hundred potential applicants who plan to purchase the specialty personalized plate, the proposed art design for the specialty license plate, and an application fee, not to exceed five thousand dollars, to defray the department's cost for issuing, developing, and programming the implementation of the specialty plate. Once the plate design is approved, the director of revenue shall not authorize the manufacture of the material to produce such specialized license plates with the individual seal, logo, or emblem until such time as the director has received two hundred applications, the fifteen dollar specialty plate fee per application, and emblem-use statements, if applicable, and other required documents or fees for such plates.

5. The specialty personalized plate shall not be redesigned unless the organization pays the director in advance for all redesigned plate fees for the plate established in this section. If a member chooses to replace the specialty personalized plate for the new design the member must pay the replacement fees prescribed in section 301.300 for the replacement of the existing specialty personalized plate. All other applicable license plate fees in accordance with this chapter shall be required.

301.3162. NIXA EDUCATION FOUNDATION SPECIAL LICENSE PLATE AUTHORIZED, FEE.

— 1. Notwithstanding any other provision of law, any person, after an annual payment of an emblem-use fee to the Nixa Education Foundation, may receive personalized specialty license plates for any **motor** vehicle owned, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of [eighteen] **twenty-four** thousand pounds gross weight. The Nixa Education Foundation hereby authorizes the use of its official emblem to be affixed on multi-year personalized specialty license plates as provided in this section. Any contribution to the Nixa Education Foundation derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Nixa Education Foundation. Any person may annually apply for the use of the emblem.

2. Upon annual application and payment of a fifteen dollar emblem-use contribution to the Nixa Education Foundation, the Nixa Education Foundation shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual emblem-use authorization statement and 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 personalized specialty license plate which shall bear the emblem of the Nixa Education Foundation. 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. In addition, upon each set of license plates shall be inscribed, in lieu of the words "SHOW-ME STATE", the words "NIXA EDUCATION FOUNDATION". Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalized specialty plates issued under this section.

3. A vehicle owner who was previously issued a plate with the Nixa Education Foundation's emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Nixa Education Foundation's emblem, as otherwise provided by law. 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.

4. Prior to the issuance of a Nixa Education Foundation specialty plate authorized under this section, the department of revenue must be in receipt of an application, as prescribed by the director, which shall be accompanied by a list of at least two hundred potential applicants who plan to purchase the specialty plate, the proposed art design for the specialty license plate, and an application fee, not to exceed five thousand dollars, to defray the department's cost for issuing, developing, and programming the implementation of the specialty plate. Once the plate design is approved, the director of revenue shall not authorize the manufacture of the material to produce such personalized specialty license plates with the individual seal, logo, or emblem until such time as the director has received two hundred applications, the fifteen dollar specialty plate fee per application, and emblem-use statements, if applicable, and other required documents or fees for such plates.

301.3163. DON'T TREAD ON ME SPECIALTY PERSONALIZED LICENSE PLATE AUTHORIZED. — Any person may apply for specialty personalized "Don't Tread on Me" 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]

twenty-four thousand pounds gross weight. Such person shall make application for the specialty personalized license plates on a form provided by the director of revenue. The director shall then issue specialty personalized license plates bearing letters or numbers or a combination thereof as determined by the director, with the words "DON'T TREAD ON ME" centered on the bottom one-fourth of the plate, in bold, all capital letters, and with lettering identical to the lettering used for the word "MISSOURI" on the regular state license plate. Such words shall be no smaller than forty-eight point type. Such plates shall be tiger yellow beginning at the top and bottom, with the color fading into white in the center. All numbers and letters shall be black. The left side shall contain a reproduction of the "Gadsden Snake" in black and white, with the snake to be three inches in height and two inches wide, and sitting on green grass that is two and one-quarter inches wide. Upon 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 specialty personalized plate. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued under this section. 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.

301.3165. DARE TO DREAM SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Any vehicle owner may apply for special "DARE TO DREAM" motor vehicle license plates as prescribed by this section 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] **twenty-four** 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 "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 "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 "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 "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 "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.

301.3166. NATIONAL WILD TURKEY FEDERATION SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Notwithstanding any other provision of law to the contrary, any member of the National Wild Turkey Federation, after an annual payment of an emblem-use fee to the National Wild Turkey Federation, may receive specialty personalized license plates for any **motor** vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of [eighteen] **twenty-four** thousand pounds gross weight. The National Wild Turkey Federation hereby authorizes the use of its official emblem to be affixed on specialty personalized license plates within the plate area prescribed by the director of revenue and as provided in this section. Any contribution to the National Wild Turkey Federation derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the National Wild Turkey Federation. Any member of the National Wild Turkey Federation may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the National Wild Turkey Federation, the National Wild Turkey Federation shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual statement and 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 specialty personalized license plate which shall bear the emblem of the National Wild Turkey Federation, and the words "National Wild Turkey Federation" 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 the National Wild Turkey Federation's emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the National Wild Turkey Federation's emblem, as otherwise provided by law.

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.

4. Prior to the issuance of a National Wild Turkey Federation specialty personalized plate authorized under this section the department of revenue must be in receipt of an application, as prescribed by the director, which shall be accompanied by a list of at least two hundred potential applicants who plan to purchase the specialty personalized plate, the proposed art design for the specialty license plate, and an application fee, not to exceed five thousand dollars, to defray the department's cost for issuing, developing, and programming the implementation of the specialty plate. Once the plate design is approved, the director of revenue shall not authorize the manufacture of the material to produce such specialized license plates with the individual seal, logo, or emblem until such time as the director has received two hundred applications, the fifteen dollar specialty plate fee per application, and emblem use statements, if applicable, and other required documents or fees for such plates.

5. The specialty personalized plate shall not be redesigned unless the organization pays the director in advance for all redesigned plate fees for the plate established in this section. If a member chooses to replace the specialty personalized plate for the new design the member must pay the replacement fees prescribed in section 301.300 for the replacement of the existing specialty personalized plate. All other applicable license plates fees in accordance with this chapter shall be required.

301.3167. GO TEAM USA SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Notwithstanding any other provision of law to the contrary, any person, after an annual payment of an emblem-use fee to the United States Olympic Committee, may receive specialty personalized license plates for any **motor** vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of [eighteen] **twenty-four** thousand pounds gross weight. The United States Olympic Committee hereby authorizes the use of its official emblem to be affixed on specialty license plates within the plate area prescribed by the director of revenue and as provided in this section. The twenty-five dollar emblem use contribution shall be split fifty percent to the Springfield Olympic community development program and fifty percent to the United States Olympic Committee. Any contribution to the United States Olympic Committee or the Springfield Olympic community development program derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the United States Olympic Committee or the Springfield Olympic community development program. Any person may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the United States Olympic Committee, the United States Olympic Committee shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual emblem-use authorization statement and 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 specialty personalized license plate which shall bear the emblem of the United States Olympic Committee, and the words "GO TEAM USA" 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 under this section.

3. A vehicle owner who was previously issued a plate with the United States Olympic Committee's emblem authorized by this section, but who does not provide an emblem-use

authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the United States Olympic Committee's emblem, as otherwise provided by law. 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.

4. Prior to the issuance of a United States Olympic Committee specialty personalized plate authorized under this section, the department of revenue must be in receipt of an application, as prescribed by the director, which shall be accompanied by a list of at least two hundred potential applicants who plan to purchase the specialty personalized plate, the proposed art design for the specialty license plate, and an application fee, not to exceed five thousand dollars, to defray the department's cost for issuing, developing, and programming the implementation of the specialty plate. Once the plate design is approved, the director of revenue shall not authorize the manufacture of the material to produce such specialized license plates with the individual seal, logo, or emblem until such time as the director has received two hundred applications, the fifteen dollar specialty plate fee per application, and emblem-use statements, if applicable, and other required documents or fees for such plates.

5. The specialty personalized plate shall not be redesigned unless the organization pays the director in advance for all redesigned plate fees for the plate established in this section. If a member chooses to replace the specialty personalized plate for the new design the member must pay the replacement fees prescribed in section 301.300 for the replacement of the existing specialty personalized plate. All other applicable license plate fees in accordance with this chapter shall be required.

301.3168. PROUDSUPPORTER (AMERICAN RED CROSS) SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Notwithstanding any other provision of law to the contrary, any person after an annual payment of an emblem-use fee to the American Red Cross trust fund may receive specialty personalized license plates for any **motor** vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of [eighteen] **twenty-four** thousand pounds gross weight. The Missouri Chapter of the American Red Cross hereby authorizes the use of its official emblem to be affixed on specialty license plates within the plate area prescribed by the director of revenue and as provided in this section. Any contribution to the American Red Cross derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the American Red Cross. Any person may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the American Red Cross trust fund, the Missouri Chapter of the American Red Cross shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual emblem-use authorization statement and 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 specialty personalized license plate which shall bear the emblem of the Missouri Chapter of the American Red Cross, and the words "PROUD SUPPORTER" 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 under this section.

3. A vehicle owner who was previously issued a plate with the Missouri Chapter of the American Red Cross' emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Missouri Chapter of the American Red Cross' emblem, as otherwise provided

by law. 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.

4. Prior to the issuance of a Missouri Chapter of the American Red Cross specialty personalized plate authorized under this section, the department of revenue must be in receipt of an application, as prescribed by the director, which shall be accompanied by a list of at least two hundred potential applicants who plan to purchase the specialty personalized plate, the proposed art design for the specialty license plate, and an application fee, not to exceed five thousand dollars, to defray the department's cost for issuing, developing, and programming the implementation of the specialty plate. Once the plate design is approved, the director of revenue shall not authorize the manufacture of the material to produce such specialized license plates with the individual seal, logo, or emblem until such time as the director has received two hundred applications, the fifteen dollar specialty plate fee per application, and emblem-use statements, if applicable, and other required documents or fees for such plates.

5. The specialty personalized plate shall not be redesigned unless the organization pays the director in advance for all redesigned plate fees for the plate established in this section. If a member chooses to replace the specialty personalized plate for the new design the member must pay the replacement fees prescribed in section 301.300 for the replacement of the existing specialty personalized plate. All other applicable license plate fees in accordance with this chapter shall be required.

301.3169. PONY EXPRESS SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Notwithstanding any other provision of law to the contrary, any person, after an annual payment of an emblem-use fee to the Pony Express Museum in St. Joseph, may receive specialty personalized license plates for any **motor** vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of [eighteen] **twenty-four** thousand pounds gross weight. The Pony Express Museum will provide a logo to be affixed on specialty license plates within the plate area prescribed by the director of revenue and as provided in this section. Any contribution to the Pony Express Museum derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Pony Express Museum. Any person may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Pony Express Museum, the museum shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual emblem-use authorization statement and 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 specialty personalized license plate which shall bear the rider on horseback emblem, and the words "Pony Express" 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 under this section.

3. A vehicle owner who was previously issued a plate with the Pony Express Museum's emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Pony Express Museum's emblem, as otherwise provided by law. 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.

4. Prior to the issuance of a Pony Express specialty personalized plate authorized under this section, the department of revenue must be in receipt of an application, as prescribed by the director, which shall be accompanied by a list of at least two hundred potential applicants who plan to purchase the specialty personalized plate, the proposed art design for the specialty license plate, and an application fee, not to exceed five thousand dollars, to defray the department's cost for issuing, developing, and programming the implementation of the specialty plate. Once the plate design is approved, the director of revenue shall not authorize the manufacture of the material to produce such specialized license plates with the individual seal, logo, or emblem until such time as the director has received two hundred applications, the fifteen dollar specialty plate fee per application, and emblem-use statements, if applicable, and other required documents or fees for such plates.

5. The specialty personalized plate shall not be redesigned unless the organization pays the director in advance for all redesigned plate fees for the plate established in this section. If a member chooses to replace the specialty personalized plate for the new design the member must pay the replacement fees prescribed in section 301.300 for the replacement of the existing specialty personalized plate. All other applicable license plate fees in accordance with this chapter shall be required.

301.3170. NATIONAL RIFLE ASSOCIATION SPECIAL LICENSE PLATE, APPLICATION, FEE.

— 1. Notwithstanding any other provision of law to the contrary, any member of the National Rifle Association, after an annual payment of an emblem-use fee to the National Rifle Association, may receive specialty personalized license plates for any **motor** vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of [eighteen] **twenty-four** thousand pounds gross weight. The National Rifle Association hereby authorizes the use of its official emblem to be affixed on specialty personalized license plates within the plate area prescribed by the director of revenue and as provided in this section. Any contribution to the National Rifle Association derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the National Rifle Association. Any member of the National Rifle Association may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the National Rifle Association, the National Rifle Association shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual statement and 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 specialty personalized license plate which shall bear the emblem of the National Rifle Association, and the words National Rifle Association 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 the National Rifle Association's emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the National Rifle Association's emblem, as otherwise provided by law. 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.

4. Prior to the issuance of a National Rifle Association specialty personalized plate authorized under this section the department of revenue must be in receipt of an application, as

prescribed by the director, which shall be accompanied by a list of at least two hundred potential applicants who plan to purchase the specialty personalized plate, the proposed art design for the specialty license plate, and an application fee, not to exceed five thousand dollars, to defray the department's cost for issuing, developing, and programming the implementation of the specialty plate. Once the plate design is approved, the director of revenue shall not authorize the manufacture of the material to produce such specialized license plates with the individual seal, logo, or emblem until such time as the director has received two hundred applications, the fifteen dollar specialty plate fee per application, and emblem use statements, if applicable, and other required documents or fees for such plates.

5. The specialty personalized plate shall not be redesigned unless the organization pays the director in advance for all redesigned plate fees for the plate established in this section. If a member chooses to replace the specialty personalized plate for the new design the member must pay the replacement fees prescribed in section 301.300 for the replacement of the existing specialty personalized plate. All other applicable license plates fees in accordance with this chapter shall be required.

301.3173. MISSOURI BOYS STATE AND MISSOURI GIRLS STATE SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Notwithstanding any other provision of law to the contrary, anyone who participated in the American Legion's Missouri Boys State Program or the American Legion's Missouri Girls State Program, after an annual payment of an emblem-use fee to Missouri Boys State or Missouri Girls State, may receive specialty personalized license plates 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 twenty-four thousand pounds gross weight. The American Legion Missouri Boys State and the American Legion Missouri Girls State hereby authorizes the use of its official emblem to be affixed on specialty personalized license plates within the plate area prescribed by the director of revenue and as provided in this section. Any contribution to Missouri Boys State or Missouri Girls State derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Missouri Boys State Program or the Missouri Girls State Program.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to Missouri Boys State or Missouri Girls State, Missouri Boys State or Missouri Girls State shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual statement and 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 specialty personalized license plate which shall bear the emblem of Missouri Boys State and the words Missouri Boys State at the bottom of the plate, or Missouri Girls State and the words Missouri Girls State 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 Missouri Boys State's emblem or the Missouri Girls State's emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Missouri Boys State's emblem or the Missouri Girls State's emblem, as otherwise provided by law. 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.

4. Prior to the issuance of a Missouri Boys State or Missouri Girls State specialty personalized plate authorized under this section the department of revenue shall be in receipt of an application, as prescribed by the director, which shall be accompanied by a list of at least two hundred potential applicants who plan to purchase the specialty personalized plate, the proposed art design for the specialty license plate, and an application fee, not to exceed five thousand dollars, to defray the department's cost for issuing, developing, and programming the implementation of the specialty plate. Once the plate design is approved, the director of revenue shall not authorize the manufacture of the material to produce such specialized license plates with the individual seal, logo, or emblem until such time as the director has received two hundred applications, the fifteen dollar specialty plate fee per application, and emblem use statements, if applicable, and other required documents or fees for such plates.

5. The specialty personalized plate shall not be redesigned unless either organization pays the director in advance for all redesigned plate fees for the plate established in this section. If a member chooses to replace the specialty personalized plate for the new design, the member shall pay the replacement fees prescribed in section 301.300 for the replacement of the existing specialty personalized plate. All other applicable license plates fees in accordance with this chapter shall be required.

Approved July 1, 2016

HB 2381 [SS HCS HB 2381]

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 mine property

AN ACT to repeal section 137.115, RSMo, and to enact in lieu thereof one new section relating to mine property.

SECTION

- A. Enacting clause.
 137.115. Real and personal property, assessment — maintenance plan — assessor may mail forms for personal property — classes of property, assessment — physical inspection required, when, procedure — mine property assessment.

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

SECTION A. ENACTING CLAUSE. — Section 137.115, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 137.115, to read as follows:

137.115. REAL AND PERSONAL PROPERTY, ASSESSMENT — MAINTENANCE PLAN — ASSESSOR MAY MAIL FORMS FOR PERSONAL PROPERTY — CLASSES OF PROPERTY, ASSESSMENT — PHYSICAL INSPECTION REQUIRED, WHEN, PROCEDURE — MINE PROPERTY ASSESSMENT. — 1. All other laws to the contrary notwithstanding, the assessor or the assessor's deputies in all counties of this state including the city of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor's city, county, town or district. Except as otherwise provided in subsection 3 of this section and section 137.078, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. The assessor shall annually assess all real

property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The true value in money of any possessory interest in real property in subclass (3), where such real property is on or lies within the ultimate airport boundary as shown by a federal airport layout plan, as defined by 14 CFR 151.5, of a commercial airport having a FAR Part 139 certification and owned by a political subdivision, shall be the otherwise applicable true value in money of any such possessory interest in real property, less the total dollar amount of costs paid by a party, other than the political subdivision, towards any new construction or improvements on such real property completed after January 1, 2008, and which are included in the above-mentioned possessory interest, regardless of the year in which such costs were incurred or whether such costs were considered in any prior year. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor's books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor's plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

- (1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and
- (2) The purchase prices from sales of at least three comparable properties and the address or location thereof. As used in this subdivision, the word "comparable" means that:
 - (a) Such sale was closed at a date relevant to the property valuation; and
 - (b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

2. Assessors in each county of this state and the city of St. Louis may send personal property assessment forms through the mail.

3. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following percentages of their true value in money:

(1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;

(2) Livestock, twelve percent;

(3) Farm machinery, twelve percent;

(4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles pursuant to section 301.131 and aircraft which are at least twenty-five years old and which are used solely for noncommercial purposes and are operated less than fifty hours per year or aircraft that are home built from a kit, five percent;

(5) Poultry, twelve percent; and

(6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision [(6)] (5) of section 135.200, twenty-five percent.

4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

5. All subclasses of real property, as such subclasses are established in Section 4(b) of Article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the following percentages of true value:

(1) For real property in subclass (1), nineteen percent;

(2) For real property in subclass (2), twelve percent; and

(3) For real property in subclass (3), thirty-two percent.

6. Manufactured homes, as defined in section 700.010, which are actually used as dwelling units shall be assessed at the same percentage of true value as residential real property for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. For purposes of this section, a manufactured home located in a manufactured home rental park, rental community or on real estate not owned by the manufactured home owner shall be considered personal property. For purposes of this section, a manufactured home located on real estate owned by the manufactured home owner may be considered real property.

7. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement pursuant to section 137.750, unless the manufactured home is real estate as defined in subsection 7 of section 442.015 and assessed as a realty improvement to the existing real estate parcel.

8. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home is real estate as defined in subsection 7 of section 442.015, in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

9. The assessor of each county and each city not within a county shall use the trade-in value published in the October issue of the National Automobile Dealers' Association Official Used

Car Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. The assessor shall not use a value that is greater than the average trade-in value in determining the true value of the motor vehicle without performing a physical inspection of the motor vehicle. For vehicles two years old or newer from a vehicle's model year, the assessor may use a value other than average without performing a physical inspection of the motor vehicle. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle.

10. Before the assessor may increase the assessed valuation of any parcel of subclass (1) real property by more than fifteen percent since the last assessment, excluding increases due to new construction or improvements, the assessor shall conduct a physical inspection of such property.

11. If a physical inspection is required, pursuant to subsection 10 of this section, the assessor shall notify the property owner of that fact in writing and shall provide the owner clear written notice of the owner's rights relating to the physical inspection. If a physical inspection is required, the property owner may request that an interior inspection be performed during the physical inspection. The owner shall have no less than thirty days to notify the assessor of a request for an interior physical inspection.

12. A physical inspection, as required by subsection 10 of this section, shall include, but not be limited to, an on-site personal observation and review of all exterior portions of the land and any buildings and improvements to which the inspector has or may reasonably and lawfully gain external access, and shall include an observation and review of the interior of any buildings or improvements on the property upon the timely request of the owner pursuant to subsection 11 of this section. Mere observation of the property via a drive-by inspection or the like shall not be considered sufficient to constitute a physical inspection as required by this section.

13. The provisions of subsections 11 and 12 of this section shall only apply in any county with a charter form of government with more than one million inhabitants.

14. A county or city collector may accept credit cards as proper form of payment of outstanding property tax or license due. No county or city collector may charge surcharge for payment by credit card which exceeds the fee or surcharge charged by the credit card bank, processor, or issuer for its service. A county or city collector may accept payment by electronic transfers of funds in payment of any tax or license and charge the person making such payment a fee equal to the fee charged the county by the bank, processor, or issuer of such electronic payment.

15. Any county or city not within a county in this state may, by an affirmative vote of the governing body of such county, opt out of the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of the general reassessment, prior to January first of any year. No county or city not within a county shall exercise this opt-out provision after implementing the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, in a year of general reassessment. For the purposes of applying the provisions of this subsection, a political subdivision contained within two or more counties where at least one of such counties has opted out and at least one of such counties has not opted out shall calculate a single tax rate as in effect prior to the enactment of house bill no. 1150 of the ninety-first general assembly, second regular session. A governing body of a city not within a county or a county that has opted out under the provisions of this subsection may choose to implement the

provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of general reassessment, by an affirmative vote of the governing body prior to December thirty-first of any year.

16. The governing body of any city of the third classification with more than twenty-six thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants located in any county that has exercised its authority to opt out under subsection 15 of this section may levy separate and differing tax rates for real and personal property only if such city bills and collects its own property taxes or satisfies the entire cost of the billing and collection of such separate and differing tax rates. Such separate and differing rates shall not exceed such city's tax rate ceiling.

17. Any portion of real property that is available as reserve for strip, surface, or coal mining for minerals for purposes of excavation for future use or sale to others that has not been bonded and permitted under chapter 444 shall be assessed based upon how the real property is currently being used. Any information provided to a county assessor, state tax commission, state agency, or political subdivision responsible for the administration of tax policies shall, in the performance of its duties, 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 or taxpayer's mine property. For purposes of this subsection, "mine property" shall mean all real property that is in use or readily available as a reserve for strip, surface, or coal mining for minerals for purposes of excavation for current or future use or sale to others that has been bonded and permitted under chapter 444.

Approved June 28, 2016

HB 2428 [HB 2428]

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

Changes term "guidance counselor" to "school counselor" in laws relating to education

AN ACT to repeal sections 167.265, 168.303, 168.500, 168.520, and 192.915, RSMo, and to enact in lieu thereof five new sections relating to school counselors.

SECTION

- A. Enacting clause.
- 167.265. School counselors, grades kindergarten through nine — eligibility — application.
- 168.303. Job-sharing rules to be adopted by board, job sharing defined.
- 168.500. Career and teacher excellence plan, career ladder forward funding fund established — general assembly to appropriate funds — termination of fund — participation to be voluntary — qualifications — speech pathologists on career program, when — funding limitations.
- 168.520. Career advancement program for personnel of state schools for the blind, deaf and severely disabled — salary supplement for participants.
- 192.915. Over-the-counter weight loss pills, education and awareness program established — strategies — rulemaking authority.

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

SECTION A. ENACTING CLAUSE. — Sections 167.265, 168.303, 168.500, 168.520, and 192.915, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 167.265, 168.303, 168.500, 168.520, and 192.915, to read as follows:

167.265. SCHOOL COUNSELORS, GRADES KINDERGARTEN THROUGH NINE — ELIGIBILITY — APPLICATION. — 1. A program to provide [guidance] **school** counselors in grades kindergarten through nine is established. Any public elementary school, middle school, junior high school, or combination of such schools, containing such grades which meet the criteria pursuant to this section shall be eligible for a state financial supplement to employ a [guidance] **school** counselor. Eligibility criteria are: the school shall have a minimum enrollment of one hundred twenty-five pupils per school site, shall have a breakfast program, and shall serve at least forty percent of its lunches to pupils who are eligible for free or reduced price meals according to federal guidelines.

2. A school district which contains such eligible schools may apply to the department of elementary and secondary education for a state financial supplement to employ a [guidance] **school** counselor in those schools named in the application and in no other schools of the district. The state financial supplement shall not exceed ten thousand dollars per [guidance] **school** counselor. No more than one [guidance] **school** counselor per school shall be supplemented by the state pursuant to this section, except that a district may apply for an additional [guidance] **school** counselor if the enrollment at the school equals four hundred or more pupils. [Guidance] **School** counselors thus employed pursuant to this section shall at a minimum engage in direct counseling activities with the pupils of the school during a portion of the school day which represents that portion of the [guidance] **school** counselor's salary which is supplemented by the state pursuant to this section.

3. The state board of education shall promulgate rules and regulations for the implementation of this section. Such rules shall include identifying any qualifications for [guidance] **school** counselors which may be in addition to those promulgated pursuant to section 168.021, establishing application procedures for school districts, determining a method of awarding state financial supplements in the event that the number of applications exceeds the amounts appropriated therefor, and establishing an amount of state financial supplement per [guidance] **school** counselor based upon the salary schedule of the district.

168.303. JOB-SHARING RULES TO BE ADOPTED BY BOARD, JOB SHARING DEFINED. — The state board of education shall adopt rules to facilitate job-sharing positions for classroom teachers, as the term "job-sharing" is defined in this section. These rules shall provide that a classroom teacher in a job-sharing position shall receive paid legal holidays, annual vacation leave, sick leave, and personal leave on a pro rata basis. "Job-sharing position" shall mean any position:

- (1) Shared with one other employee;
- (2) Requiring employment of at least seventeen hours per week but not more than twenty hours per week on a regular basis; and
- (3) Requiring at least seventy percent of all time spent in classroom instruction as determined by the employer;

provided that, job-sharing position shall not include instructional support or school services positions including, but not limited to, [guidance] **school** counselor, media coordinator, psychologist, social worker, audiologist, speech and language pathologist, and nursing positions.

168.500. CAREER AND TEACHER EXCELLENCE PLAN, CAREER LADDER FORWARD FUNDING FUND ESTABLISHED — GENERAL ASSEMBLY TO APPROPRIATE FUNDS — TERMINATION OF FUND — PARTICIPATION TO BE VOLUNTARY — QUALIFICATIONS — SPEECH PATHOLOGISTS ON CAREER PROGRAM, WHEN — FUNDING LIMITATIONS. — 1. For the purpose of providing career pay, which shall be a salary supplement, for public school teachers, which for the purpose of sections 168.500 to 168.515 shall include classroom teachers, librarians, [guidance] **school** counselors and certificated teachers who hold positions as school psychological examiners, parents as teachers educators, school psychologists, special education

diagnosticians and speech pathologists, and are on the district salary schedule, there is hereby created and established a career advancement program which shall be known as the "Missouri Career Development and Teacher Excellence Plan", hereinafter known as the "career plan or program". Participation by local school districts in the career advancement program established under this section shall be voluntary. The career advancement program is a matching fund program. The general assembly may make an annual appropriation to the excellence in education fund established under section 160.268 for the purpose of providing the state's portion for the career advancement program. The "Career Ladder Forward Funding Fund" is hereby established in the state treasury. Beginning with fiscal year 1998 and until the career ladder forward funding fund is terminated pursuant to this subsection, the general assembly may appropriate funds to the career ladder forward funding fund. Notwithstanding the provisions of section 33.080 to the contrary, moneys in the fund shall not be transferred to the credit of the general revenue fund at the end of the biennium. All interest or other gain received from investment of moneys in the fund shall be credited to the fund. All funds deposited in the fund shall be maintained in the fund until such time as the balance in the fund at the end of the fiscal year is equal to or greater than the appropriation for the career ladder program for the following year, at which time all such revenues shall be used to fund, in advance, the career ladder program for such following year and the career ladder [forwarding] **forward** funding fund shall thereafter be terminated.

2. The department of elementary and secondary education, at the direction of the commissioner of education, shall study and develop model career plans which shall be made available to the local school districts. These state model career plans shall:

- (1) Contain three steps or stages of career advancement;
- (2) Contain a detailed procedure for the admission of teachers to the career program;
- (3) Contain specific criteria for career step qualifications and attainment. These criteria shall clearly describe the minimum number of professional responsibilities required of the teacher at each stage of the plan and shall include reference to classroom performance evaluations performed pursuant to section 168.128;
- (4) Be consistent with the teacher certification process recommended by the Missouri advisory council of certification for educators and adopted by the department of elementary and secondary education;
- (5) Provide that public school teachers in Missouri shall become eligible to apply for admission to the career plans adopted under sections 168.500 to 168.515 after five years of public school teaching in Missouri. All teachers seeking admission to any career plan shall, as a minimum, meet the requirements necessary to obtain the first renewable professional certificate as provided in section 168.021;
- (6) Provide procedures for appealing decisions made under career plans established under sections 168.500 to 168.515.

3. The commissioner of education shall cause the department of elementary and secondary education to establish guidelines for all career plans established under this section, and criteria that must be met by any school district which seeks funding for its career plan.

4. A participating local school district may have the option of implementing a career plan developed by the department of elementary and secondary education or a local plan which has been developed with advice from teachers employed by the district and which has met with the approval of the department of elementary and secondary education. In approving local career plans, the department of elementary and secondary education may consider provisions in the plan of the local district for recognition of teacher mobility from one district to another within this state.

5. The career plans of local school districts shall not discriminate on the basis of race, sex, religion, national origin, color, creed, or age. Participation in the career plan of a local school district is optional, and any teacher who declines to participate shall not be penalized in any way.

6. In order to receive funds under this section, a school district which is not subject to section 162.920 must have a total levy for operating purposes which is in excess of the amount allowed in Section 11(b) of Article X of the Missouri Constitution; and a school district which is subject to section 162.920 must have a total levy for operating purposes which is equal to or in excess of twenty-five cents on each hundred dollars of assessed valuation.

7. The commissioner of education shall cause the department of elementary and secondary education to regard a speech pathologist who holds both a valid certificate of license to teach and a certificate of clinical competence to have fulfilled the standards required to be placed on stage III of the career program, provided that such speech pathologist has been employed by a public school in Missouri for at least five years and is approved for placement at such stage III by the local school district.

8. Beginning in fiscal year 2012, the state portion of career ladder payments shall only be made available to local school districts if the general assembly makes an appropriation for such program. Payments authorized under sections 168.500 to 168.515 shall only be made available in a year for which a state appropriation is made. Any state appropriation shall be made prospectively in relation to the year in which work under the program is performed.

9. Nothing in this section shall be construed to prohibit a local school district from funding the program for its teachers for work performed in years for which no state appropriation is made available.

168.520. CAREER ADVANCEMENT PROGRAM FOR PERSONNEL OF STATE SCHOOLS FOR THE BLIND, DEAF AND SEVERELY DISABLED — SALARY SUPPLEMENT FOR PARTICIPANTS. —

1. For the purpose of providing career pay, which shall be a salary supplement for teachers, librarians, [guidance] school counselors and certificated teachers who hold positions as school psychological examiners, parents-as-teachers educators, school psychologists, special education diagnosticians or speech pathologists in Missouri schools for the severely disabled, the Missouri School for the Blind and the Missouri School for the Deaf, there is hereby established a career advancement program which shall become effective no later than September 1, 1986. Participation in the career advancement program by teachers shall be voluntary.

2. The department of elementary and secondary education with the recommendation of teachers from the state schools, shall develop a career plan. This state career plan shall include, but need not be limited to, the provisions of state model career plans as contained in subsection 2 of section 168.500.

3. After a teacher who is duly employed by a state school qualifies and is selected for participation in the state career plan established under this section, such a teacher shall not be denied the career pay authorized by such plan except as provided in subdivisions (1), (2), and (3) of section 168.510.

4. Each teacher selected to participate in the career plan established under this section who meets the requirements of such plan shall receive a salary supplement as provided in subdivisions (1), (2), and (3) of subsection 1 of section 168.515.

5. The department of elementary and secondary education shall annually include within its budget request to the general assembly sufficient funds for the purpose of providing career pay as established under this section to those eligible teachers employed in Missouri schools for the severely disabled, the Missouri School for the Deaf, and the Missouri School for the Blind.

192.915. OVER-THE-COUNTER WEIGHT LOSS PILLS, EDUCATION AND AWARENESS PROGRAM ESTABLISHED — STRATEGIES — RULEMAKING AUTHORITY. —

1. To increase awareness of the risks associated with use of over-the-counter weight loss pills by persons under the age of eighteen, the department of health and senior services shall implement an education and awareness program. Such program shall provide accurate information regarding weight loss and the dangers of using over-the-counter weight loss pills by the teenage population without the consultation of a licensed physician. Such program shall focus on education and awareness

programs for teenagers, parents, siblings and other family members of teenagers, teachers, [guidance] **school** counselors, superintendents and principals.

2. The department of health and senior services may use the following strategies for raising public awareness of the risks associated with use of over-the-counter weight loss pills by persons under the age of eighteen:

(1) An outreach campaign utilizing print, radio, and television public service announcements, advertisements, posters, and other materials;

(2) Community forums; and

(3) Health information and risk-factor assessment at public events.

3. The department of elementary and secondary education, in conjunction with the department of health and senior services, shall distribute information pursuant to this program.

4. The department may promulgate rules and regulations to implement the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536.

Approved June 13, 2016

HB 2453 [SCS HCS HB 2453]

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 certain state properties

AN ACT to authorize the conveyance of certain state properties, with an emergency clause for a certain section.

SECTION

A. Enacting clause.

1. Governor authorized to convey the Highlands II DMH Group Home in Jackson County.

2. Governor authorized to convey property in the City of Rolla, Phelps County.

3. Governor authorized to convey property in the City of Macon, Macon County.

4. Governor authorized to convey property in Kansas City, Jackson County.

5. Governor authorized to convey property in Jefferson City, Cole County, to F & F Development, LLC..

6. Governor authorized to convey property in the City of St. Joseph, Buchanan County.

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

SECTION 1. GOVERNOR AUTHORIZED TO CONVEY THE HIGHLANDS II DMH GROUP HOME IN JACKSON COUNTY. — **1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim to all interest of the state of Missouri in property known as the Highlands II DMH Group Home, Jackson County, Missouri, described as follows:**

Part of the Southeast 1/4 of Section 34, Township 50, Range 32 in Independence, Jackson County, Missouri described as follows:

Beginning at a point 310 feet West and 25 feet South of the Northeast corner of said 1/4 section, said point being the Northwest corner of Lot 1, PRINE'S ADDITION, thence South 0 degrees 2 minutes 10 seconds East along West line of said Lot 1, 200 feet; thence South 89 degrees 55 minutes 40 seconds West parallel with North line of said 1/4 section, a distance of 150 feet, thence North 0 degrees 2 minutes 10 seconds West, parallel with West line of Lot 1, a distance of 200 feet to a point on the South line of Jones Street, as now established, thence North 89 degrees 55 minutes 40 seconds East along said South line a distance of 150 feet to the point of beginning.

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. GOVERNOR AUTHORIZED TO CONVEY PROPERTY IN THE CITY OF ROLLA, PHELPS COUNTY. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim to all interest of the state of Missouri in property located in the City of Rolla, Phelps County, Missouri, described as follows:

A fractional part of the West Half of Railroad Lot 120 of the Railroad Addition to the City of Rolla, Missouri described as follows:

Beginning at a point on the North Line of said Lot 120, 10 feet East of the Northwest corner of said Lot 120; thence South parallel to the West line of said Lot 120 a distance of 136 feet; thence East a distance of 320 feet, more or less, thence North a distance of 136 feet to the North line of said Lot 120; thence West along said North line a distance of 320 feet, more or less, to the place of beginning; containing one acre, more or less.

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 3. GOVERNOR AUTHORIZED TO CONVEY PROPERTY IN THE CITY OF MACON, MACON COUNTY. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim to all interest of the state of Missouri in property located in the City of Macon, Macon County, Missouri, described as follows:

All that part of the Northwest Quarter of the Northwest Quarter of Section 19, Township 56 North, Range 14 West of the 5th P.M. and all that part of the Northeast Quarter of the Northeast Quarter of Section 24, Township 56 North, Range 15 West of the 5th P.M. described as follows: Beginning at Northeast corner of the Northeast Quarter of the Northeast Quarter of said Section 24; thence South $01^{\circ}19'50''$ West, 89.76 feet along the East line of the Northeast Quarter of said Northeast Quarter to the Northwest corner of the Northwest Quarter of the Northwest Quarter of said Section 19; thence South $88^{\circ}50'39''$ East, 378.0 feet, more or less, along the North line of the Northwest Quarter of said Northwest Quarter to the thread of the Chariton River; thence in a Southerly direction along and with the thread of the Chariton River to its intersection with the South line of the Northwest Quarter of said Northwest Quarter; thence North $88^{\circ}38'14''$ West, 783.0 feet, more or less, along said South line to the Southwest corner of the Northwest Quarter of said Northwest Quarter; thence North $01^{\circ}23'18''$ East, 67.64 feet along the West line of the Northwest Quarter of said Northwest Quarter to the Southeast Corner of the Northeast Quarter of the Northeast Quarter of aforesaid Section 24; thence North $89^{\circ}55'29''$ West, 171.71 feet along the South line of the Northeast Quarter of said Northeast Quarter to the centerline of Icebox Road; thence North $05^{\circ}00'59''$ West, 183.13 feet and North $21^{\circ}11'46''$ West, 62.34 feet and North $22^{\circ}57'12''$ West, 407.79 feet and North $22^{\circ}37'59''$ West, 309.14 feet and North $15^{\circ}35'19''$ West, 158.92 feet and North $06^{\circ}36'54''$ West, 130.65 feet and North

22° 09'30" West, 138.59 feet all along said centerline to the North line of the Northeast Quarter of said Northeast Quarter; thence North 89° 59'12" East, 630.12 feet along said North line to the point of beginning. Contains 26.0 acres, more or less, per Survey No. L-390 by Lortz Surveying, LLC.

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 4. GOVERNOR AUTHORIZED TO CONVEY PROPERTY IN KANSAS CITY, JACKSON COUNTY. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim to all interest of the state of Missouri in property located in Kansas City, Jackson County, Missouri, described as follows:

All that part of the Southwest quarter of the Northwest quarter of Section 3, Township 49, Range 33, in Kansas City, Jackson County, Missouri, described as beginning at the Northeast corner of Prospect Avenue and 12th Street, said corner being 30 feet East and 40 feet North of the Southwest corner of said quarter quarter section, run East along the North line of 12th Street 267 feet, thence North parallel with the East line of Prospect Avenue 256.75 feet to the South line of Peery Avenue, thence West along the South line of Peery Avenue 267 feet to the East line of Prospect Avenue and thence South along the East line of Prospect Avenue 256.75 feet to the point of beginning, subject to the right of way of Montgall Avenue over the East twenty-five feet thereof.

Subject to covenants, conditions, restrictions, easements and any other matters of public 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 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 5. GOVERNOR AUTHORIZED TO CONVEY PROPERTY IN JEFFERSON CITY, COLE COUNTY, TO F & F DEVELOPMENT, LLC. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim to all interest of the state of Missouri in property located in the City of Jefferson, Cole County, Missouri, described as follows to F & F Development, LLC.

Tract 1:

Part of Inlots Nos. 664, 665, 666, 668 and 669; part of an un-named 20 foot wide alley between the southerly line of said Inlots 664, 665 and 666 and the northerly line of said Inlots 668 and 669; part of the West Elm Street Right-of-Way; and part of the Original Wears Creek as per plat of Jefferson City, Missouri, including all of Tracts 1 and 2 of a certain survey of record in Survey Record Book A, page 104, being Tracts II and III of the deed of record in Book 418, page 487, Cole County Recorder's Office, also including all of the property described by quit-claim deed of record in Book 418, page 488, Cole County Recorder's Office, the combined boundary of all the aforesaid being more particularly described as follows:

BEGINNING at the most westerly corner of Tract 1 of the aforesaid survey of record in Survey Record Book A, page 104, being a point on the southerly line of the Business 50 / Missouri Boulevard right-of-way; thence northeasterly, along

said right-of-way line, on a curve to the right, having a radius of 459.91 feet, an arc distance of 261.44 feet (the chord of said curve being N58° 51'20"E, 257.94 feet) to a point 40 feet left of Highway Plan Centerline PC Sta. 7+69.30; thence N75° 08'28"E, along said right-of-way line, 12.75 feet to the most northerly corner of Tract 2 of the aforesaid survey of record in Survey Record Book A, page 104, also being the most northerly corner of Tract II of the aforesaid deed of record in Book 418, page 487, common to the most westerly corner of the property described by deed of record in Book 660, page 276, Cole County Recorder's Office; thence S47° 26'49"E, along the common boundary thereof, being the northerly boundary of Tract 2 of said survey in Survey Record Book A, page 104, 215.19 feet to the most easterly corner thereof, being a point on the northerly high bank of the relocated Wears Creek channel; thence westerly, along the northerly high bank of said relocated Wears Creek channel, the following courses: S78° 50'01"W, along the southerly boundary of Tract 2 of said survey in Survey Record Book A, page 104, 99.73 feet to the most southerly corner thereof; thence S86° 27'00"W, 27.90 feet to the southeasterly corner of the property described by quit-claim deed of record in Book 418, page 488, Cole County Recorder's Office; thence continuing westerly, along the northerly high bank of said relocated Wears Creek channel, being the southerly boundary of said property described in Book 418, page 488 the following courses: S79° 45'34"W, 28.53 feet; thence S69° 57'44"W, 25.00 feet; thence S64° 48'14"W, 20.00 feet; thence S50° 06'54"W, 20.00 feet; thence S42° 02'44"W, 40.00 feet; thence S36° 48'34"W, 40.00 feet; thence S22° 43'14"W, 40.00 feet to a point on the northerly line of the aforesaid West Elm Street right-of-way, being the most southerly corner of said property described in Book 418, page 488; thence leaving the southerly boundary of said property described in Book 418, page 488, continuing S22° 43'14"W, 42.17 feet, to a point on the centerline of said West Elm Street right-of-way; thence leaving the northerly high bank of said relocated Wears Creek channel, N47° 38'44"W, along the centerline of said West Elm Street right-of-way, 50.25 feet to a point on the easterly line of the U.S. Route 54 and Business 50 / Missouri Boulevard connection right-of-way; thence N22° 07'57"W, along said connection right-of-way, 117.03 feet; thence N15° 57'19"W, along said connection right-of-way, 62.54 feet to the POINT OF BEGINNING.

Tract 2:

Parts of Inlots 772, 773, 775, 776 and 777; part of an Un-labeled Inlot; Part of a 20 foot wide vacated Alley vacated by City Ord. No. 11723, in Book 336, page 584, Cole County Recorder's Office; and part of the Original Wears Creek as per plat of Jefferson City, Missouri, being all the properties described by deed of record in Book 336, page 608 & 609, Cole County Recorder's Office, more particularly described as follows:

From the southwesterly corner of the aforesaid Inlot 775; thence S47° 33'56"E, along the southerly line of said Inlot 775, 42.90 feet to a corner on the southwesterly boundary of the aforesaid properties described by deed of record in Book 336, page 609, Cole County Recorder's Office, being a point 40.85 feet left of the Dunklin Street centerline at PT Sta. 1+43.65, as per the Missouri Highway and Transportation Commission Plans of Job No. 5-U-54-258B and said point being the POINT OF BEGINNING for this description; thence, along said Highway plan right-of-ways, being the boundary of said properties described in Book 336, page 609, the following courses: N9° 14'44"W, 46.29 feet to a point 76.0 feet left of Sta. 15+40 of the Missouri Boulevard centerline; thence N38° 14'47"E, 50.32 feet to a point 54.00 feet left of Sta. 15+00 of said Missouri Boulevard centerline; thence Northeasterly, on a curve to the left, having a radius

of 553.06 feet, an arc distance of 205.41 feet (the chord of said curve being N51° 12'34"E, 204.23 feet) to a point 54.0 feet left of PC Sta. 13+14.92 of said Missouri Boulevard centerline; thence N40° 34'09"E, 34.92 feet to a point 54.0 feet left of Sta. 12+80 of said Missouri Boulevard centerline; thence N65° 35'10"E, 49.66 feet to a point 75.0 feet left of Sta. 12+35 of said Missouri Boulevard centerline; thence S65° 54'55"E, 50.30 feet to a point 20.0 feet left of Sta. 9+50 of the Ramp 4 base line; thence S4° 51'13"W, 89.43 feet to a point 40.0 feet left of Sta. 8+00 of said Ramp 4 base line; thence S18° 40'19"W, 84.88 feet to a point 45.0 feet left of Sta. 7+00 of said Ramp 4 base line; thence S47° 43'45"W, 82.66 feet to a point 63.0 feet left of Sta. 6+00 of said Ramp 4 base line; thence S59° 45'50"W, 51.57 feet to a point 70.0 feet left of Sta. 5+33.3 of said Ramp 4 base line; thence S59° 42'35"W, 74.45 feet to a point 71.33 feet left of Sta. 4+58.19 of said Ramp 4 base line, being on the southerly line of the aforesaid Inlot 776, being the northerly line of the Dunklin Street right-of-way; thence N47° 33'56"W, along the southerly line of said Inlot 776 and 775, being the northerly line of said Dunklin Street right-of-way, 139.27 feet to the POINT OF BEGINNING.

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 6. GOVERNOR AUTHORIZED TO CONVEY PROPERTY IN THE CITY OF ST. JOSEPH, BUCHANAN 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 Buchanan County to the City of St. Joseph, Missouri. The property to be conveyed is more particularly described as follows:

Tract A.

A tract located in the East half of Section 10 Township 57 North Range 35 West Buchanan County, Missouri. Beginning 17.57 feet East and 541.50 feet South of the center of Section 10 Township 57 North Range 35 West, thence on a curve to the left with a radius of 622.96 feet to a point that is 356.41 feet East and 421.10 feet South of center of said Section 10, thence at a right angle to the right 10 feet, thence North 53° 40' East 392.22 feet to a point 678.29 feet East and 196.78 feet South of center of said Section 10, thence North 75° 24' East 344.17 feet to a point that is 1011.35 feet East and 110 feet South of the center of said Section 10, thence East to a point on the West line of 36th Street 110 feet South of the East and West center line of said Section 10, then North along the West line of 36th Street 210 feet to a point 100 feet North of the East and West center line of said Section 10, thence West parallel to the East and West center line of said Section 10 to a point 100 feet North and 1011.35 feet East of Center of said Section 10, thence South 27.5 feet to a point 72.5 feet North and 1011.35 feet East of the center of said Section 10, thence on a curve to the left with a radius of 1195.92 feet to a point 616.07 feet East and 10.29 feet North of the center of said Section 10, thence South 70° 42' West 274.56 feet to a point 356.94 feet East and 80.45 feet South of center of said Section 10, thence on a curve to the right with a radius of 1095.92 feet to the East line of 32nd Street, thence South on the East line of 32nd Street to the point of beginning.

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 B. EMERGENCY CLAUSE. — Because the City of St. Joseph needs property to place a fire station to ensure public safety, the enactment of section 6 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 the enactment of section 6 of this act shall be in full force and effect upon its passage and approval.

Approved July 1, 2016

HB 2591 [SCS HB 2591, HB 1958 and HB 2369]

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 "PVT Billie G Kanell Cong Medal of Honor Memorial Highway" on a portion of State Route PP in Butler County

AN ACT to amend chapter 227, RSMo, by adding thereto twelve new sections relating to the designation of certain transportation infrastructure.

SECTION

- A. Enacting clause.
- 227.411. Senator Emory Melton Memorial Highway designated for a portion of Business Highway 37 in Barry County.
- 227.432. Judge Vincent E. Baker Memorial Highway designated for a portion of I-470 in Jackson County.
- 227.433. Tom Boland Highway designated for a portion of U.S. Highway 61 in Marion County.
- 227.434. LeRoy Van Dyke Highway designated for a portion of U.S. Highway 65 in Pettis County.
- 227.436. U.S. Army Specialist Steven Paul Famen Memorial Highway designated for a portion of U.S. Highway 63 in Boone County.
- 227.437. U.S. Navy Lieutenant Patrick Kelly Connor Memorial Highway designated for a portion of U.S. Highway 63 in Boone County.
- 227.438. Scott Joplin Memorial Highway designated for a portion of U.S. Highway 65 in Pettis County.
- 227.440. Col. Stephen Scott Memorial Highway designated for a portion of I-64 in St. Charles County.
- 227.442. PVT Billie G. Kanell Cong. Medal of Honor Memorial Highway designated for a portion of Route 67 in Butler County.
- 227.444. John Jordan "Buck" O'Neil Memorial Bridge designated on U.S. Highway 169 for bridge crossing over Missouri River from Jackson County to Clay County.
- 227.528. Sgt. Peggy Vassallo Way designated for a portion of State Highway 367 in St. Louis County.
- 227.529. SSgt Eric W. Summers Memorial Highway designated for a portion of U.S. Highway 67 in Butler 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 twelve new sections, to be known as sections 227.411, 227.432, 227.433, 227.434, 227.436, 227.437, 227.438, 227.440, 227.442, 227.444, 227.528, and 227.529, to read as follows:

227.411. SENATOR EMORY MELTON MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF BUSINESS HIGHWAY 37 IN BARRY COUNTY. — **The portion of Business Highway 37 in Barry County within the city limits of Cassville shall be designated as the "Senator Emory Melton Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs for such designation to be paid for by private donation.**

227.432. JUDGE VINCENT E. BAKER MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF I-470 IN JACKSON COUNTY. — The portion of Interstate 470 at the interchange with Woods Chapel Road continuing to Lakewood Boulevard in Jackson County shall be designated as the "Judge Vincent E. Baker Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid for by private donations.

227.433. TOM BOLAND HIGHWAY DESIGNATED FOR A PORTION OF U.S. HIGHWAY 61 IN MARION COUNTY. — The portion of U.S. Highway 61 from the intersection with Warren Barrett Drive continuing north through the city of Hannibal to County Road 407 in Marion County shall be designated as the "Tom Boland Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid for by private donations.

227.434. LEROY VAN DYKE HIGHWAY DESIGNATED FOR A PORTION OF U.S. HIGHWAY 65 IN PETTIS COUNTY. — The portion of U.S. Highway 50 from Main Street Road to the intersection of U.S. Highway 65 in Pettis County shall be designated "LeRoy Van Dyke Highway". The department of transportation shall erect and maintain appropriate signs designating such highway with the costs to be paid by private donations.

227.436. U.S. ARMY SPECIALIST STEVEN PAUL FARNEN MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF U.S. HIGHWAY 63 IN BOONE COUNTY. — The portion of U.S. Highway 63 from Breedlove Drive to Peabody Road in Boone County shall be designated as "U.S. Army Specialist Steven Paul Farnen Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with costs to be paid by private donations.

227.437. U.S. NAVY LIEUTENANT PATRICK KELLY CONNOR MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF U.S. HIGHWAY 63 IN BOONE COUNTY. — The portion of U.S. Highway 63 from the interchange with Discovery Parkway to Interstate 70 in Boone County shall be designated as "U.S. Navy Lieutenant Patrick Kelly Connor Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with costs to be paid by private donations.

227.438. SCOTT JOPLIN MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF U.S. HIGHWAY 65 IN PETTIS COUNTY. — The portion of U.S. Highway 50 from the intersection with U.S. Highway 65 continuing east to the Air Center Circle in Pettis County shall be designated as the "Scott Joplin Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway with the costs to be paid by private donations.

227.440. COL. STEPHEN SCOTT MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF I-64 IN ST. CHARLES COUNTY. — The portion of Highway 94 from the intersection with Interstate 64 to Mid Rivers Mall Drive/Pitman Hill Road in St. Charles County shall be designated as the "Col. Stephen Scott Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs of such designation to be paid for by private donation.

227.442. PVT BILLIE G. KANELL CONG. MEDAL OF HONOR MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF ROUTE 67 IN BUTLER COUNTY. — The portion of State Route PP from the intersection of Westwood Boulevard west to the Route 67 interchange in Butler County shall be designated the "PVT Billie G. Kanell Cong. Medal of Honor

Memorial Highway". The department shall erect and maintain appropriate signs designating such highway with the costs to be paid for by private donations.

227.444. JOHN JORDAN "BUCK" O'NEIL MEMORIAL BRIDGE DESIGNATED ON U.S. HIGHWAY 169 FOR BRIDGE CROSSING OVER MISSOURI RIVER FROM JACKSON COUNTY TO CLAY COUNTY. — The bridge on U.S. Highway 169 crossing over the Missouri River from Jackson County to Clay County shall be designated the "John Jordan "Buck" O'Neil Memorial Bridge". The department of transportation shall erect and maintain appropriate signs designating the bridge, with the costs for such designation to be paid for by private donation.

227.528. SGT. PEGGY VASSALLO WAY DESIGNATED FOR A PORTION OF STATE HIGHWAY 367 IN ST. LOUIS COUNTY. — The portion of State Highway 367 from the southern city limit of Bellefontaine Neighbors north to the intersection of Interstate 270 in St. Louis County shall be designated "Sgt. Peggy Vassallo Way". The department of transportation shall erect and maintain appropriate signs designating such highway with the costs to be paid by private donations.

227.529. SSGT ERIC W. SUMMERS MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF U.S. HIGHWAY 67 IN BUTLER COUNTY. — The portion of U.S. Highway 67 from Route M traveling north to U.S. Highway 67/60 Interchange through the city of Poplar Bluff in Butler County shall be designated as the "SSgt Eric W. Summers Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs of such designation to be paid for by private donation.

Approved June 24, 2016

SB 572 [CCS#2 HCS SS SCS SB 572]

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

Modifies various provisions regarding municipalities located in St. Louis County, nuisance abatement ordinances, disincorporation procedures for various cities, and municipal courts

AN ACT to repeal sections 67.287, 67.398, 67.451, 79.490, 80.570, 479.020, 479.350, 479.353, 479.359, 479.360, and 479.368, RSMo, and to enact in lieu thereof twenty-four new sections relating to local government, with penalty provisions.

SECTION

- A. Enacting clause.
- 67.287. Minimum standards for municipalities in St. Louis County — definitions — failure to meet minimum standards, remedy, ballot language.
- 67.398. Debris on property, ordinance may require abatement — abatement for vacant building in Kansas City — notice to owner — effect of failure to remove nuisance, penalties.
- 67.451. Ordinance enforcement, unrecovered costs included in certain fees, or real estate tax bills.
- 71.980. Financially insolvent municipalities, state not liable for debt.
- 77.700. Disincorporation procedure, election, ballot language.
- 77.703. Contractual rights not invalidated by dissolution.
- 77.706. Trustee to be appointed — oath — bond.
- 77.709. Powers of trustee.
- 77.712. Employment of counsel, report to county governing body — compensation of trustee.
- 77.715. Moneys to be paid over to county treasurer, when — all records to be delivered to county clerk.
- 79.490. Fourth class city disincorporated, how — election, notice.
- 80.570. Disincorporation procedure.
- 82.133. Disincorporation of charter or home rule cities — election, ballot language.
- 82.136. Contractual rights not invalidated by dissolution.
- 82.139. Dissolution — trustee appointed — oath — bond.
- 82.142. Dissolution — powers of trustee.
- 82.145. Dissolution — employment of counsel, when — compensation of trustee.
- 82.148. Dissolution — moneys to be paid over to county treasurer — records to be delivered to county clerk.
- 479.020. Municipal judges, selection, tenure, jurisdiction, qualifications, course of instruction.
- 479.350. Definitions.
- 479.353. Conditions.
- 479.359. Political subdivisions to annually calculate percentage of revenue from municipal ordinance violations and minor traffic violations — limitation on percentage — addendum to report, contents.
- 479.360. Certification of substantial compliance, filed with state auditor — procedures adopted and certified.
- 479.368. Failure to timely file, loss of local sales tax revenue and certain county sales tax revenue — election required, when.

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

SECTION A. ENACTING CLAUSE. — Sections 67.287, 67.398, 67.451, 79.490, 80.570, 479.020, 479.350, 479.353, 479.359, 479.360, and 479.368, RSMo, are repealed and twenty-four new sections enacted in lieu thereof, to be known as sections 67.287, 67.398, 67.451, 71.980, 77.700, 77.703, 77.706, 77.709, 77.712, 77.715, 79.490, 80.570, 82.133, 82.136, 82.139, 82.142, 82.145, 82.148, 479.020, 479.350, 479.353, 479.359, 479.360, and 479.368, 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 August 28, 2015, 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) **If a municipality has a police department or contracts with another police department for public safety services**, 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. **The provisions of this subdivision shall not require the municipality to adopt an updated construction code;** 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.

67.398. DEBRIS ON PROPERTY, ORDINANCE MAY REQUIRE ABATEMENT — ABATEMENT FOR VACANT BUILDING IN KANSAS CITY — NOTICE TO OWNER — EFFECT OF FAILURE TO REMOVE NUISANCE, PENALTIES. — 1. The governing body of any city or village, or any county having a charter form of government, or any county of the first classification that contains part of a city with a population of at least three hundred thousand inhabitants, may enact ordinances to provide for the abatement of a condition of any lot or land that has the presence of a nuisance including, but not limited to, debris of any kind, weed cuttings, cut, fallen, or hazardous trees and shrubs, overgrown vegetation and noxious weeds which are seven inches or more in height, rubbish and trash, lumber not piled or stacked twelve inches off the ground, rocks or bricks, tin, steel, parts of derelict cars or trucks, broken furniture, any flammable material which may endanger public safety or any material or condition which is unhealthy or unsafe and declared to be a public nuisance.

2. The governing body of any home rule city with more than four hundred thousand inhabitants and located in more than one county may enact ordinances for the abatement of a condition of any lot or land that has vacant buildings or structures open to entry.

3. [Any ordinance authorized by this section may provide that if the owner fails to begin removing or abating the nuisance within a specific time which shall not be less than seven days of receiving notice that the nuisance has been ordered removed or abated, or upon] **Any**

ordinance authorized by this section shall provide for service to the owner of the property and, if the property is not owner-occupied, to any occupant of the property of a written notice specifically describing each condition of the lot or land declared to be a public nuisance, and which notice shall identify what action will remedy the public nuisance. Unless a condition presents an immediate, specifically identified risk to the public health or safety, the notice shall provide a reasonable time, not less than ten days, in which to abate or commence removal of each condition identified in the notice. Written notice may be given by personal service or by first-class mail to both the occupant of the property at the property address and the owner at the last known address of the owner, if not the same. Upon a failure of the owner to pursue the removal or abatement of such nuisance without unnecessary delay, the building commissioner or designated officer may cause the condition which constitutes the nuisance to be removed or abated. If the building commissioner or designated officer causes such condition to be removed or abated, the cost of such removal or abatement **and the proof of notice to the owner of the property** shall be certified to the city clerk or officer in charge of finance who shall cause the certified cost to be included in a special tax bill or added to the annual real estate tax bill, at the collecting official's option, for the property and the certified cost shall be collected by the city collector or other official collecting taxes in the same manner and procedure for collecting real estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property **from the date the tax bill is delinquent** until paid.

67.451. ORDINANCE ENFORCEMENT, UNRECOVERED COSTS INCLUDED IN CERTAIN FEES, OR REAL ESTATE TAX BILLS. — Any city in which voters have approved fees to recover costs associated with enforcement of municipal housing, property maintenance, or **property nuisance ordinances** may [issue a special tax bill against] **include any unrecovered costs or fines relating to the real property in the annual real estate tax bill** for the property where such ordinance violations existed. **Notwithstanding the last sentence of subsection 5 of section 479.011,** the officer in charge of finance shall cause the amount of unrecovered costs or **unpaid fines which are delinquent for more than a year** to be [included in a special tax bill or] added to the annual real estate tax bill for the property **if such property is still owned by the person incurring the costs or fines** [at the collecting official's option,] and the costs and fines shall be collected by the city collector or other official collecting taxes in the same manner and procedure for collecting real estate taxes. If the [cost is] **costs and fines** are not paid by **December 31 of the year in which the costs and fines are included in the tax bill,** the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by laws governing delinquent and back taxes. The tax bill shall be deemed a personal debt against the owner from the date of issuance, and shall also be a lien on the property **from the date the tax bill becomes delinquent** until paid. Notwithstanding any provision of the city's charter to the contrary, the city may provide, by ordinance, that the city may discharge **all or any portion of the unrecovered costs or fines added pursuant to this section** to the [special] tax bill upon a determination by the city that a public benefit will be gained by such discharge, and such discharge shall include any costs of tax collection, accrued interest, or attorney fees related to the [special] tax bill.

71.980. FINANCIALLY INSOLVENT MUNICIPALITIES, STATE NOT LIABLE FOR DEBT. — **Notwithstanding any provision to the contrary, the state shall not be held liable for the debts of a municipality that is financially insolvent. For purposes of this section, a municipality is financially insolvent if it is not paying its debts as they become due, unless such debts are the subject of a bona fide dispute, or is unable to pay its debts as they become due.**

77.700. DISINCORPORATION PROCEDURE, ELECTION, BALLOT LANGUAGE. — 1. The county governing body of any county in which a city of the third classification is located shall disincorporate the city as provided in sections 77.700 to 77.715.

2. The county governing body shall order an election upon the question of disincorporation of a city of the third classification upon petition of twenty-five percent of the voters of the city.

3. The county governing body shall give notice of the election by publication in a newspaper of general circulation published in the city or, if there is no such newspaper in the city, then in the newspaper in the county published nearest the city. The notice shall contain a copy of the petition and the names of the petitioners. No election on the question of disincorporation shall be held until the notice has been published for four weeks successively.

4. The question shall be submitted in substantially the following form:

Shall the city of be dissolved?

5. Upon the affirmative vote of a majority of those persons voting on the question, the county governing body shall disincorporate the city.

77.703. CONTRACTUAL RIGHTS NOT INVALIDATED BY DISSOLUTION. — No dissolution of the corporation shall invalidate or affect any right accruing to the corporation or to any person or invalidate or affect any contract entered into or imposed on the corporation.

77.706. TRUSTEE TO BE APPOINTED — OATH — BOND. — Whenever the county governing body shall dissolve any city of the third classification, the county governing body shall appoint some competent person to act as trustee for the corporation so dissolved, and such trustee, before entering upon the discharge of his or her duties, shall take and subscribe an oath that he or she will faithfully discharge the duties of his or her office and shall give bond with sufficient security, to be approved by the governing body, to the use of such disincorporated city, conditioned for the faithful discharge of his or her duty.

77.709. POWERS OF TRUSTEE. — The trustee shall have power to prosecute and defend to final judgment all suits instituted by or against the corporation, collect all moneys due the same, liquidate all lawful demands against the same, and for that purpose shall sell any property belonging to the corporation, or so much thereof as may be necessary, and generally to do all acts requisite to bring to a speedy close all the affairs of the corporation.

77.712. EMPLOYMENT OF COUNSEL, REPORT TO COUNTY GOVERNING BODY — COMPENSATION OF TRUSTEE. — The trustee shall employ counsel whenever necessary in the discharge of his or her duties and shall make a report of the proceedings to the county governing body at each regular term thereof, and the trustee shall receive for his or her services such compensation as the governing body shall think reasonable.

77.715. MONEYS TO BE PAID OVER TO COUNTY TREASURER, WHEN — ALL RECORDS TO BE DELIVERED TO COUNTY CLERK. — When the trustee shall have closed the affairs of the corporation and shall have paid all debts due by the corporation, he or she shall pay over to the county treasurer all money remaining in his or her hands, take receipt therefor, and deliver to the clerk of the county governing body all books, papers, records, and deeds belonging to the dissolved corporation.

79.490. FOURTH CLASS CITY DISINCORPORATED, HOW — ELECTION, NOTICE. — 1. The county governing body of any county in which a city of the fourth class is located shall disincorporate such city as provided in this section.

2. The county governing body shall order an election upon the question of disincorporation of a fourth class city upon petition of [one-half] **twenty-five percent** of the voters of the city.

3. The county governing body shall give notice of the election by publication in a newspaper of general circulation published in the city or, if there is no such newspaper in the city, then in the newspaper in the county published nearest the city. The notice shall contain a copy of the petition and the names of the petitioners. No election on the question of disincorporation shall be held until the notice has been published for four weeks successively.

4. The question shall be submitted in substantially the following form:

Shall the city of be dissolved?

5. Upon the affirmative vote of [sixty percent] **a majority** of those persons voting on the question, the county governing body shall disincorporate the city.

80.570. DISINCORPORATION PROCEDURE. — 1. The county governing body of each county shall have power to disincorporate any town or village which they may have incorporated as provided in this section.

2. The county governing body shall order an election upon the question of disincorporation of a town or village upon petition of [one-half] **twenty-five percent** of the voters of the town or village.

3. The county governing body shall give notice of the election by publication in a newspaper of general circulation published in the town or village or, if there is no such newspaper in the town or village, then in the newspaper in the county published nearest the town or village. The notice shall contain a copy of the petition and the names of the petitioners. No election on the question of disincorporation shall be held until the notice has been published for eight weeks successively.

4. The question shall be submitted in substantially the following form as the case may be:

Shall the town of be dissolved?; or

Shall the village of be dissolved?

5. Upon the affirmative vote of [sixty percent] **a majority** of those persons voting on the question, the county governing body shall disincorporate the town or village.

6. Any county governing body may, in its discretion, on the application of any person or persons owning a tract of land containing five acres or more in a town or village, used only for agricultural purposes, to diminish the limits of such town or village by excluding any such tract of land from said corporate limits; provided, that such application shall be accompanied by a petition asking such change and signed by a majority of the voters in such town or village. And thereafter such tract of land so excluded shall not be deemed or held to be any part of such town or village.

82.133. DISINCORPORATION OF CHARTER OR HOME RULE CITIES—ELECTION, BALLOT LANGUAGE. — 1. The county governing body of any county in which a constitutional charter or home rule city is located shall disincorporate the city as provided in sections 82.133 to 82.145.

2. The county governing body shall order an election upon the question of disincorporation of a constitutional charter or home rule city upon petition of twenty-five percent of the voters of the city.

3. The county governing body shall give notice of the election by publication in a newspaper of general circulation published in the city or, if there is no such newspaper in the city, then in the newspaper in the county published nearest the city. The notice shall contain a copy of the petition and the names of the petitioners. No election on the question of disincorporation shall be held until the notice has been published for four weeks successively.

4. The question shall be submitted in substantially the following form:

Shall the city of be dissolved?

5. Upon the affirmative vote of a majority of those persons voting on the question, the county governing body shall disincorporate the city.

82.136. CONTRACTUAL RIGHTS NOT INVALIDATED BY DISSOLUTION. — No dissolution of the corporation shall invalidate or affect any right accruing to the corporation or to any person, or invalidate or affect any contract entered into or imposed on the corporation.

82.139. DISSOLUTION — TRUSTEE APPOINTED — OATH — BOND. — Whenever the county governing body shall dissolve any constitutional charter or home rule city, the county governing body shall appoint some competent person to act as trustee for the corporation so dissolved, and the trustee, before entering upon the discharge of his or her duties, shall take and subscribe an oath that he or she will faithfully discharge the duties of the office and shall give bond with sufficient security, to be approved by the governing body, to the use of the disincorporated city, conditioned for the faithful discharge of the trustee's duty.

82.142. DISSOLUTION — POWERS OF TRUSTEE. — The trustee shall have power to prosecute and defend to final judgment all suits instituted by or against the corporation, collect all moneys due the same, liquidate all lawful demands against the same, and for that purpose shall sell any property belonging to the corporation, or so much thereof as may be necessary, and generally to do all acts requisite to bring to a speedy close all the affairs of the corporation.

82.145. DISSOLUTION — EMPLOYMENT OF COUNSEL, WHEN — COMPENSATION OF TRUSTEE. — The trustee shall employ counsel whenever necessary in the discharge of his or her duties and shall make a report of the proceedings to the county governing body at each regular term thereof, and the trustee shall receive for his or her services such compensation as the governing body shall think reasonable.

82.148. DISSOLUTION — MONEYS TO BE PAID OVER TO COUNTY TREASURER — RECORDS TO BE DELIVERED TO COUNTY CLERK. — When the trustee shall have closed the affairs of the corporation, and shall have paid all debts due by the corporation, he or she shall pay over to the county treasurer all moneys remaining in his or her hands, take receipt therefor, and deliver to the clerk of the county governing body all books, papers, records, and deeds belonging to the dissolved corporation.

479.020. MUNICIPAL JUDGES, SELECTION, TENURE, JURISDICTION, QUALIFICATIONS, COURSE OF INSTRUCTION. — 1. Any city, town or village, including those operating under a constitutional or special charter, may, and cities with a population of four hundred thousand or more shall, provide by ordinance or charter for the selection, tenure and compensation of a municipal judge or judges consistent with the provisions of this chapter who shall have original jurisdiction to hear and determine all violations against the ordinances of the municipality. The method of selection of municipal judges shall be provided by charter or ordinance. Each municipal judge shall be selected for a term of not less than two years as provided by charter or ordinance.

2. Except where prohibited by charter or ordinance, the municipal judge may be a part-time judge and may serve as municipal judge in more than one municipality.

3. No person shall serve as a municipal judge of any municipality with a population of seven thousand five hundred or more or of any municipality in a county of the first class with a charter form of government unless the person is licensed to practice law in this state unless, prior to January 2, 1979, such person has served as municipal judge of that same municipality for at least two years.

4. Notwithstanding any other statute, a municipal judge need not be a resident of the municipality or of the circuit in which the municipal judge serves except where ordinance or charter provides otherwise. Municipal judges shall be residents of Missouri.

5. Judges selected under the provisions of this section shall be municipal judges of the circuit court and shall be divisions of the circuit court of the circuit in which the municipality, or major geographical portion thereof, is located. The judges of these municipal divisions shall be subject to the rules of the circuit court which are not inconsistent with the rules of the supreme court. The presiding judge of the circuit shall have general administrative authority over the judges and court personnel of the municipal divisions within the circuit.

6. No municipal judge shall hold any other office in the municipality which the municipal judge serves as judge. The compensation of any municipal judge and other court personnel shall not be dependent in any way upon the number of cases tried, the number of guilty verdicts reached or the amount of fines imposed or collected.

7. Municipal judges shall be at least twenty-one years of age. No person shall serve as municipal judge after that person has reached that person's seventy-fifth birthday.

8. Within six months after selection for the position, each municipal judge who is not licensed to practice law in this state shall satisfactorily complete the course of instruction for municipal judges prescribed by the supreme court. The state courts administrator shall certify to the supreme court the names of those judges who satisfactorily complete the prescribed course. If a municipal judge fails to complete satisfactorily the prescribed course within six months after the municipal judge's selection as municipal judge, the municipal judge's office shall be deemed vacant and such person shall not thereafter be permitted to serve as a municipal judge, nor shall any compensation thereafter be paid to such person for serving as municipal judge.

9. No municipal judge shall serve as a municipal judge in more than five municipalities at one time.

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 **and any certified costs, not including fines added to the annual real estate tax bill or a special tax bill under section 67.398, 67.402, or 67.451;**

(3) "Minor traffic violation", a municipal or county **traffic** 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 **no points are assessed by the department of revenue or the department of revenue is authorized to assess [no more than] one to four points to a person's driving record upon conviction. Minor traffic violation shall include amended charges for any minor traffic violation.** 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;

(4) "Municipal ordinance violation", a municipal or county ordinance violation prosecuted for which penalties are authorized by statute under sections 64.160, 64.200,

64.295, 64.487, 64.690, 64.895, 67.398, 71.285, 89.120, and 89.490. Municipal ordinance violation shall include amended charges for municipal ordinance violations.

479.353. CONDITIONS. — Notwithstanding any provisions to the contrary, the following conditions shall apply to minor traffic violations and municipal ordinance violations:

(1) The court shall not assess a fine, if combined with the amount of court costs, totaling in excess of [three]:

(a) **Two hundred twenty-five dollars for minor traffic violations; and**

(b) **For municipal ordinance violations committed within a twelve month period beginning with the first violation: two hundred dollars for the first municipal ordinance violation, two hundred seventy-five dollars for the second municipal ordinance violation, three hundred fifty dollars for the third municipal ordinance violation, and four hundred fifty dollars for the fourth and any subsequent municipal ordinance violations;**

(2) The court shall not sentence a person to confinement, except the court may sentence a person to confinement for [violations] **any violation** involving alcohol or controlled substances, violations endangering the health or welfare of others, [and] **or** 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 **or unless the due process procedures mandated by Missouri Supreme Court Rule 37.65 or its successor rule are strictly followed by the court;**

(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 defendant is found to be indigent under subdivision (4) of this section or if the case is dismissed.**

479.359. POLITICAL SUBDIVISIONS TO ANNUALLY CALCULATE PERCENTAGE OF REVENUE FROM MUNICIPAL ORDINANCE VIOLATIONS AND 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 **municipal ordinance violations and** minor traffic violations, including amended charges for any **municipal ordinance violations and** 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 **under section 105.145** by the county, city, town, or village [under section 105.145] **that has chosen to have a municipal court division** 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 **municipal ordinance violations and** minor traffic violations occurring within the county, city, town, or village, including amended charges from any **municipal ordinance violations and** minor traffic violations;

(3) The percent of annual general operating revenue from fines, bond forfeitures, and court costs for **municipal ordinance violations and** minor traffic violations occurring within the county, city, town, or village, including amended charges from any charged **municipal ordinance violations and** 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 **unless found to be in contempt after strict compliance by the court with the due process procedures mandated by Missouri Supreme Court Rule 37.65 or its successor rule;**

(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];

(9) **The municipal court makes use of community service alternatives for which no associated costs are charged to the defendant;** and

~~[(9)]~~ (10) 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.

479.368. FAILURE TO TIMELY FILE, LOSS OF LOCAL SALES TAX REVENUE AND CERTAIN COUNTY SALES TAX REVENUE — ELECTION REQUIRED, WHEN. — 1. (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.

(2) 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.

(3) 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. (1) 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 **sections** 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.

(2) 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.

(3) 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 **municipal ordinance violations and** 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] **a majority** of those persons voting on the question, the county governing body shall disincorporate the city, town, or village.

Approved June 17, 2016

SB 578 [CCS HCS SCS SB 578]

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

Allows certain circuits to appoint an additional court marshal, authorizes an additional judge in certain circuits, excludes firearms from bankruptcy, and establishes the Missouri Commercial Receivership Act

AN ACT to repeal sections 476.083, 478.430, 478.433, 478.705, 513.430, 515.240, 515.250, and 515.260, RSMo, and to enact in lieu thereof thirty-eight new sections relating to judicial proceedings.

SECTION

- A. Enacting clause.
 476.083. Circuit court marshal may be appointed in certain circuits, powers and duties, salary, qualifications.
 478.330. Additional circuit judges authorized, when.
 478.705. Circuit No. 26, number of judges, divisions — when judges elected.
 513.430. Property exempt from attachment — construction of section.
 515.500. Citation of law.
 515.505. Definitions.

- 515.510. Court authorized to appoint receiver, when, procedure.
- 515.515. General and limited receivers.
- 515.520. Notice of appointment, content.
- 515.525. Replacement of receiver, when.
- 515.530. Bond requirements.
- 515.535. Receiver to have powers and priority of creditor.
- 515.540. Court to have exclusive authority, when.
- 515.545. Powers, authority, and duties of receivers.
- 515.550. Estate property, turnover of upon demand — court action to compel.
- 515.555. Debtor duties and requirements.
- 515.560. Debtor to file schedules, when.
- 515.565. Appraisal not required without court order.
- 515.570. General receiver to file monthly report, contents.
- 515.575. Appointment of general receiver to operate as a stay, when — expiration of stay — no stay, when.
- 515.580. Utility service, notice required by public utility to discontinue — violations, remedies.
- 515.585. Contracts and leases, receiver may assume or reject — action to compel rejection — consent to assume required, when.
- 515.590. Unsecured credit or debt, receiver may obtain, when.
- 515.595. Right to sue and be sued — action adjunct to receivership action — venue — judgment not a lien on property, when.
- 515.600. Immunity from liability, when.
- 515.605. Employment of professionals.
- 515.610. Creditors bound by acts of receiver — right to notice and may appear in receivership — notice requirements.
- 515.615. Claims administration process.
- 515.620. Objection to a claim, procedure.
- 515.625. Distribution of claims.
- 515.630. Secured claims permitted against estate property.
- 515.635. Noncontingent liquidated claims, interest allowed, rate.
- 515.640. Burdensome property, abandonment of, when.
- 515.645. Use, sale, or lease of estate property by receiver.
- 515.650. Receiver may be appointed as a receiver by out-of-state court, when.
- 515.655. Removal or replacement of receiver, procedure.
- 515.660. Discharge of receiver.
- 515.665. Orders subject to appeal.
- 478.430. Circuit judge in St. Louis City may appoint janitor-messenger.
- 478.433. Compensation of janitor-messenger.
- 515.240. Appointment of receiver.
- 515.250. Bond of receiver — powers.
- 515.260. Compensation of receiver.

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

SECTION A. ENACTING CLAUSE. — Sections 476.083, 478.430, 478.433, 478.705, 513.430, 515.240, 515.250, and 515.260, RSMo, are repealed and thirty-eight new sections enacted in lieu thereof, to be known as sections 476.083, 478.330, 478.705, 513.430, 515.500, 515.505, 515.510, 515.515, 515.520, 515.525, 515.530, 515.535, 515.540, 515.545, 515.550, 515.555, 515.560, 515.565, 515.570, 515.575, 515.580, 515.585, 515.590, 515.595, 515.600, 515.605, 515.610, 515.615, 515.620, 515.625, 515.630, 515.635, 515.640, 515.645, 515.650, 515.655, 515.660, and 515.665, to read as follows:

476.083. CIRCUIT COURT MARSHAL MAY BE APPOINTED IN CERTAIN CIRCUITS, POWERS AND DUTIES, SALARY, QUALIFICATIONS. — 1. In addition to any appointments made pursuant to section 485.010, the presiding judge of each circuit containing one or more facilities operated by the department of corrections with an average total inmate population in all such facilities in the circuit over the previous two years of more than two thousand five hundred inmates or containing, as of January 1, 2016, a diagnostic and reception center operated by the department of corrections and a mental health facility operated by the department of mental health which houses persons found not guilty of a crime by reason of mental disease or defect under chapter 552 and provides sex offender rehabilitation and treatment services (SORTS) may appoint a circuit court marshal to aid the presiding judge in

the administration of the judicial business of the circuit by overseeing the physical security of the courthouse, serving court-generated papers and orders, and assisting the judges of the circuit as the presiding judge determines appropriate. Such circuit court marshal appointed pursuant to the provisions of this section shall serve at the pleasure of the presiding judge. The circuit court marshal authorized by this section is in addition to staff support from the circuit clerks, deputy circuit clerks, division clerks, municipal clerks, and any other staff personnel which may otherwise be provided by law.

2. The salary of a circuit court marshal shall be established by the presiding judge of the circuit within funds made available for that purpose, but such salary shall not exceed ninety percent of the salary of the highest paid sheriff serving a county wholly or partially within that circuit. Personnel authorized by this section shall be paid from state funds or federal grant moneys which are available for that purpose and not from county funds.

3. Any person appointed as a circuit court marshal pursuant to this section shall have at least five years' prior experience as a law enforcement officer. In addition, any such person shall within one year after appointment, or as soon as practicable, attend a court security school or training program operated by the United States Marshal Service. In addition to all other powers and duties prescribed in this section, a circuit court marshal may:

- (1) Serve process;
- (2) Wear a concealable firearm; and
- (3) Make an arrest based upon local court rules and state law, and as directed by the presiding judge of the circuit.

478.330. ADDITIONAL CIRCUIT JUDGES AUTHORIZED, WHEN. — 1. When an annual judicial performance report submitted pursuant to section 477.405 indicates for three consecutive calendar years the need for two or more full-time judicial positions in any judicial circuit there shall be one additional circuit judge position authorized in such circuit, subject to appropriations made for that purpose.

2. Except in circuits where circuit judges are selected under the provisions of article V of sections 25(a) to 25(g) of the Missouri Constitution, the election of circuit judges authorized by this section shall be conducted in accordance with chapter 115.

478.705. CIRCUIT NO. 26, NUMBER OF JUDGES, DIVISIONS — WHEN JUDGES ELECTED. — 1. There shall be [two] **three circuit judges in the twenty-sixth judicial circuit consisting of the counties of Camden, Laclede, Miller, Moniteau and Morgan. These judges shall sit in divisions numbered one [and], two, **and three**.**

2. The circuit judge in division two shall be elected in 1980. The circuit judge in division one shall be elected in 1982. The governor shall appoint a judge for division three and notwithstanding the provisions of section 105.030, that judge shall serve until January 1, 2021. A judge for division three shall be elected in 2020.

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;
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- (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 unmatred 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 unmatred 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),
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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;

(12) **Firearms, firearm accessories, and ammunition, not to exceed one thousand five hundred dollars in value in the aggregate.**

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.

515.500. CITATION OF LAW. — Sections 515.500 to 515.665 may be cited as the "Missouri Commercial Receivership Act".

515.505. DEFINITIONS. — As used in sections 515.500 to 515.665, the following terms shall mean:

(1) "Affiliate":

(a) A person that directly or indirectly owns, controls, or holds with power to vote twenty percent or more of the outstanding voting interests of a debtor, other than:

a. An entity that holds such securities in a fiduciary or agency capacity without sole discretionary power to vote such interests; or

b. Solely to secure a debt, if such entity has not in fact exercised such power to vote;

(b) A person whose business is operated under a lease or operating agreement by a debtor, or a person substantially all of whose property is operated under an operating agreement with a debtor; or

(c) A person that directly or indirectly operates the business or substantially all of the property of the debtor under a lease or operating agreement or similar arrangement;

(2) "Claim", a right to payment whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured or unsecured, or a right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured, or unsecured;

(3) "Court", a circuit court of the state of Missouri before which an application to appoint a receiver under sections 515.500 to 515.665 has been made or granted, or before which a receivership action under sections 515.500 to 515.665 is pending;

(4) "Creditor", a person that has a claim against the debtor that arose at the time of or before the appointment of a receiver pursuant to sections 515.500 to 515.665;

(5) "Debt", liability on a claim;

(6) "Debtor", a person as to which a receiver is sought to be appointed or a court appoints pursuant to sections 515.500 to 515.665, a person who owns property as to which a receiver is sought to be appointed or a court appoints a receiver pursuant to sections 515.500 to 515.665, a person as to which a receiver has been appointed by a court in a foreign jurisdiction, or a person who owns property as to which a receiver has been appointed by a court in a foreign jurisdiction;

(7) "Entity", a person other than a natural person;

(8) "Estate property", property as to which a court appoints a receiver pursuant to sections 515.500 to 515.665;

(9) "Executory contract", a contract, including a lease, where the obligations of the debtor and the counter party or counter parties to the contract are unperformed to the extent that the failure of either party to complete performance of its obligations would constitute a material breach of the contract, thereby excusing the other party's performance of its obligations under the contract;

(10) "Foreign jurisdiction", any state or federal jurisdiction other than that of this state;

(11) "Insolvent", a financial status or condition such that the sum of the person's debts is greater than the value of such person's property, at fair valuation;

(12) "Lien", a charge against property or an interest in property to secure payment of a debt or performance of an obligation whether created voluntarily or by operation of law;

(13) "Notice and a hearing", such notice as is appropriate and an opportunity for hearing if one is requested. Absent request for hearing by an appropriate person or party in interest, the term notice and a hearing does not indicate a requirement for an actual hearing unless the court so orders;

(14) "Party", a person who is a party to the action, becomes a party to the action, or shall be joined or shall be allowed to intervene in the action pursuant to the rules of the Missouri supreme court, including, without limitation, any person needed for just adjudication of the action;

(15) "Party in interest", the debtor, any party, the receiver, any person with an ownership interest in or lien against estate property or property sought to become estate property, any person that, with respect to particular matters presented in the receivership, has an interest that will be affected, and, in a general receivership, any creditor of the debtor;

(16) "Person", includes natural persons, partnerships, limited liability companies, corporations, and other entities recognized under the laws of this state;

(17) "Property", any right, title, and interest, of the debtor, whether legal or equitable, tangible or intangible, in real and personal property, regardless of the manner by which such rights were or are acquired, but does not include property of an individual person exempt from execution under the laws of this state; provided however, that estate property includes any nonexempt interest in property that is partially exempt. Property includes, but is not limited to, any proceeds, products, offspring, rents, or profits of or from property. Property does not include any power that a debtor may exercise solely for the benefit of another person or property impressed with a trust except to the extent that the debtor has a residual interest;

(18) "Receiver", a receiver appointed by a court pursuant to sections 515.500 to 515.665;

(19) "Receivership", the estate created pursuant to the court's order or orders appointing a receiver pursuant to sections 515.500 to 515.665, including all estate property

and the interests, rights, powers, and duties of the receiver and all parties in interest relating to estate property;

(20) "Receivership action", the action as to which a receiver is sought to be appointed or a court appoints a receiver pursuant to sections 515.500 to 515.665;

(21) "Secured creditor", a creditor that has a security interest or other lien on estate property.

515.510. COURT AUTHORIZED TO APPOINT RECEIVER, WHEN, PROCEDURE. — 1. To the extent the appointment of a receiver is not otherwise provided for pursuant to sections 49.555, 82.1026, 91.730, 198.099, 257.450, 276.501, 287.360, 287.875, 351.498, 351.1189, 354.357, 354.480, 355.736, 369.354, 370.154, 375.650, 375.954, 375.1166, 375.1176, 379.1336, 379.1418, 382.409, 393.145, 407.100, 425.030, 441.510, 443.893, 513.105, 513.110, 521.310, 537.500, 630.763, or any other statute providing for the appointment of a receiver or administration of a receivership estate in specific circumstances, the court or any judge thereof in vacation, shall have the power to appoint a receiver, whenever such appointment shall be deemed necessary, whose duty it shall be to keep and preserve any money or other thing deposited in court, or that may be subject of a tender, and to keep and preserve all property and protect any business or business interest entrusted to the receiver pending any legal or equitable action concerning the same, subject to the order of the court, including in the following instances:

(1) In an action brought to dissolve an entity the court may appoint a receiver with the powers of a custodian to manage the business affairs of the entity and to wind up and liquidate the entity;

(2) In an action in which the person seeking appointment of a receiver has a lien on or interest in property or its revenue-producing potential, and either:

(a) The appointment of a receiver with respect to the property or its revenue-producing potential is necessary to keep and preserve the property or its revenue-producing potential or to protect any business or business interest concerning the property or its revenue-producing potential; or

(b) The appointment of a receiver with respect to the property or its revenue-producing potential is provided for by a valid and enforceable contract or contract provision; or

(c) The appointment of a receiver is necessary to effectuate or enforce an assignment of rents or other revenues from the property;

(3) After judgment, in order to give effect to the judgment, provided that the party seeking the appointment demonstrates it has no other adequate remedy to enforce the judgment;

(4) To dispose of property according to provisions of a judgment dealing with its disposition;

(5) To the extent that property is not exempt from execution, at the instance of a judgment creditor either before or after the issuance of any execution, to preserve or protect it, or prevent its transfer;

(6) If and to the extent that property is subject to execution to satisfy a judgment, to preserve the property during the pendency of an appeal, or when an execution has been returned unsatisfied, or when an order requiring a judgment debtor to appear for proceedings supplemental to judgment has been issued and the judgment debtor fails to submit to examination as ordered;

(7) Upon attachment of real or personal property when the property attached is of a perishable nature or is otherwise in danger of waste, impairment, or destruction or where a debtor has absconded with, secreted, or abandoned the property, and it is necessary to collect, conserve, manage, control, or protect it, or to dispose of it promptly, or when the court determines that the nature of the property or the exigency of the case otherwise provides cause for the appointment of a receiver;

(8) In an action by a transferor of real or personal property to avoid or rescind the transfer on the basis of fraud, or in an action to subject property or a fund to the payment of a debt;

(9) In an action against any entity if that person is insolvent or is not generally paying the entity's debts as those debts become due unless they are the subject of bona fide dispute;

(10) In an action where a mortgagee has posted and the court has approved a redemption bond as provided pursuant to section 443.440;

(11) If a general assignment for the benefit of creditors has been made;

(12) Pursuant to the terms of a valid and enforceable contract or contract provision providing for the appointment of a receiver, other than pursuant to a contract or contract provision providing for the appointment of a receiver with respect to the primary residence of a debtor who is a natural person;

(13) To enforce a valid and enforceable contractual assignment of rents or other revenue from the property; and

(14) To prevent irreparable injury to the person or persons requesting the appointment of a receiver with respect to the debtor's property.

2. A court of this state shall appoint as receiver of property located in this state a person appointed in a foreign jurisdiction as receiver with respect to the property specifically or with respect to the debtor's property generally, upon the application of the receiver appointed in the foreign jurisdiction or of any party to that foreign action, and following the appointment shall give effect to orders, judgments, and decrees of the court in the foreign jurisdiction affecting the property in this state held by a receiver appointed in the foreign jurisdiction, unless the court determines that to do so would be manifestly unjust or manifestly inequitable. The venue of such an action may be any county in which the debtor resides or maintains any office, or any county in which any property over which a receiver is to be appointed is located at the time the action is commenced.

3. At least seven days' notice of any application for the appointment of a receiver shall be given to the debtor and to all other parties to the action in which the request for appointment of a receiver is sought, and to all other parties in interest as the court may require. If any execution by a judgment creditor or any application by a judgment creditor for the appointment of a receiver with respect to property over which the appointment of a receiver is sought is pending in any other action at the time the application is made, then notice of the application for the receiver's appointment also shall be given to the judgment creditor in the other action. The court may shorten or expand the period for notice of an application for the appointment of a receiver upon good cause shown.

4. The order appointing a receiver shall reasonably describe the property over which the receiver is to take charge, by category, individual items, or both if the receiver is to take charge of less than substantially all of the debtor's property. If the order appointing a receiver does not expressly limit the receiver's authority to designated property or categories of property of the owner, the receiver shall be deemed a general receiver with authority to take charge over all of the debtor's property, wherever located.

5. The court may condition the appointment of a receiver upon the giving of security by the person seeking the appointment of a receiver, in such amount as the court may specify, for the payment of costs and damages incurred or suffered by any person should it later be determined that the appointment of the receiver was wrongfully obtained.

6. The appointment of a receiver is not required to be relief ancillary or in addition to any other claim, and may be sought as an independent claim and remedy.

7. Sections 515.500 to 515.665 shall not apply to persons or entities who are, or who should be, regulated as public utilities by the public service commission.

515.515. GENERAL AND LIMITED RECEIVERS. — A receiver shall be either a general receiver or a limited receiver. A receiver shall be a general receiver if the receiver is appointed to take possession and control of all or substantially all of a debtor's property and provided the power to liquidate such property. A receiver shall be a limited receiver if the receiver is appointed to take possession and control of only limited or specific property of a debtor, whether to preserve or to liquidate such property. A receiver appointed at the request of a person having a lien on or interest in specific property that constitutes all or substantially all of a debtor's property may be either a general receiver or a limited receiver. The court shall specify in the order appointing a receiver whether the receiver is appointed as a general receiver or as a limited receiver. The court by order, upon notice and a hearing, may convert either a general receiver into a limited receiver or a limited receiver into a general receiver for good cause shown. In the absence of a clear designation by the court of the type of receiver appointed, whether limited or general, the receiver shall be presumed to be a general receiver and shall have the rights, powers, and duties attendant thereto.

515.520. NOTICE OF APPOINTMENT, CONTENT. — 1. Upon entry of an order appointing a receiver or upon conversion of a limited receiver to a general receiver pursuant to section 515.515 and within ten business days thereof, or within such additional time as the court may allow, the receiver shall give notice of the appointment or conversion to all parties in interest, including the secretary of state for the state of Missouri, and state and federal taxing authorities. Such notice shall be made by first class mail and proof of service thereof shall be filed with the court. The content of such notice shall include:

- (1) The caption reflecting the action in which the receiver is appointed;
- (2) The date the action was filed;
- (3) The date the receiver was appointed;
- (4) The name, address, and contact information of the appointed receiver;
- (5) Whether the receiver is a limited or general receiver;
- (6) A description of the estate property;
- (7) The debtor's name and address and the name and address of the attorney for the debtor, if any;
- (8) The court address at which pleadings, motions, or other papers may be filed;
- (9) Such additional information as the court directs; and
- (10) A copy of the court's order appointing the receiver.

2. A general receiver shall also give notice of the receivership by publication in a newspaper of general circulation published in the county or counties in which estate property is known to be located once a week for three consecutive weeks. The first notice shall be published within thirty days after the date of appointment of the receiver. The notice of the receivership shall include the date of appointment of the receiver, the name of the court and the action number, the last day on which claims may be filed, if established by the court, and the name and address of the debtor, the receiver, and the receiver's attorney, if any. For purposes of this section, all intangible property included as estate property is deemed to be located in the county in which the debtor, if a natural person, resides, or in which the debtor, if an entity, maintains its principal administrative offices.

3. The debtor shall cooperate with all reasonable requests for information from the receiver for purposes of assisting the receiver in providing notice pursuant to subsection 1 of this section. In the court's discretion, the failure of such debtor to cooperate with any reasonable request for information may be punished as a contempt of court.

515.525. REPLACEMENT OF RECEIVER, WHEN. — Except as provided in sections 515.500 to 515.665 or otherwise by statute, any person, whether or not a resident of this

state, may serve as a receiver. A person may not be appointed as a receiver, and shall be replaced as receiver if already appointed, if it should appear to the court that the person:

(1) Has been found guilty of a felony or other crime involving moral turpitude or is controlled by a person who has been convicted of a felony or other crime involving moral turpitude;

(2) Is a party to the action, or is a parent, grandparent, grandchild, sibling, partner, director, officer, agent, attorney, employee, secured or unsecured creditor or lienor of, or holder of any equity interest in, or controls or is controlled by, the debtor, or who is the agent, affiliate, or attorney of any disqualified person;

(3) Has an interest materially adverse to the interest of persons to be affected by the receivership generally; or

(4) Is a sheriff of any county.

515.530. BOND REQUIREMENTS. — Except as otherwise provided for by statute or court rule, before entering upon duties of receiver, a receiver shall execute a bond with one or more sureties approved by the court, in the amount the court specifies, conditioned that the receiver will faithfully discharge the duties of receiver in accordance with orders of the court and state law. Unless otherwise ordered by the court, the receiver's bond runs in favor of all persons having an interest in the receivership proceeding or property held by the receiver and in favor of state agencies.

515.535. RECEIVER TO HAVE POWERS AND PRIORITY OF CREDITOR. — As of the time of appointment, and subject to the provisions of subdivision (3) of subsection 3 of section 515.575, the receiver shall have the powers and priority as if it were a creditor that obtained a judicial lien at the time of appointment on all of the debtor's property that is subject to the receivership, subject to satisfaction of recording requirements as to real property pursuant to paragraph (c) of subsection 2 of section 515.545.

515.540. COURT TO HAVE EXCLUSIVE AUTHORITY, WHEN. — 1. Except as otherwise provided for by sections 515.500 to 515.665, the court in all cases has exclusive authority over the receiver, and the exclusive possession and right of control with respect to all real property and all tangible and intangible personal property with respect to which the receiver is appointed, wherever located, and the exclusive authority to determine all controversies relating to the collection, preservation, application, and distribution of all property, and all claims against the receiver arising out of the exercise of the receiver's powers or the performance of the receiver's duties. However, the court does not have exclusive authority over actions in which a state agency is a party and in which jurisdiction or venue is vested elsewhere.

2. For good cause shown, the court has power to shorten or expand the time frames specified in sections 515.500 to 515.665.

515.545. POWERS, AUTHORITY, AND DUTIES OF RECEIVERS. — 1. A receiver has the following powers and authority:

(1) To incur or pay expenses incidental to the receiver's preservation and use of estate property, and otherwise in the performance of the receiver's duties, including the power to pay obligations incurred prior to the receiver's appointment if and to the extent that payment is determined by the receiver to be prudent in order to preserve the value of estate property and the funds used for this purpose are not subject to any lien or right of setoff in favor of a creditor who has not consented to the payment and whose interest is not otherwise adequately protected;

(2) If the appointment applies to all or substantially all of the property of an operating business or any revenue-producing property of the debtor, to do all the things which the owner of the business or property may do in the exercise of ordinary business

judgment, or in the ordinary course of the operation of the business as a going concern or use of the property including, but not limited to, the purchase and sale of goods or services in the ordinary course of such business, and the incurring and payment of expenses of the business or property in the ordinary course;

(3) To assert any rights, claims, or choses in action of the debtor, if and to the extent that the rights, claims, or choses in action are themselves property within the scope of the appointment or relate to any estate property, to maintain in the receiver's name or in the name of the debtor any action to enforce any right, claim, or chose in action, and to intervene in actions in which the debtor is a party for the purpose of exercising the powers under this subsection;

(4) To intervene in any action in which a claim is asserted against the debtor, for the purpose of prosecuting or defending the claim and requesting the transfer of venue of the action to the court appointing the receiver. However, the court shall not transfer actions in which a state agency is a party and as to which a statute expressly vests jurisdiction or venue elsewhere. This power is exercisable with court approval by a limited receiver, and with or without court approval by a general receiver;

(5) To assert rights, claims, or choses in action of the receiver arising out of transactions in which the receiver is a participant;

(6) To pursue in the name of the receiver any claim under sections 428.005 to 428.059 assertable by any creditor of the debtor, if pursuit of the claim is determined by the receiver to be appropriate in the exercise of the receiver's business judgment;

(7) To seek and obtain advice or instruction from the court with respect to any course of action with respect to which the receiver is uncertain in the exercise of the receiver's powers or the discharge of the receiver's duties;

(8) To obtain appraisals with respect to estate property;

(9) To compel by subpoena any person to submit to an examination under oath, in the manner of a deposition in accordance with rule 57.03 of the Missouri rules of civil procedure, with respect to estate property or any other matter that may affect the administration of the receivership;

(10) To use, sell, or lease property other than in the ordinary course of business pursuant to section 515.645, and to execute in the debtor's stead such documents, conveyances, and borrower consents as may be required in connection therewith; and

(11) All other powers as may be conferred upon the receiver specifically by sections 515.500 to 515.665, by statute, court rule, or by the court.

2. A receiver has the following duties:

(1) The duty to notify all federal and state taxing and applicable regulatory agencies of the receiver's appointment in accordance with any applicable laws imposing this duty, including but not limited to, 26 U.S.C. Section 6036;

(2) The duty to comply with state law;

(3) If a receiver is appointed with respect to any real property, the duty to record as soon as practicable within the land records in any county in which such real property may be situated a notice of lis pendens as provided in section 527.260, together with a certified copy of the order of appointment, together with a legal description of the real property if one is not included in that order; and

(4) Other duties as may be required specifically by sections 515.500 to 515.665, by statute, court rule, or by the court.

3. The various powers, authorities, and duties of a receiver provided by sections 515.500 to 515.665 may be expanded, modified, or limited by order of the court.

515.550. ESTATE PROPERTY, TURNOVER OF UPON DEMAND — COURT ACTION TO COMPEL. — 1. Upon demand by a receiver, any person, including the debtor, shall turn over any estate property that is within the possession or control of that person unless

otherwise ordered by the court for good cause shown. A receiver by motion may seek to compel turnover of estate property as against any person over which the court first establishes jurisdiction, unless there exists a bona fide dispute with respect to the existence or nature of the receiver's possessory interest in the estate property, in which case turnover shall be sought by means of a legal action. In the absence of a bona fide dispute with respect to the receiver's right to possession of estate property, the failure to relinquish possession and control to the receiver shall be punishable as a contempt of the court.

2. Should the court after notice and a hearing pursuant to subsection 1 of this section order the turnover of property to the receiver, the party against which such order is made shall have the right to deliver a bond executed by such party as principal together with one or more sufficient sureties providing that the principal and each such surety shall each be bound to the receiver in double the amount of the value of the property to be turned over, should the property not be turned over to the receiver when such order becomes final. Absent such bond, the property ordered to be turned over to the receiver shall be immediately turned over to the receiver within ten days of the entry of such order.

515.555. DEBTOR DUTIES AND REQUIREMENTS. — 1. In addition to other duties and requirements set forth in sections 515.500 to 515.665 and as ordered by the court, the debtor shall:

(1) Within fourteen days of the appointment of a general receiver, make available for inspection by the receiver during normal business hours all information and data required to be filed with the court pursuant to section 515.560, in the form and manner the same are maintained in the ordinary course of the debtor's business;

(2) Assist and cooperate fully with the receiver in the administration of the estate and the discharge of the receiver's duties, and comply with all orders of the court;

(3) Supply to the receiver information necessary to enable the receiver to complete any schedules or reports that the receiver may be required to file with the court, and otherwise assist the receiver in the completion of the schedules;

(4) Upon the receiver's appointment, deliver into the receiver's possession all the property of the receivership estate in the person's possession, custody, or control, including, but not limited to, all accounts, books, papers, records, and other documents; and

(5) Following the receiver's appointment, submit to examination by the receiver, or by any other person upon order of the court, under oath, concerning the acts, conduct, property, liabilities, and financial condition of that person or any matter relating to the receiver's administration of the estate.

2. When the debtor is an entity, each of the officers, directors, managers, members, partners, or other individuals exercising or having the power to exercise control over the affairs of the entity are subject to the requirements of this section.

515.560. DEBTOR TO FILE SCHEDULES, WHEN. — 1. Within thirty days after the date of appointment of a general receiver, the debtor shall file with the court and submit to the receiver the following schedules:

(1) A true list of all of the known creditors and applicable regulatory and taxing agencies of the debtor, including the mailing addresses for each, the amount and nature of their claims, and whether their claims are disputed; and

(2) A true list of all estate property, including the estimated liquidation value and location of the property and, if real property, a legal description thereof, as of the date of appointment of the receiver.

2. The Missouri supreme court may from time to time prescribe by court rule the schedules to be filed in receiverships as the supreme court shall deem appropriate to the effective administrations of sections 515.500 to 515.665.

515.565. APPRAISAL NOT REQUIRED WITHOUT COURT ORDER. — 1. A receiver shall not be obligated to obtain any appraisal or other independent valuation of property in the receiver's possession unless ordered by the court to do so.

2. A court may order the receiver to file such additional schedules, reports of assets, liabilities, claims, or inventories as necessary and proper.

3. Whenever a list or schedule required pursuant to this section is not prepared and filed as required by the debtor, the court may order the receiver, a petitioning creditor, or such other person as the court in its discretion deems appropriate to prepare and file such list or schedule within a time fixed by the court. The court may approve reimbursement of the cost incurred in complying with such order as an administrative expense.

515.570. GENERAL RECEIVER TO FILE MONTHLY REPORT, CONTENTS. — 1. A general receiver shall file with the court a monthly report of the receiver's operations and financial affairs unless otherwise ordered by the court. Except as otherwise ordered by the court, each report of a general receiver shall be due by the last day of the subsequent month and shall include the following:

- (1) A balance sheet;
- (2) A statement of income and expenses;
- (3) A statement of cash receipts and disbursements;
- (4) A statement of accrued accounts receivable of the receiver;
- (5) A statement disclosing amounts considered to be uncollectable;
- (6) A statement of accounts payable of the receiver, including professional fees. Such statement shall list the name of each creditor and the amounts owing and remaining unpaid over thirty days; and
- (7) A tax disclosure statement, which shall list post filing taxes due or tax deposits required, the name of the taxing agency, the amount due, the date due, and an explanation for any failure to make payments or deposits.

2. A limited receiver shall file with the court all such reports as the court may require.

515.575. APPOINTMENT OF GENERAL RECEIVER TO OPERATE AS A STAY, WHEN — EXPIRATION OF STAY — NO STAY, WHEN. — 1. Except as otherwise ordered by the court, the entry of an order appointing a general receiver shall operate as a stay, applicable to all persons, of:

- (1) The commencement or continuation, including the issuance, employment, or service of process, of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the entry of the order of appointment, or to recover a claim against the debtor that arose before the entry of the order of appointment;
- (2) The enforcement against the debtor or any estate property of a judgment obtained before the order of appointment;
- (3) Any act to obtain possession of estate property from the receiver, or to interfere with, or exercise control over, estate property;
- (4) Any act to create, perfect, or enforce any lien or claim against estate property except by exercise of a right of setoff, to the extent that the lien secures a claim against the debtor that arose before the entry of the order of appointment; or
- (5) Any act to collect, assess, or recover a claim against the debtor that arose before the entry of the order of appointment.

2. The stay shall automatically expire as to the acts specified in subdivisions (1), (2), and (3) of subsection 1 of this section sixty days after the entry of the order of appointment unless before the expiration of the sixty-day period the debtor or receiver, for good cause

shown, obtains an order of the court extending the stay, after notice and a hearing. A person whose action or proceeding is stayed by motion to the court may seek relief from the stay for good cause shown. Any judgment obtained against the debtor or estate property following the entry of the order of appointment is not a lien against estate property unless the receivership is terminated prior to a conveyance of the property against which the judgment would otherwise constitute a lien.

3. The entry of an order appointing a receiver does not operate as a stay of:

(1) The commencement or continuation of a criminal proceeding against the debtor;

(2) The commencement or continuation of an action or proceeding to establish paternity, or to establish or modify an order for alimony, maintenance, or support, or to collect alimony, maintenance, or support under any order of a court;

(3) Any act to perfect or to maintain or continue the perfection of an interest in estate property pursuant to any generally applicable Missouri law that permits perfection of an interest in property to be effective against an entity that acquires rights in such property before the date of perfection. Such right to perfect an interest in estate property includes any act to perfect an interest in purchase money collateral pursuant to sections 400.9-301 to 400.9-339, perfection of a lien that may be placed against real property under the provisions of chapter 429, or the assertion of a right to continue in possession of any estate property that is in the possession of a person entitled to retain possession of such property pending payment for work performed with respect to such property. If perfection of an interest would otherwise require seizure of the property involved or the commencement of an action, the perfection shall instead be accomplished by filing, and by serving upon the receiver, or receiver's counsel, if any, notice of the interest within the time fixed by law for seizure or commencement;

(4) The commencement or continuation of an action or proceeding by a governmental unit to enforce its police or regulatory power;

(5) The enforcement of a judgment, other than a money judgment, obtained in an action or proceeding by a governmental unit to enforce its police or regulatory power, or with respect to any licensure of the debtor;

(6) The exercise of a right of setoff, including but not limited to, any right of a commodity broker, forward contract merchant, stockbroker, financial institution, or securities clearing agency to set off a claim for a margin payment or settlement payment arising out of a commodity contract, forward contract, or securities contract against cash, securities, or other property held or due from the commodity broker, forward contract merchant, stockbroker, financial institution, or securities clearing agency to margin, guarantee, secure, or settle the commodity contract, forward contract, or securities contract, and any right of a swap participant to set off a claim for a payment due to the swap participant under or in connection with a swap agreement against any payment due from the swap participant under or in connection with the swap agreement or against cash, securities, or other property of the debtor held by or due from the swap participant to guarantee, secure, or settle the swap agreement;

(7) The establishment by a governmental unit of any tax liability and any appeal thereof; or

(8) Any action pending in a court other than that in which the receiver is appointed until transcription of the order appointing the receiver or extending the stay is made to the other court in which an action against the debtor is pending.

4. For the purposes of subdivision (8) of subsection 3 of this section, the receiver or any party in interest is authorized to cause to be transcribed any order appointing a receiver or extending the stay to any and all courts in which any action against a debtor is pending in this state. A court that receives a transcript of an order of receivership or extension of stay may on its own order sua sponte transfer the matter before the court to the court issuing an order of receivership.

515.580. UTILITY SERVICE, NOTICE REQUIRED BY PUBLIC UTILITY TO DISCONTINUE — VIOLATIONS, REMEDIES. — 1. A public utility, as defined in section 386.020, providing service to estate property may not alter, refuse, or discontinue service to the property without first giving the receiver fifteen days' notice, or such other notice as may be required by the rules of the public service commission for a customer of that class, of any default or intention to alter, refuse, or discontinue service to estate property. This section does not prohibit the court, upon motion by the receiver, to prohibit the alteration or cessation of utility service if the receiver can furnish adequate assurance of payment in the form of deposit or other security for service to be provided after entry of the order appointing the receiver.

2. Any public utility regulated by the public service commission which violates this section shall be subject to appropriate remedial measures by the commission upon receiving notice that the utility has violated the provisions of this section.

3. When a utility service provider not regulated by the public service commission violates this section, upon direction of the court, an action may be brought by the receiver against the utility to enforce compliance with the provisions of this section.

515.585. CONTRACTS AND LEASES, RECEIVER MAY ASSUME OR REJECT — ACTION TO COMPEL REJECTION — CONSENT TO ASSUME REQUIRED, WHEN. — 1. A receiver may assume or reject any executory contract or unexpired lease of the debtor upon order of the court following notice and a hearing, which shall include notice to persons party to the executory contract or unexpired lease to be assumed or rejected. The court may condition assumption or rejection of any executory contract or unexpired lease on the terms and conditions the court believes are just and proper under the particular circumstances of the action. Such terms and conditions may include a requirement that the receiver cures or provides adequate assurance that the receiver will promptly cure any default. A general receiver's performance of an executory contract or unexpired lease prior to the court's authorization of its assumption or rejection shall not constitute an assumption of the executory contract or unexpired lease, or an agreement by the receiver to assume it, nor otherwise preclude the receiver thereafter from seeking the court's authority to reject it.

2. Any person party to an executory contract or unexpired lease may by motion seek to compel the rejection thereof at any time, such rejection the court shall order in its discretion, and as the interests of justice may require. In determining a motion to compel the rejection of an executory contract or unexpired lease, the court may consider, among other factors:

(1) Whether rejection is in the best interests of the receivership estate and the interests of creditors;

(2) The extent to which the executory contract or unexpired lease burdens the receivership estate financially;

(3) Whether the debtor is performing or is in breach of the executory contract or unexpired lease;

(4) If the debtor is in breach of a financial provision of the executory contract or unexpired lease, the debtor's ability to cure such breach within a reasonable time; and

(5) Harm suffered by the non-debtor person party to the executory contract or unexpired lease that results or may result from refusing the rejection thereof.

3. Any obligation or liability incurred by a general receiver on account of the receiver's assumption of an executory contract or unexpired lease shall be treated as an expense of the receivership. A receiver's rejection of an executory contract or unexpired lease shall be treated as a breach of the contract or lease occurring immediately prior to the receiver's appointment; and the receiver's right to possess or use property pursuant to any executory contract or unexpired lease shall terminate upon rejection of such contract or lease. A non-debtor party to an executory contract or unexpired lease that is

rejected by a receiver may take such steps as may be necessary under applicable law to terminate or cancel such contract or lease. The claim of a non-debtor party to an executory contract or unexpired lease resulting from a receiver's rejection of it shall be served upon the receiver within thirty days following the date the receiver gives notice of such rejection to such person, which notice shall indicate the right to file a claim within the thirty day period.

4. A receiver's power under this section to assume an executory contract or unexpired lease shall not be affected by any provision in such contract or lease that would effect or permit a forfeiture, modification, or termination of it on account of either the receiver's appointment, the financial condition of the debtor, or an assignment for the benefit of creditors by the debtor.

5. A receiver may not assume an executory contract or unexpired lease of debtor without the consent of the other person party to such contract or lease if:

(1) Applicable law would excuse a person, other than the debtor, from accepting performance from or rendering performance to anyone other than the debtor even in the absence of any provisions in the contract or lease expressly restricting or prohibiting an assignment of the person's rights or the performance of the debtor's duties;

(2) The contract or lease is a contract to make a loan or extend credit or financial accommodations to or for the benefit of the debtor, or to issue a security of the debtor; or

(3) The executory contract or lease expires by its own terms, or under applicable law prior to the receiver's assumption thereof.

6. A receiver may not assign an executory contract or unexpired lease without assuming it, absent the consent of the other parties to the contract or lease.

7. If the receiver rejects an executory contract or unexpired lease for:

(1) The sale of real property under which the debtor is the seller and the purchaser is in possession of the real property;

(2) The sale of a real property timeshare interest under which the debtor is the seller;

(3) The license of intellectual property rights under which the debtor is the licensor;

or

(4) The lease of real property in which the debtor is the lessor; then the purchaser, licensee, or lessee may treat the rejection as a termination of the contract, license agreement, or lease, or alternatively, the purchaser, licensee, or lessee may remain in possession in which circumstance the purchaser, licensee, or lessee shall continue to perform all obligations arising thereunder as and when they may fall due, but may offset against any payments any damages occurring on account of the rejection after it occurs. The purchaser of real property in such a circumstance is entitled to receive from the receiver any deed or any other instrument of conveyance which the debtor is obligated to deliver under the executory contract when the purchaser becomes entitled to receive it, and the deed or instrument has the same force and effect as if given by the person. A purchaser, licensee, or lessee who elects to remain in possession under the terms of this subsection has no rights against the receiver on account of any damages arising from the receiver's rejection except as expressly provided for by this subsection. A purchaser of real property who elects to treat rejection of an executory contract as a termination has a lien against the interest in that real property of the debtor for the recovery of any portion of the purchase price that the purchaser has paid.

8. Any contract with the state shall be deemed rejected if not assumed within sixty days of appointment of a general receiver unless the receiver and state agency agree to its assumption.

9. Nothing in sections 515.500 to 515.665 affects the enforceability of anti-assignment prohibitions provided under contract or applicable law.

515.590. UNSECURED CREDIT OR DEBT, RECEIVER MAY OBTAIN, WHEN. — 1. If a receiver is authorized to operate the business of a debtor or manage a debtor's property,

the receiver may obtain unsecured credit and incur unsecured debt in the ordinary course of business as an administrative expense of the receiver without order of the court.

2. The court after notice and a hearing may authorize a receiver to obtain credit or incur debt other than in the ordinary course of business. The court may allow the receiver to mortgage, pledge, hypothecate, or otherwise encumber estate property as security for repayment of any debt that the receiver may incur, including that the court may provide that additional credit extended to a receiver by a secured creditor of the debtor be afforded the same priority as the secured creditor's existing lien.

3. When determining the propriety of allowing a receiver to obtain credit or incur debt pursuant to subsection 2 of this section, the court shall consider the likely impact on the interests of unsecured creditors of the debtor.

515.595. RIGHT TO SUE AND BE SUED — ACTION ADJUNCT TO RECEIVERSHIP ACTION — VENUE — JUDGMENT NOT A LIEN ON PROPERTY, WHEN. — 1. A receiver has the right to sue and be sued in the receiver's capacity as such, without leave of court, in all circumstances necessary or proper for the conduct of the receivership. However, an action seeking to dispossess a receiver of any estate property or otherwise to interfere with the receiver's management or control of any estate property may not be maintained or continued unless permitted by order of the court obtained upon notice and a hearing.

2. An action by or against a receiver is adjunct to the receivership action. The clerk of the court may assign or refer a case number that reflects the relationship of any action to the receivership action. All pleadings in an adjunct action shall include the case number of the receivership action as well as the adjunct action case number assigned by the clerk of the court. All adjunct actions shall be referred to the judge, if any, assigned to the receivership action.

3. A receiver may be joined or substituted as a party in any action or proceeding that was pending at the time of the receiver's appointment and in which the debtor is a party, upon application by the receiver to the court, agency, or other forum before which the action or proceeding is pending.

4. Venue for adjunct actions by or against a receiver shall lie in the court in which the receivership is pending, if the court has jurisdiction over the action. Actions in other courts in this state shall be transferred to the court upon the receiver's filing of a motion for change of venue, provided that the receiver files the motion within thirty days following service of original process upon the receiver. However, actions in other courts or forums in which a state agency is a party shall not be transferred on request of the receiver absent consent of the affected state agency or grounds provided under other applicable law.

5. An action by or against a receiver does not abate by reason of death or resignation or removal of the receiver, but continues against the successor receiver or against the debtor, if a successor receiver is not appointed.

6. Whenever the assets of any domestic or foreign corporation, that has been doing business in this state, has been placed in the hands of any general receiver and the receiver is in possession of its assets, service of all process upon the corporation may be made upon the receiver.

7. A judgment against a general receiver or the debtor is not a lien on estate property, nor shall any execution issue thereon. Upon entry of a judgment against a general receiver or the debtor in the court in which a general receivership is pending, or upon filing in a general receivership of a certified copy of a judgment against a general receiver or the debtor entered by another court in this state or a foreign jurisdiction, the judgment shall be treated as an allowed claim in the receivership. A judgment against a limited receiver shall be treated and has the same effect as a judgment against the debtor, except that the judgment is not enforceable against estate property unless otherwise ordered by the court upon notice and a hearing.

515.600. IMMUNITY FROM LIABILITY, WHEN. — 1. A receiver appointed pursuant to sections 515.500 to 515.665, and the agents, attorneys, and employees of the receivership employed by the receiver pursuant to section 515.605 shall enjoy judicial immunity for acts and omissions arising out of and performed in connection with his or her official duties on behalf of the court and within the scope of his or her appointment. A person other than a successor receiver duly appointed by the court does not have a right of action against a receiver under this section to recover property or the value thereof for or on behalf of the estate except as provided in subsection 2 of this section. A successor receiver may recover only actual damages incurred by the receivership estate from a prior receiver.

2. A person, other than a successor receiver duly appointed by the court, shall not have the right to bring an action against a receiver or the agents, attorneys, and employees of the receivership employed by the receiver pursuant to section 515.605 for any act or omission while acting in the performance of their functions and duties in connection with the receivership unless such person first files a verified application with the appointing court requesting leave to bring such action and the court grants such application after notice and hearing. The appointing court shall only approve the application to bring claims against the receiver under this section upon a prima facie showing by the person making such request that the receiver's actions are not protected by the grant of immunity set forth in subsection 1 of this section. No other court apart from the appointing court shall have the authority to review or approve the application to bring claims against the receiver under this section.

3. If a person requests leave to bring claims under subsection 2 of this section and such leave is denied, the court shall grant judgment in favor of the receiver for the costs of the proceeding and reasonable attorney's fee if the court finds that the position of the person was not substantially justified.

515.605. EMPLOYMENT OF PROFESSIONALS. — 1. The receiver, with the court's approval, may employ one or more attorneys, accountants, appraisers, auctioneers, or other professional persons that do not hold or represent an interest adverse to the receivership to represent or assist the receiver in carrying out the receiver's duties.

2. A person is not disqualified for employment under this section solely because of the person's employment by, representation of, or other relationship with a creditor or other party in interest, if the relationship is disclosed in the application for the person's employment and if the court determines that there is no actual conflict of interest or inappropriate appearance of a conflict.

3. This section does not preclude the court from authorizing the receiver to act as attorney or accountant if the authorization is in the best interests of the receivership.

4. The receiver and any professionals employed by the receiver shall maintain itemized billing records containing a description of services, the time spent, billing rates of all who perform work to be compensated, and a detailed list of expenses. The receiver, and any professionals employed by the receiver may file a motion requesting the allowance of fees and expenses. Notice of the motion shall be served on all persons required to be identified on the master mailing list maintained pursuant to section 515.610, advising that objections to the application shall be filed within ten days from the date of the notice, and if objections are not timely filed, the court may approve the motion without further notice or hearing. If an objection is filed, the receiver or professional whose compensation is affected may notice the objection for a hearing. Upon request of any person required to receive notice pursuant to this subsection, the receiver and any professionals employed by the receiver shall provide a copy of their itemized billing records upon which their motion for fees and expenses is based within five days of the date of the request.

515.610. CREDITORS BOUND BY ACTS OF RECEIVER — RIGHT TO NOTICE AND MAY APPEAR IN RECEIVERSHIP — NOTICE REQUIREMENTS. — 1. Creditors and parties in interest to whom are given notice as provided by sections 515.500 to 515.665 and creditors or other persons submitting written claims in the receivership or otherwise appearing and participating in the receivership are bound by the acts of the receiver and the orders of the court relating to the receivership whether or not the person is a party to the receivership action.

2. Creditors and parties in interest have a right to notice and a hearing as provided in sections 515.500 to 515.665 whether or not the person is a party to the receivership action.

3. Any party in interest may appear in the receivership in the manner prescribed by court rule and shall file with the court a written notice including the name and mailing address of the party in interest, and the name and address of the party in interest's attorney, if any, with the clerk, and by serving a copy of the notice upon the receiver and the receiver's attorney of record, if any. The receiver shall maintain a master mailing list of all parties and of all parties in interest that file and serve a notice of appearance in accordance with this subsection and such parties in interest's attorneys, if any. The receiver shall make a copy of the current master mailing list available to any party or upon request.

4. Any request for relief against a state agency shall be mailed to or otherwise served on the agency and on the office of the attorney general.

5. The receiver shall give not less than ten days' written notice of any examination by the receiver of the debtor to all persons required to be identified on the master mailing list.

6. All persons required to be identified on the master mailing list are entitled to not less than thirty days' written notice of the hearing of any motion or other proceeding involving any proposed:

- (1) Allowance or disallowance of any claim or claims;
- (2) Abandonment, disposition, or distribution of estate property, other than an emergency disposition of property subject to eroding value or a disposition of estate property in the ordinary course of business;
- (3) Compromise or settlement of a controversy that might affect the distribution to creditors from the receivership;
- (4) Motion for termination of the receivership or removal or discharge of the receiver. Notice of the motion shall also be sent to the department of revenue and other applicable regulatory agencies;
- (5) Any opposition to any motion to authorize any of the actions under subdivisions (1) to (4) of this subsection shall be filed and served upon all persons required to be identified on the master mailing list at least ten days before the date of the proposed action.

7. Whenever notice is not specifically required to be given under sections 515.500 to 515.665 or otherwise by court rule, the court may consider motions and grant or deny relief without notice or hearing, unless a party or party in interest would be prejudiced or harmed by the relief requested.

515.615. CLAIMS ADMINISTRATION PROCESS. — 1. The claims administration process identified in this section shall be administered by a general receiver and may be ordered by the court to be administered by a limited receiver.

2. All claims, other than claims of duly perfected secured creditors, arising prior to the receiver's appointment shall be in the form required by this section and served and noticed as required by this section. Any claim not in the form required by this section and so served and noticed is barred from participating in any distribution to creditors.

3. Claims shall be served on the receiver within thirty days from the date notice is given under this section, unless the court reduces or extends the period for cause shown,

except that a claim arising from the rejection of an executory contract or an unexpired lease of the debtor may be served within thirty days after the rejection. Claims by state agencies shall be served by such state agencies on the receiver within sixty days from the date notice is given by mail under this section.

4. Claims shall be in written form entitled "Proof of Claim", setting forth the name and address of the creditor and the nature and amount of the claim, and executed by the creditor or the creditor's authorized agent. When a claim or an interest in estate property securing the claim is based on a writing, the original or a copy of the writing shall be included as a part of the proof of claim together with evidence of perfection of any security interest or other lien asserted by the claimant. Unless otherwise ordered by the court, creditors may amend such claims and such amendments shall relate back to the original filing of such claim.

5. Notices of claim shall be filed with the court. A notice shall be filed with the court relating to each served claim. A notice of claim shall not include the claim or supporting documentation served upon the receiver. A notice of claim shall include the name and address of the creditor asserting the claim, together with the name and address of the attorney, if any representing the creditor, the amount of the claim, whether or not the claim is secured or unsecured, and if secured, a brief description of any estate property and other collateral securing the claim.

6. A claim properly noticed, executed, and served in accordance with this section constitutes prima facie evidence of the validity and amount of the claim.

515.620. OBJECTION TO A CLAIM, PROCEDURE. — 1. At any time prior to the entry of an order approving the general receiver's final report, the receiver or any party in interest may file with the court an objection to a claim, such objection shall be in writing and shall set forth the grounds for the objection to the claim. A copy of the objection shall be mailed to the creditor who shall have thirty days to file with the court any suggestions in support of the claim. Upon the filing of any suggestions in support of the claim, the court may adjudicate the claim objection or set a hearing relating to the claim objection. Claims that comply with the requirements of section 515.615 that are not disallowed by the court are entitled to share in distributions from the receivership in accordance with the priorities provided for by sections 515.500 to 515.665 or otherwise by law.

2. Upon order of the court, the general receiver, or any party in interest objecting to the creditor's claim, an objection may be subject to mediation prior to adjudication of the objection. However, state claims are not subject to mediation absent agreement of the state.

3. Upon motion of the general receiver or other party in interest, the following claims may be estimated for purpose of allowance under this section under the rules or orders applicable to the estimation of claims under this section:

(1) Any contingent or unliquidated claim, the fixing or liquidation of which, as the circumstance may be, would unduly delay the administration of the receivership; or

(2) Any right to payment arising from a right to an equitable remedy for breach of performance.

Claims subject to this subsection shall be allowed in the estimated amount thereof.

515.625. DISTRIBUTION OF CLAIMS. — 1. Claims not disallowed by the court shall receive distribution under sections 515.500 to 515.665 in the order of priority under subdivisions (1) to (8) of this section and, with the exception of subdivisions (1) to (3) of this subsection, on a pro rata basis:

(1) Any secured creditor that is duly perfected under applicable law, whether or not such secured creditor has filed a proof of claim, shall receive the proceeds from the disposition of the estate property that secures its claim. However, the receiver may recover

from estate property secured by a lien or the proceeds thereof the reasonable, necessary expenses of preserving, protecting, or disposing of the estate property to the extent of any benefit to a duly perfected secured creditor. If and to the extent that the proceeds are less than the amount of a duly perfected secured creditor's claim or a duly perfected secured creditor's lien is avoided on any basis, the duly perfected secured creditor's claim is an unsecured claim under subdivision (8) of this subsection. Duly perfected secured claims shall be paid from the proceeds in accordance with their respective priorities under otherwise applicable law;

(2) Actual, necessary costs and expenses incurred during the administration of the receivership, other than those expenses allowable under subdivision (1) of this subsection, including allowed fees and reimbursement of reasonable charges and expenses of the receiver and professional persons employed by the receiver. Notwithstanding subdivision (1) of this subsection, expenses incurred during the administration of the estate have priority over the secured claim of any secured creditor obtaining or consenting to the appointment of the receiver;

(3) A secured creditor that is not duly perfected under applicable law shall receive the proceeds from the disposition of the estate property that secures its claim if and to the extent that unsecured claims are made subject to those liens under applicable law;

(4) Claims for wages, salaries, or commissions, including vacation, severance, and sick leave pay, or contributions to an employee benefit plan earned by the claimant within one hundred eighty days of the date of appointment of the receiver or the cessation of any business relating to the receivership, whichever occurs first, but only to the extent of ten thousand nine hundred fifty dollars;

(5) Unsecured claims, to the extent of two thousand four hundred twenty-five dollars for each natural person, arising from the deposit with the person debtor before the date of appointment of the receiver of money in connection with the purchase, lease, or rental of estate property or the purchase of services for personal, family, or household use that were not delivered or provided;

(6) Claims for a marital, family, or other support debt, but not to the extent that the debt is assigned to another person, voluntarily, by operation of law, or otherwise; or includes a liability designated as a support obligation unless that liability is actually in the nature of a support obligation;

(7) Unsecured claims of governmental units for taxes which accrued prior to the date of appointment of the receiver;

(8) Other unsecured claims.

2. If all of the classes under subsection 1 of this section have been paid in full, any residue shall be paid to the debtor.

515.630. SECURED CLAIMS PERMITTED AGAINST ESTATE PROPERTY. — Except as otherwise provided for by statute, estate property acquired by the estate, the receiver, or the debtor of the receiver is subject to an allowed secured claim to the same extent as would exist in the absence of a receivership.

515.635. NONCONTINGENT LIQUIDATED CLAIMS, INTEREST ALLOWED, RATE. — To the extent that funds are available in the estate for distribution to creditors in a general receivership, the holder of an allowed noncontingent, liquidated claim is entitled to receive interest at the legal rate or other applicable rate from the date of appointment of the receiver or the date on which the claim became a noncontingent, liquidated claim. If there are sufficient funds in the estate to fully pay all interest owing to all members of the class, then interest shall be paid proportionately to each member of the class.

515.640. BURDENSOME PROPERTY, ABANDONMENT OF, WHEN. — The receiver or any party upon order of the court following notice and a hearing and upon the terms and

conditions the court considers just and proper may abandon any estate property that is burdensome to the receiver or is of inconsequential value or benefit. However, a receiver may not abandon property that is a hazard or potential hazard to the public in contravention of a state statute or rule that is reasonably designed to protect the public health or safety from identified hazards. Property that is abandoned no longer constitutes estate property.

515.645. USE, SALE, OR LEASE OF ESTATE PROPERTY BY RECEIVER. — 1. The receiver with the court's approval after notice and a hearing may use, sell, or lease estate property other than in the ordinary course of business.

2. The court may order that a general receiver's sale of estate property either under subsection 1 of this section, or consisting of real property that the debtor intended to sell in its ordinary course of business, be effected free and clear of liens, claims, and of all rights of redemption, whether or not the sale will generate proceeds sufficient to fully satisfy all claims secured by the property, unless either:

(1) The property to be sold is real property used principally in the production of crops, livestock, or aquaculture, or the property is a homestead, and the owner of the property has not consented to the sale following the appointment of the receiver; or

(2) A party in interest, including but not limited to, an owner of the property to be sold or a secured creditor as regards to the property to be sold serves and files a timely opposition to the receiver's sale, and the court determines that the amount likely to be realized by the receiver's sale is less than the amount that may be realized within a reasonable time in the absence of the receiver's sale.

Upon any sale free and clear of liens authorized by this section, all liens encumbering the property sold shall transfer and attach to the proceeds of the sale, net of reasonable expenses incurred in the disposition of the property sold, in the same order, priority, and validity as the liens had with respect to the property sold immediately before the conveyance. The court may authorize the receiver at the time of sale to satisfy, in whole or in part, any lien on the property sold out of the proceeds of its sale if the interest of any other creditor having a lien against the proceeds of the sale would not thereby be impaired.

3. At a public sale of estate property under subsection 1 of this section, a creditor with a lien against the property to be sold may credit bid at the sale of the property. A creditor with a lien against the property to be sold who purchases the property from a receiver may offset against the purchase price its secured claim against the property, provided that such secured creditor tenders cash sufficient to satisfy in full all secured claims payable out of the proceeds of sale having priority over such secured creditor's secured claim. If the lien or the claim it secures is the subject of a bona fide dispute, the court may order the holder of the lien or claim to provide the receiver with adequate security to assure full payment of the purchase price in the event the lien, the claim, or any part thereof is determined to be invalid or unenforceable.

4. If estate property includes an interest as a co-owner of property, the receiver shall have the rights and powers of a co-owner afforded by applicable state or federal law, including but not limited to, any rights of partition.

5. The reversal or modification on appeal of an authorization to sell or lease estate property under this section does not affect the validity of a sale or lease under that authorization to any person that purchased or leased the property in good faith, whether or not the person knew of the pendency of the appeal, unless the authorization and sale or lease were stayed pending the appeal.

6. The notice of a proposed use, sale, or lease of estate property required by subsection 1 of this section shall include the time and place of any public sale, the terms and conditions of any private sale and the time fixed for filing objections, and shall be

mailed to all parties in interest, and to such other persons as the court in the interests of justice may require.

7. In determining whether a sale free and clear of liens, claims, encumbrances, and of all rights of redemption is in the best interest of the estate, the court may consider, among such other factors as the court deems appropriate, the following:

- (1) Whether the sale shall be conducted in a commercially reasonable manner considering assets of a similar type or nature;
- (2) Whether an independent appraisal supports the purchase price to be paid;
- (3) Whether creditors and parties in interest received adequate notice of the sale, sale procedures, and details of the proposed sale;
- (4) Any relationship between the buyer and the debtor;
- (5) Whether the sale is an arm's length transaction; and
- (6) Whether parties asserting a lien as to the property to be sold consent to the proposed sale.

515.650. RECEIVER MAY BE APPOINTED AS A RECEIVER BY OUT-OF-STATE COURT, WHEN. — 1. A receiver appointed in any action pending in the courts of this state, without first seeking approval of the court, may apply to any court outside of this state for appointment as receiver with respect to any property or business of the person over whose property the receiver is appointed constituting estate property which is located in any other jurisdiction, if the appointment is necessary to the receiver's possession, control, management, or disposition of property in accordance with orders of the court.

2. A receiver appointed by a court of another state, or by a federal court in any district outside of this state, or any other person having an interest in that proceeding, may obtain appointment by a court of this state of that same receiver with respect to any property or business of the person over whose property the receiver is appointed constituting property of the foreign receivership that is located in this jurisdiction if the person is eligible to serve as receiver and the appointment is necessary to the receiver's possession, control, or disposition of the property in accordance with orders of the court in the foreign proceeding. Upon the receiver's request, the court shall enter the orders not offensive to the laws and public policy of this state, necessary to effectuate orders entered by the court in the foreign receivership proceeding. A receiver appointed in an ancillary receivership in this state is required to comply with sections 515.500 to 515.665 requiring notice to creditors or other parties in interest only as may be required by the superior court in the ancillary receivership.

515.655. REMOVAL OR REPLACEMENT OF RECEIVER, PROCEDURE. — 1. The court shall remove or replace the receiver on application of the debtor, the receiver, or any creditor, or any party or on the court's own motion if the receiver fails to perform the receiver's duties or obligations under sections 515.500 to 515.665, as ordered by the court.

2. Upon removal, resignation, or death of the receiver the court shall appoint a successor receiver if the court determines that further administration of the estate is required. The successor receiver shall immediately take possession of the estate and assume the duties of receiver.

3. Whenever the court is satisfied that the receiver so removed or replaced has fully accounted for and turned over to the successor receiver appointed by the court all of the property of the estate and has filed a report of all receipts and disbursements during the person's tenure as receiver, the court shall enter an order discharging that person from all further duties and responsibilities as receiver after notice and a hearing.

515.660. DISCHARGE OF RECEIVER. — 1. Upon distribution or disposition of all property of the estate, or the completion of the receiver's duties with respect to estate property, the receiver shall move the court to be discharged upon notice and a hearing.

2. The receiver's final report and accounting setting forth all receipts and disbursements of the estate shall be included in the petition for discharge and filed with the court.

3. Upon approval of the final report, the court shall discharge the receiver.

4. The receiver's discharge releases the receiver from any further duties and responsibilities as receiver under sections 515.500 to 515.665.

5. Upon motion of any party in interest, or upon the court's own motion, the court has the power to discharge the receiver and terminate the court's administration of the property over which the receiver was appointed. If the court determines that the appointment of the receiver was wrongfully procured or procured in bad faith, the court may assess against the person who procured the receiver's appointment all of the receiver's fees and other costs of the receivership and any other sanctions the court determines to be appropriate.

6. A certified copy of an order terminating the court's administration of the property over which the receiver was appointed shall operate as a release of any lis pendens notice recorded pursuant to section 515.545 and the same shall be recorded within the land records in any county in which such real property may be situated, together with a legal description of the real property if one is not included in that order.

515.665. ORDERS SUBJECT TO APPEAL. — Orders of the court pursuant to sections 515.500 to 515.665 are appealable to the extent allowed under existing law, including subdivision (2) of section 512.020.

[478.430. CIRCUIT JUDGE IN ST. LOUIS CITY MAY APPOINT JANITOR-MESSENGER. — Each circuit judge of the circuit court of the city of St. Louis who is visually impaired or otherwise physically handicapped is hereby authorized to appoint one janitor-messenger whose duty it shall be to keep in an orderly and cleanly manner the chambers and other rooms used by such judge and his reporter in the performance of their respective duties, and equipment in use therein, and also the halls, stairways, and jury rooms used in connection with the courtroom over which such judge presides, and to perform such other duties as said judge shall direct from time to time. And the judge making said appointment shall report the same to the circuit court in general session for certification, and such janitor-messenger shall hold his appointment during the pleasure of the judge making the same.]

[478.433. COMPENSATION OF JANITOR-MESSENGER. — The janitor-messenger appointed under section 478.430 shall receive and be paid, after proper appointment and certification by said court, or the presiding judge thereof, an annual salary of not less than two thousand two hundred dollars. Said salary shall be payable at the end of each and every month, in equal monthly installments, by the treasurer of the city of St. Louis out of any moneys appropriated therefor by the municipal assembly upon warrants drawn and countersigned by the proper officers of said city, pursuant to the charter thereof. It shall be the duty of the municipal assembly of said city to appropriate the money necessary for the payment of such salaries; provided further, that the court may, when sitting in general session, recommend to the St. Louis board of estimate and apportionment an increase in salary of janitor-messengers not exceeding two hundred dollars per annum, subject to the approval of said board. If said board of estimate and apportionment concur in such salary increase, the municipal assembly shall appropriate additional moneys for such salaries.]

[515.240. APPOINTMENT OF RECEIVER. — The court, or any judge thereof in vacation, shall have power to appoint a receiver, whenever such appointment shall be

deemed necessary, whose duty it shall be to keep and preserve any money or other thing deposited in court, or that may be subject of a tender, and to keep and preserve all property and protect any business or business interest entrusted to him pending any legal or equitable proceeding concerning the same, subject to the order of the court.]

[515.250. BOND OF RECEIVER — POWERS. — Such receiver shall give bond, and have the same powers and be subject to all the provisions, as far as they may be applicable, enjoined upon a receiver appointed by virtue of the law providing for suits by attachment.]

[515.260. COMPENSATION OF RECEIVER. — The court shall allow such receiver such compensation for his services and expenses as may be reasonable and just, and cause the same to be taxed as costs, and paid as other costs in the cause.]

Approved July 13, 2016

SB 579 [SB 579]

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 infection reporting of health care facilities

AN ACT to repeal sections 192.020, 192.667, 208.670, 334.108, and 335.175, RSMo, and to enact in lieu thereof twelve new sections relating to health care, with existing penalty provisions.

SECTION

- A. Enacting clause.
 191.1145. Definitions — telehealth services authorized, when.
 191.1146. Physician-patient relationship required, how established.
 192.020. To safeguard the health of the people of Missouri — certain diseases to be included on communicable or infectious disease list.
 192.667. Health care providers, financial data, submission of data on infections to be collected, rules, recommendation — federal system may be implemented — use of data by department of health and senior services, duties, restrictions, penalty — publication of information, when — failure to provide information, effect — public reports required, when, requirements — rulemaking authority — antimicrobial stewardship program, report.
 208.670. Practice of telehealth, rules — definitions.
 208.671. Asynchronous store-and-forward technology, use of — rules — standard of care.
 208.673. Telehealth services advisory committee, duties, members, rules.
 208.675. Telehealth services, eligible health care providers.
 208.677. Originating site defined.
 208.686. Home telemonitoring services, reimbursement program authorized — discontinuance, when — rules.
 334.108. Telemedicine or internet prescriptions and treatment, establishment of physician-patient relationship required.
 335.175. Utilization of telehealth by nurses established — rulemaking authority — sunset provision.

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

SECTION A. ENACTING CLAUSE. — Sections 192.020, 192.667, 208.670, 334.108, and 335.175, RSMo, are repealed and twelve new sections enacted in lieu thereof, to be known as sections 191.1145, 191.1146, 192.020, 192.667, 208.670, 208.671, 208.673, 208.675, 208.677, 208.686, 334.108, and 335.175, to read as follows:

191.1145. DEFINITIONS — TELEHEALTH SERVICES AUTHORIZED, WHEN. — **1. As used in sections 191.1145 and 191.1146, the following terms shall mean:**

(1) "Asynchronous store-and-forward transfer", the collection of a patient's relevant health information and the subsequent transmission of that information from an originating site to a health care provider at a distant site without the patient being present;

(2) "Clinical staff", any health care provider licensed in this state;

(3) "Distant site", a site at which a health care provider is located while providing health care services by means of telemedicine;

(4) "Health care provider", as that term is defined in section 376.1350;

(5) "Originating site", a site at which a patient is located at the time health care services are provided to him or her by means of telemedicine. For the purposes of asynchronous store-and-forward transfer, originating site shall also mean the location at which the health care provider transfers information to the distant site;

(6) "Telehealth" or "telemedicine", the delivery of health care services by means of information and communication technologies which facilitate the assessment, diagnosis, consultation, treatment, education, care management, and self-management of a patient's health care while such patient is at the originating site and the health care provider is at the distant site. Telehealth or telemedicine shall also include the use of asynchronous store-and-forward technology.

2. Any licensed health care provider shall be authorized to provide telehealth services if such services are within the scope of practice for which the health care provider is licensed and are provided with the same standard of care as services provided in person.

3. In order to treat patients in this state through the use of telemedicine or telehealth, health care providers shall be fully licensed to practice in this state and shall be subject to regulation by their respective professional boards.

4. Nothing in subsection 3 of this section shall apply to:

(1) Informal consultation performed by a health care provider licensed in another state, outside of the context of a contractual relationship, and on an irregular or infrequent basis without the expectation or exchange of direct or indirect compensation;

(2) Furnishing of health care services by a health care provider licensed and located in another state in case of an emergency or disaster; provided that, no charge is made for the medical assistance; or

(3) Episodic consultation by a health care provider licensed and located in another state who provides such consultation services on request to a physician in this state.

5. Nothing in this section shall be construed to alter the scope of practice of any health care provider or to authorize the delivery of health care services in a setting or in a manner not otherwise authorized by the laws of this state.

6. No originating site for services or activities provided under this section shall be required to maintain immediate availability of on-site clinical staff during the telehealth services, except as necessary to meet the standard of care for the treatment of the patient's medical condition if such condition is being treated by an eligible health care provider who is not at the originating site, has not previously seen the patient in person in a clinical setting, and is not providing coverage for a health care provider who has an established relationship with the patient.

7. Nothing in this section shall be construed to alter any collaborative practice requirement as provided in chapters 334 and 335.

191.1146. PHYSICIAN-PATIENT RELATIONSHIP REQUIRED, HOW ESTABLISHED. — 1. Physicians licensed under chapter 334 who use telemedicine shall ensure that a properly established physician-patient relationship exists with the person who receives the telemedicine services. The physician-patient relationship may be established by:

(1) An in-person encounter through a medical interview and physical examination;

(2) Consultation with another physician, or that physician's delegate, who has an established relationship with the patient and an agreement with the physician to participate in the patient's care; or

(3) A telemedicine encounter, if the standard of care does not require an in-person encounter, and in accordance with evidence-based standards of practice and telemedicine practice guidelines that address the clinical and technological aspects of telemedicine.

2. In order to establish a physician-patient relationship through telemedicine:

(1) The technology utilized shall be sufficient to establish an informed diagnosis as though the medical interview and physical examination has been performed in person; and

(2) Prior to providing treatment, including issuing prescriptions, a physician who uses telemedicine shall interview the patient, collect or review relevant medical history, and perform an examination sufficient for the diagnosis and treatment of the patient. A questionnaire completed by the patient, whether via the internet or telephone, does not constitute an acceptable medical interview and examination for the provision of treatment by telehealth.

192.020. TO SAFEGUARD THE HEALTH OF THE PEOPLE OF MISSOURI — CERTAIN DISEASES TO BE INCLUDED ON COMMUNICABLE OR INFECTIOUS DISEASE LIST. — 1. It shall be the general duty and responsibility of the department of health and senior services to safeguard the health of the people in the state and all its subdivisions. It shall make a study of the causes and prevention of diseases. It shall designate those diseases which are infectious, contagious, communicable or dangerous in their nature and shall make and enforce adequate orders, findings, rules and regulations to prevent the spread of such diseases and to determine the prevalence of such diseases within the state. It shall have power and authority, with approval of the director of the department, to make such orders, findings, rules and regulations as will prevent the entrance of infectious, contagious and communicable diseases into the state.

2. The department of health and senior services shall include in its list of communicable or infectious diseases which must be reported to the department methicillin-resistant staphylococcus aureus (MRSA), **carbapenem-resistant enterobacteriaceae (CRE) as specified by the department**, and vancomycin-resistant enterococcus (VRE).

192.667. HEALTH CARE PROVIDERS, FINANCIAL DATA, SUBMISSION OF DATA ON INFECTIONS TO BE COLLECTED, RULES, RECOMMENDATION — FEDERAL SYSTEM MAY BE IMPLEMENTED — USE OF DATA BY DEPARTMENT OF HEALTH AND SENIOR SERVICES, DUTIES, RESTRICTIONS, PENALTY — PUBLICATION OF INFORMATION, WHEN — FAILURE TO PROVIDE INFORMATION, EFFECT — PUBLIC REPORTS REQUIRED, WHEN, REQUIREMENTS — RULEMAKING AUTHORITY — ANTIMICROBIAL STEWARDSHIP PROGRAM, REPORT. — 1. All health care providers shall at least annually provide to the department charge data as required by the department. All hospitals shall at least annually provide patient abstract data and financial data as required by the department. Hospitals as defined in section 197.020 shall report patient abstract data for outpatients and inpatients. [Within one year of August 28, 1992,] Ambulatory surgical centers as defined in section 197.200 shall provide patient abstract data to the department. The department shall specify by rule the types of information which shall be submitted and the method of submission.

2. The department shall collect data [on required nosocomial infection incidence rates] **on the incidence of health care-associated infections** from hospitals, ambulatory surgical centers, and other facilities as necessary to generate the reports required by this section. Hospitals, ambulatory surgical centers, and other facilities shall provide such data in compliance with this section.

3. [No later than July 1, 2005,] The department shall promulgate rules specifying the standards and procedures for the collection, analysis, risk adjustment, and reporting of [nosocomial infection incidence rates] **the incidence of health care-associated infections** and the types of infections and procedures to be monitored pursuant to subsection 12 of this section. In promulgating such rules, the department shall:

(1) Use methodologies and systems for data collection established by the federal Centers for Disease Control and Prevention National [Nosocomial Infection Surveillance System] **Healthcare Safety Network**, or its successor; and

(2) Consider the findings and recommendations of the infection control advisory panel established pursuant to section 197.165.

4. **By January 1, 2017**, the infection control advisory panel created by section 197.165 shall make [a recommendation] **recommendations** to the department regarding the [appropriateness of implementing all or part of the nosocomial] **Centers for Medicare and Medicaid Services' health care-associated** infection data collection, analysis, and public reporting requirements [of this act by authorizing] **for** hospitals, ambulatory surgical centers, and other facilities [to participate] in the federal Centers for Disease Control and [Prevention's] **Prevention National [Nosocomial Infection Surveillance System] Healthcare Safety Network**, or its successor, **in lieu of all or part of the data collection, analysis, and public reporting requirements of this section. The advisory panel recommendations shall address which hospitals shall be required as a condition of licensure to use the National Healthcare Safety Network for data collection; the use of the National Healthcare Safety Network for risk adjustment and analysis of hospital submitted data; and the use of the Centers for Medicare and Medicaid Services' Hospital Compare website, or its successor, for public reporting of the incidence of health care-associated infection metrics.** The advisory panel shall consider the following factors in developing its recommendation:

(1) Whether the public is afforded the same or greater access to facility-specific infection control indicators and [rates than would be provided under subsections 2, 3, and 6 to 12 of this section] **metrics**;

(2) Whether the data provided to the public [are] **is** subject to the same or greater accuracy of risk adjustment [than would be provided under subsections 2, 3, and 6 to 12 of this section];

(3) Whether the public is provided with the same or greater specificity of reporting of infections by type of facility infections and procedures [than would be provided under subsections 2, 3, and 6 to 12 of this section];

(4) Whether the data [are] **is** subject to the same or greater level of confidentiality of the identity of an individual patient [than would be provided under subsections 2, 3, and 6 to 12 of this section];

(5) Whether the National [Nosocomial Infection Surveillance System] **Healthcare Safety Network**, or its successor, has the capacity to receive, analyze, and report the required data for all facilities;

(6) Whether the cost to implement the [nosocomial] **National Healthcare Safety Network** infection data collection and reporting system is the same or less [than under subsections 2, 3, and 6 to 12 of this section].

5. [Based on] **After considering** the [affirmative recommendation] **recommendations** of the infection control advisory panel, and provided that the requirements of subsection 12 of this section can be met, the department [may or may not] **shall** implement **guidelines from** the federal Centers for Disease Control and [Prevention Nosocomial Infection Surveillance System] **Prevention's National Healthcare Safety Network**, or its successor[, as an alternative means of complying with the requirements of subsections 2, 3, and 6 to 12 of this section. If the department chooses to implement the use of the federal Centers for Disease Control Prevention Nosocomial Infection Surveillance System, or its successor, as an alternative means of complying with the requirements of subsections 2, 3, and 6 to 12 of this section,]. It shall be a condition of licensure for hospitals [and ambulatory surgical centers which opt to participate in the federal program to] **that meet the minimum public reporting requirements of the National Healthcare Safety Network and the Centers for Medicare and Medicaid Services to participate in the National Healthcare Safety Network, or its successor. Such hospitals shall permit the [federal program] National Healthcare Safety Network, or its successor, to disclose facility-specific infection data to the department as required under this section, and**

as necessary to provide the public reports required by the department. **It shall be a condition of licensure for** any [hospital or] ambulatory surgical center which does not voluntarily participate in the National [Nosocomial Infection Surveillance System] **Healthcare Safety Network**, or its successor, [shall be] **to submit facility-specific data to the department as required [to abide by all of the requirements of subsections 2, 3, and 6 to 12 of this section] under this section, and as necessary to provide the public reports required by the department.**

6. The department shall not require the resubmission of data which has been submitted to the department of health and senior services or the department of social services under any other provision of law. The department of health and senior services shall accept data submitted by associations or related organizations on behalf of health care providers by entering into binding agreements negotiated with such associations or related organizations to obtain data required pursuant to section 192.665 and this section. A health care provider shall submit the required information to the department of health and senior services:

(1) If the provider does not submit the required data through such associations or related organizations;

(2) If no binding agreement has been reached within ninety days of August 28, 1992, between the department of health and senior services and such associations or related organizations; or

(3) If a binding agreement has expired for more than ninety days.

7. Information obtained by the department under the provisions of section 192.665 and this section shall not be public information. Reports and studies prepared by the department based upon such information shall be public information and may identify individual health care providers. The department of health and senior services may authorize the use of the data by other research organizations pursuant to the provisions of section 192.067. The department shall not use or release any information provided under section 192.665 and this section which would enable any person to determine any health care provider's negotiated discounts with specific preferred provider organizations or other managed care organizations. The department shall not release data in a form which could be used to identify a patient. Any violation of this subsection is a class A misdemeanor.

8. The department shall undertake a reasonable number of studies and publish information, including at least an annual consumer guide, in collaboration with health care providers, business coalitions and consumers based upon the information obtained pursuant to the provisions of section 192.665 and this section. The department shall allow all health care providers and associations and related organizations who have submitted data which will be used in any **[report] publication** to review and comment on the **[report] publication** prior to its publication or release for general use. [The department shall include any comments of a health care provider, at the option of the provider, and associations and related organizations in the publication if the department does not change the publication based upon those comments.] The **[report] publication** shall be made available to the public for a reasonable charge.

9. Any health care provider which continually and substantially, as these terms are defined by rule, fails to comply with the provisions of this section shall not be allowed to participate in any program administered by the state or to receive any moneys from the state.

10. A hospital, as defined in section 197.020, aggrieved by the department's determination of ineligibility for state moneys pursuant to subsection 9 of this section may appeal as provided in section 197.071. An ambulatory surgical center as defined in section 197.200 aggrieved by the department's determination of ineligibility for state moneys pursuant to subsection 9 of this section may appeal as provided in section 197.221.

11. The department of health may promulgate rules providing for collection of data and publication of [nosocomial infection incidence rates] **the incidence of health care-associated infections** for other types of health facilities determined to be sources of infections; except that,

physicians' offices shall be exempt from reporting and disclosure of [infection incidence rates] **such infections.**

12. **By January 1, 2017, the advisory panel shall recommend and the department shall adopt in regulation with an effective date of no later than January 1, 2018, the requirements for the reporting of the following types of infections as specified in this subsection:**

(1) **Infections associated with a minimum of four surgical procedures for hospitals and a minimum of two surgical procedures for ambulatory surgical centers that meet the following criteria:**

(a) **Are usually associated with an elective surgical procedure. An elective surgical procedure is a planned, nonemergency surgical procedure, that may be either medically required such as a hip replacement or optional such as breast augmentation;**

(b) **Demonstrate a high priority aspect such as affecting a large number of patients, having a substantial impact for a smaller population, or being associated with substantial cost, morbidity, or mortality; or**

(c) **Are infections for which reports are collected by the National Healthcare Safety Network or its successor;**

(2) **Central line-related bloodstream infections;**

(3) **Health care-associated infections specified for reporting by hospitals, ambulatory surgical centers, and other health care facilities by the rules of the Centers for Medicare and Medicaid Services to the federal Centers for Disease Control and Prevention's National Healthcare Safety Network, or its successor; and**

(4) **Other categories of infections that may be established by rule by the department. The department, in consultation with the advisory panel, shall be authorized to collect and report data on subsets of each type of infection described in this subsection.**

13. **In consultation with the infection control advisory panel established pursuant to section 197.165, the department shall develop and disseminate to the public reports based on data compiled for a period of twelve months. Such reports shall be updated quarterly and shall show for each hospital, ambulatory surgical center, and other facility [a risk-adjusted nosocomial infection incidence rate for the following types of infection:**

(1) **Class I Surgical site infections;**

(2) **Ventilator-associated pneumonia;**

(3) **Central line-related bloodstream infections;**

(4) **Other categories of infections that may be established by rule by the department.**

The department, in consultation with the advisory panel, shall be authorized to collect and report data on subsets of each type of infection described in this subsection] **metrics on risk adjusted health care-associated infections under this section.**

[13. In the event the provisions of this act are implemented by requiring hospitals, ambulatory surgical centers, and other facilities to participate in the federal Centers for Disease Control and Prevention National Nosocomial Infection Surveillance System, or its successor,]

14. **The types of infections under subsection 12 of this section to be publicly reported shall be determined by the department by rule and shall be consistent with the infections tracked by the National [Nosocomial Infection Surveillance System] Healthcare Safety Network, or its successor.**

[14.] 15. **Reports published pursuant to subsection [12] 13 of this section shall be published and readily accessible on the department's internet website. [The initial report shall be issued by the department not later than December 31, 2006.] The reports shall be distributed at least annually to the governor and members of the general assembly. The department shall make such reports available to the public for a period of at least two years.**

[15.] 16. **The Hospital Industry Data Institute shall publish a report of Missouri hospitals' and ambulatory surgical centers' compliance with standardized quality of care measures established by the federal Centers for Medicare and Medicaid Services for prevention of**

infections related to surgical procedures. If the Hospital Industry Data Institute fails to do so by July 31, 2008, and annually thereafter, the department shall be authorized to collect information from the Centers for Medicare and Medicaid Services or from hospitals and ambulatory surgical centers and publish such information in accordance with [subsection 14 of] this section.

[16.] 17. The data collected or published pursuant to this section shall be available to the department for purposes of licensing hospitals and ambulatory surgical centers pursuant to chapter 197.

[17.] 18. The department shall promulgate rules to implement the provisions of section 192.131 and sections 197.150 to 197.160. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

19. No later than August 28, 2017, each hospital, excluding mental health facilities as defined in section 632.005, and each ambulatory surgical center as defined in section 197.200, shall in consultation with its medical staff establish an antimicrobial stewardship program for evaluating the judicious use of antimicrobials, especially antibiotics that are the last line of defense against resistant infections. The hospital's stewardship program and the results of the program shall be monitored and evaluated by hospital quality improvement departments and shall be available upon inspection to the department. At a minimum, the antimicrobial stewardship program shall be designed to evaluate that hospitalized patients receive, in accordance with accepted medical standards of practice, the appropriate antimicrobial, at the appropriate dose, at the appropriate time, and for the appropriate duration.

20. Hospitals described in subsection 19 of this section shall meet the National Healthcare Safety Network requirements for reporting antimicrobial usage or resistance by using the Centers for Disease Control and Prevention's Antimicrobial Use and Resistance (AUR) Module when regulations concerning Stage 3 of the Medicare and Medicaid Electronic Health Records Incentive Programs promulgated by the Centers for Medicare and Medicaid Services that enable the electronic interface for such reporting are effective. When such antimicrobial usage or resistance reporting takes effect, hospitals shall authorize the National Healthcare Safety Network, or its successor, to disclose to the department facility-specific information reported to the AUR Module. Facility-specific data on antibiotic usage and resistance collected under this subsection shall not be disclosed to the public, but the department may release case-specific information to other facilities, physicians, and the public if the department determines on a case-by-case basis that the release of such information is necessary to protect persons in a public health emergency.

21. The department shall make a report to the general assembly beginning January 1, 2018, and on every January first thereafter on the incidence, type, and distribution of antimicrobial-resistant infections identified in the state and within regions of the state.

208.670. PRACTICE OF TELEHEALTH, RULES — DEFINITIONS. — 1. As used in this section, these terms shall have the following meaning:

(1) "Provider", any provider of medical services and mental health services, including all other medical disciplines;

(2) "Telehealth", [the use of medical information exchanged from one site to another via electronic communications to improve the health status of a patient] **the same meaning as such term is defined in section 191.1145.**

2. Reimbursement for the use of asynchronous store-and-forward technology in the practice of telehealth in the MO HealthNet program shall be allowed for orthopedics, dermatology, ophthalmology and optometry, in cases of diabetic retinopathy, burn and wound care, dental services which require a diagnosis, and maternal-fetal medicine ultrasounds.

[2.] **3.** The department of social services, in consultation with the departments of mental health and health and senior services, shall promulgate rules governing the practice of telehealth in the MO HealthNet program. Such rules shall address, but not be limited to, appropriate standards for the use of telehealth, certification of agencies offering telehealth, and payment for services by providers. Telehealth providers shall be required to obtain [patient] **participant** consent before telehealth services are initiated and to ensure confidentiality of medical information.

[3.] **4.** Telehealth may be utilized to service individuals who are qualified as MO HealthNet participants under Missouri law. Reimbursement for such services shall be made in the same way as reimbursement for in-person contacts.

5. The provisions of section 208.671 shall apply to the use of asynchronous store-and-forward technology in the practice of telehealth in the MO HealthNet program.

208.671. ASYNCHRONOUS STORE-AND-FORWARD TECHNOLOGY, USE OF — RULES — STANDARD OF CARE. — 1. As used in this section and section 208.673, the following terms shall mean:

(1) "Asynchronous store-and-forward", the transfer of a participant's clinically important digital samples, such as still images, videos, audio, text files, and relevant data from an originating site through the use of a camera or similar recording device that stores digital samples that are forwarded via telecommunication to a distant site for consultation by a consulting provider without requiring the simultaneous presence of the participant and the participant's treating provider;

(2) "Asynchronous store-and-forward technology", cameras or other recording devices that store images which may be forwarded via telecommunication devices at a later time;

(3) "Consultation", a type of evaluation and management service as defined by the most recent edition of the Current Procedural Terminology published annually by the American Medical Association;

(4) "Consulting provider", a provider who, upon referral by the treating provider, evaluates a participant and appropriate medical data or images delivered through asynchronous store-and-forward technology. If a consulting provider is unable to render an opinion due to insufficient information, the consulting provider may request additional information to facilitate the rendering of an opinion or decline to render an opinion;

(5) "Distant site", the site where a consulting provider is located at the time the consultation service is provided;

(6) "Originating site", the site where a MO HealthNet participant receiving services and such participant's treating provider are both physically located;

(7) "Provider", any provider of medical, mental health, optometric, or dental health services, including all other medical disciplines, licensed and providing MO HealthNet services who has the authority to refer participants for medical, mental health, optometric, dental, or other health care services within the scope of practice and licensure of the provider;

(8) "Telehealth", as that term is defined in section 191.1145;

(9) "Treating provider", a provider who:

(a) Evaluates a participant;

(b) Determines the need for a consultation;

(c) Arranges the services of a consulting provider for the purpose of diagnosis and treatment; and

(d) Provides or supplements the participant's history and provides pertinent physical examination findings and medical information to the consulting provider.

2. The department of social services, in consultation with the departments of mental health and health and senior services, shall promulgate rules governing the use of asynchronous store-and-forward technology in the practice of telehealth in the MO HealthNet program. Such rules shall include, but not be limited to:

(1) Appropriate standards for the use of asynchronous store-and-forward technology in the practice of telehealth;

(2) Certification of agencies offering asynchronous store-and-forward technology in the practice of telehealth;

(3) Timelines for completion and communication of a consulting provider's consultation or opinion, or if the consulting provider is unable to render an opinion, timelines for communicating a request for additional information or that the consulting provider declines to render an opinion;

(4) Length of time digital files of such asynchronous store-and-forward services are to be maintained;

(5) Security and privacy of such digital files;

(6) Participant consent for asynchronous store-and-forward services; and

(7) Payment for services by providers; except that, consulting providers who decline to render an opinion shall not receive payment under this section unless and until an opinion is rendered.

Telehealth providers using asynchronous store-and-forward technology shall be required to obtain participant consent before asynchronous store-and-forward services are initiated and to ensure confidentiality of medical information.

3. Asynchronous store-and-forward technology in the practice of telehealth may be utilized to service individuals who are qualified as MO HealthNet participants under Missouri law. The total payment for both the treating provider and the consulting provider shall not exceed the payment for a face-to-face consultation of the same level.

4. The standard of care for the use of asynchronous store-and-forward technology in the practice of telehealth shall be the same as the standard of care for services provided in person.

208.673. TELEHEALTH SERVICES ADVISORY COMMITTEE, DUTIES, MEMBERS, RULES.

— 1. There is hereby established the "Telehealth Services Advisory Committee" to advise the department of social services and propose rules regarding the coverage of telehealth services in the MO HealthNet program utilizing asynchronous store-and-forward technology.

2. The committee shall be comprised of the following members:

(1) The director of the MO HealthNet division, or the director's designee;

(2) The medical director of the MO HealthNet division;

(3) A representative from a Missouri institution of higher education with expertise in telehealth;

(4) A representative from the Missouri office of primary care and rural health;

(5) Two board-certified specialists licensed to practice medicine in this state;

(6) A representative from a hospital located in this state that utilizes telehealth;

(7) A primary care physician from a federally qualified health center (FQHC) or rural health clinic;

(8) A primary care physician from a rural setting other than from an FQHC or rural health clinic;

(9) A dentist licensed to practice in this state; and

(10) A psychologist, or a physician who specializes in psychiatry, licensed to practice in this state.

3. Members of the committee listed in subdivisions (3) to (10) of subsection 2 of this section shall be appointed by the governor with the advice and consent of the senate. The first appointments to the committee shall consist of three members to serve three-year terms, three members to serve two-year terms, and three members to serve a one-year term as designated by the governor. Each member of the committee shall serve for a term of three years thereafter.

4. Members of the committee shall not receive any compensation for their services but shall be reimbursed for any actual and necessary expenses incurred in the performance of their duties.

5. Any member appointed by the governor may be removed from office by the governor without cause. If there is a vacancy for any cause, the governor shall make an appointment to become effective immediately for the unexpired term.

6. 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, 2016, shall be invalid and void.

208.675. TELEHEALTH SERVICES, ELIGIBLE HEALTH CARE PROVIDERS. — For purposes of the provision of telehealth services in the MO HealthNet program, the following individuals, licensed in Missouri, shall be considered eligible health care providers:

- (1) Physicians, assistant physicians, and physician assistants;
- (2) Advanced practice registered nurses;
- (3) Dentists, oral surgeons, and dental hygienists under the supervision of a currently registered and licensed dentist;
- (4) Psychologists and provisional licensees;
- (5) Pharmacists;
- (6) Speech, occupational, or physical therapists;
- (7) Clinical social workers;
- (8) Podiatrists;
- (9) Optometrists;
- (10) Licensed professional counselors; and
- (11) Eligible health care providers under subdivisions (1) to (10) of this section practicing in a rural health clinic, federally qualified health center, or community mental health center.

208.677. ORIGINATING SITE DEFINED. — 1. For purposes of the provision of telehealth services in the MO HealthNet program, the term "originating site" shall mean a telehealth site where the MO HealthNet participant receiving the telehealth service is located for the encounter. The standard of care in the practice of telehealth shall be the same as the standard of care for services provided in person. An originating site shall be one of the following locations:

- (1) An office of a physician or health care provider;
- (2) A hospital;
- (3) A critical access hospital;
- (4) A rural health clinic;
- (5) A federally qualified health center;
- (6) A long-term care facility licensed under chapter 198;
- (7) A dialysis center;

- (8) A Missouri state habilitation center or regional office;
 - (9) A community mental health center;
 - (10) A Missouri state mental health facility;
 - (11) A Missouri state facility;
 - (12) A Missouri residential treatment facility licensed by and under contract with the children's division. Facilities shall have multiple campuses and have the ability to adhere to technology requirements. Only Missouri licensed psychiatrists, licensed psychologists, or provisionally licensed psychologists, and advanced practice registered nurses who are MO HealthNet providers shall be consulting providers at these locations;
 - (13) A comprehensive substance treatment and rehabilitation (CSTAR) program;
 - (14) A school;
 - (15) The MO HealthNet recipient's home;
 - (16) A clinical designated area in a pharmacy; or
 - (17) A child assessment center as described in section 210.001.
2. If the originating site is a school, the school shall obtain permission from the parent or guardian of any student receiving telehealth services prior to each provision of service.

208.686. HOME TELEMONITORING SERVICES, REIMBURSEMENT PROGRAM AUTHORIZED — DISCONTINUANCE, WHEN — RULES. — 1. Subject to appropriations, the department shall establish a statewide program that permits reimbursement under the MO HealthNet program for home telemonitoring services. For the purposes of this section, "home telemonitoring service" shall mean a health care service that requires scheduled remote monitoring of data related to a participant's health and transmission of the data to a health call center accredited by the Utilization Review Accreditation Commission (URAC).

2. The program shall:
- (1) Provide that home telemonitoring services are available only to persons who:
 - (a) Are diagnosed with one or more of the following conditions:
 - a. Pregnancy;
 - b. Diabetes;
 - c. Heart disease;
 - d. Cancer;
 - e. Chronic obstructive pulmonary disease;
 - f. Hypertension;
 - g. Congestive heart failure;
 - h. Mental illness or serious emotional disturbance;
 - i. Asthma;
 - j. Myocardial infarction; or
 - k. Stroke; and
 - (b) Exhibit two or more of the following risk factors:
 - a. Two or more hospitalizations in the prior twelve-month period;
 - b. Frequent or recurrent emergency department admissions;
 - c. A documented history of poor adherence to ordered medication regimens;
 - d. A documented history of falls in the prior six-month period;
 - e. Limited or absent informal support systems;
 - f. Living alone or being home alone for extended periods of time;
 - g. A documented history of care access challenges; or
 - h. A documented history of consistently missed appointments with health care providers;
 - (2) Ensure that clinical information gathered by a home health agency or hospital while providing home telemonitoring services is shared with the participant's physician; and

(3) Ensure that the program does not duplicate any disease management program services provided by MO HealthNet.

3. If, after implementation, the department determines that the program established under this section is not cost effective, the department may discontinue the program and stop providing reimbursement under the MO HealthNet program for home telemonitoring services.

4. The department shall determine whether the provision of home telemonitoring services to persons who are eligible to receive benefits under both the MO HealthNet and Medicare programs achieves cost savings for the Medicare program.

5. If, before implementing any provision of this section, the department determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the department shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

6. The department shall 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, 2016, shall be invalid and void.

334.108. TELEMEDICINE OR INTERNET PRESCRIPTIONS AND TREATMENT, ESTABLISHMENT OF PHYSICIAN-PATIENT RELATIONSHIP REQUIRED. — 1. Prior to prescribing any drug, controlled substance, or other treatment through **telemedicine, as defined in section 191.1145, or the internet**, a physician shall establish a valid physician-patient relationship as described in section 191.1146. This relationship shall include:

(1) Obtaining a reliable medical history and performing a physical examination of the patient, adequate to establish the diagnosis for which the drug is being prescribed and to identify underlying conditions or contraindications to the treatment recommended or provided;

(2) Having sufficient dialogue with the patient regarding treatment options and the risks and benefits of treatment or treatments;

(3) If appropriate, following up with the patient to assess the therapeutic outcome;

(4) Maintaining a contemporaneous medical record that is readily available to the patient and, subject to the patient's consent, to the patient's other health care professionals; and

(5) ~~[(Including)]~~ **Maintaining** the electronic prescription information as part of the patient's medical record.

2. The requirements of subsection 1 of this section may be satisfied by the prescribing physician's designee when treatment is provided in:

(1) A hospital as defined in section 197.020;

(2) A hospice program as defined in section 197.250;

(3) Home health services provided by a home health agency as defined in section 197.400;

(4) Accordance with a collaborative practice agreement as defined in section 334.104;

(5) Conjunction with a physician assistant licensed pursuant to section 334.738;

(6) **Conjunction with an assistant physician licensed under section 334.036;**

(7) **Consultation with another physician who has an ongoing physician-patient relationship with the patient, and who has agreed to supervise the patient's treatment, including use of any prescribed medications; or**

~~[(7)]~~ (8) On-call or cross-coverage situations.

3. **No health care provider, as defined in section 376.1350, shall prescribe any drug, controlled substance, or other treatment to a patient based solely on an evaluation over**

the telephone; except that, a physician, such physician's on-call designee, an advanced practice registered nurse in a collaborative practice arrangement with such physician, a physician assistant in a supervision agreement with such physician, or an assistant physician in a supervision agreement with such physician may prescribe any drug, controlled substance, or other treatment that is within his or her scope of practice to a patient based solely on a telephone evaluation if a previously established and ongoing physician-patient relationship exists between such physician and the patient being treated.

4. No health care provider shall prescribe any drug, controlled substance, or other treatment to a patient based solely on an internet request or an internet questionnaire.

335.175. UTILIZATION OF TELEHEALTH BY NURSES ESTABLISHED — RULEMAKING AUTHORITY — SUNSET PROVISION. — 1. No later than January 1, 2014, there is hereby established within the state board of registration for the healing arts and the state board of nursing the "Utilization of Telehealth by Nurses". An advanced practice registered nurse (APRN) providing nursing services under a collaborative practice arrangement under section 334.104 may provide such services outside the geographic proximity requirements of section 334.104 if the collaborating physician and advanced practice registered nurse utilize telehealth in the care of the patient and if the services are provided in a rural area of need. Telehealth providers shall be required to obtain patient consent before telehealth services are initiated and ensure confidentiality of medical information.

2. As used in this section, "telehealth" [means the use of medical information exchanged from one site to another via electronic communications to improve the health status of a patient, as defined in section 208.670] **shall have the same meaning as such term is defined in section 191.1145.**

3. (1) The boards shall jointly promulgate rules governing the practice of telehealth under this section. Such rules shall address, but not be limited to, appropriate standards for the use of telehealth.

(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, 2013, shall be invalid and void.

4. For purposes of this section, "rural area of need" means any rural area of this state which is located in a health professional shortage area as defined in section 354.650.

5. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after August 28, 2013, 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 June 8, 2016

SB 585 [SCS SB 585]

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

Divides the Thirty-Eighth Judicial Circuit and creates a new Forty-Sixth Judicial Circuit

AN ACT to repeal sections 211.393, 478.170, and 478.191, RSMo, and to enact in lieu thereof six new sections relating to the division of multicounty judicial circuits, with an emergency clause.

SECTION

- A. Enacting clause.
- 211.393. Definitions — compensation of juvenile officers, apportionment — state to reimburse salaries, when — multicounty circuit provisions — local juvenile court budget, amount maintained, when — exclusion from benefits, when.
- 478.011. Number of judicial circuits
- 478.170. Circuit No. 38.
- 478.188. Circuit No. 46.
- 478.191. Authority for establishment of circuits, repealed, effective when.
- 478.577. Circuit No. 46, number of judges — election, when.
- B. Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Sections 211.393, 478.170, and 478.191, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 211.393, 478.011, 478.170, 478.188, 478.191, and 478.577, to read as follows:

211.393. DEFINITIONS — COMPENSATION OF JUVENILE OFFICERS, APPORTIONMENT — STATE TO REIMBURSE SALARIES, WHEN — MULTICOUNTY CIRCUIT PROVISIONS — LOCAL JUVENILE COURT BUDGET, AMOUNT MAINTAINED, WHEN — EXCLUSION FROM BENEFITS, WHEN. — 1. For purposes of this section, the following words and phrases mean:

- (1) "County retirement plan", any public employees' defined benefit retirement plan established by law that provides retirement benefits to county or city employees, but not to include the county employees' retirement system as provided in sections 50.1000 to 50.1200;
- (2) "Juvenile court employee", any person who is employed by a juvenile court in a position normally requiring one thousand hours or more of service per year;
- (3) "Juvenile officer", any juvenile officer appointed pursuant to section 211.351;
- (4) "Multicounty circuit", all other judicial circuits not included in the definition of a single county circuit;
- (5) "Single county circuit", a judicial circuit composed of a single county of the first classification, including the circuit for the city of St. Louis;
- (6) "State retirement plan", the public employees' retirement plan administered by the Missouri state employees' retirement system pursuant to chapter 104.

2. Juvenile court employees employed in a single county circuit shall be subject to the following provisions:

- (1) The juvenile officer employed in such circuits on and prior to July 1, 1999, shall:
 - (a) Be state employees on that portion of their salary received from the state pursuant to section 211.381, and in addition be county employees on that portion of their salary provided by the county at a rate determined pursuant to section 50.640;
 - (b) Receive state-provided benefits, including retirement benefits from the state retirement plan, on that portion of their salary paid by the state and may participate as members in a county retirement plan on that portion of their salary provided by the county except any juvenile officer whose service as a juvenile court officer is being credited based on all salary received from any

source in a county retirement plan on June 30, 1999, shall not be eligible to receive state-provided benefits, including retirement benefits, or any creditable prior service as described in this section but shall continue to participate in such county retirement plan;

(c) Receive creditable prior service in the state retirement plan for service rendered as a juvenile court employee prior to July 1, 1999, to the extent they have not already received credit for such service in a county retirement plan on salary paid to them for such service, if such service was rendered in a single county circuit or a multicounty circuit; except that if the juvenile officer forfeited such credit in such county retirement plan prior to being eligible to receive creditable prior service under this paragraph, they may receive service under this paragraph;

(d) Receive creditable prior service pursuant to paragraph (c) of this subdivision even though they already have received credit for such creditable service in a county retirement plan if they elect to forfeit their creditable service from such plan in which case such plan shall transfer to the state retirement plan an amount equal to the actuarial accrued liability for the forfeited creditable service, determined as if the person were going to continue to be an active member of the county retirement plan, less the amount of any refunds of member contributions;

(e) Receive creditable prior service for service rendered as a juvenile court employee in a multicounty circuit in a position that was financed in whole or in part by a public or private grant, pursuant to the provisions of paragraph (e) of subdivision (1) of subsection 3 of this section;

(2) Juvenile officers who begin employment for the first time as a juvenile officer in a single county circuit on or after July 1, 1999, shall:

(a) Be county employees and receive salary from the county at a rate determined pursuant to section 50.640 subject to reimbursement by the state as provided in section 211.381; and

(b) Participate as members in the applicable county retirement plan subject to reimbursement by the state for the retirement contribution due on that portion of salary reimbursed by the state;

(3) All other juvenile court employees who are employed in a single county circuit on or after July 1, 1999:

(a) Shall be county employees and receive a salary from the county at a rate determined pursuant to section 50.640; and

(b) Shall, in accordance with their status as county employees, receive other county-provided benefits including retirement benefits from the applicable county retirement plan if such employees otherwise meet the eligibility requirements for such benefits;

(4) (a) The state shall reimburse each county comprised of a single county circuit for an amount equal to the greater of:

a. Twenty-five percent of such circuit's total juvenile court personnel budget, excluding the salary for a juvenile officer, for calendar year 1997, and excluding all costs of retirement, health and other fringe benefits; or

b. The sum of the salaries of one chief deputy juvenile officer and one deputy juvenile officer class I, as provided in section 211.381;

(b) The state may reimburse a single county circuit up to fifty percent of such circuit's total calendar year 1997 juvenile court personnel budget, subject to appropriations. The state may reimburse, subject to appropriations, the following percentages of such circuits' total juvenile court personnel budget, expended for calendar year 1997, excluding the salary for a juvenile officer, and excluding all costs of retirement, health and other fringe benefits: thirty percent beginning July 1, 2000, until June 30, 2001; forty percent beginning July 1, 2001, until June 30, 2002; fifty percent beginning July 1, 2002; however, no county shall receive any reimbursement from the state in an amount less than the greater of:

a. Twenty-five percent of the total juvenile court personnel budget of the single county circuit expended for calendar year 1997, excluding fringe benefits; or

b. The sum of the salaries of one chief deputy juvenile officer and one deputy juvenile officer class I, as provided in section 211.381;

(5) Each single county circuit shall file a copy of its initial 1997 and each succeeding year's budget with the office of the state courts administrator after January first each year and prior to reimbursement. The office of the state courts administrator shall make payment for the reimbursement from appropriations made for that purpose on or before July fifteenth of each year following the calendar year in which the expenses were made. The office of the state courts administrator shall submit the information from the budgets relating to full-time juvenile court personnel from each county to the general assembly;

(6) Any single county circuit may apply to the office of the state courts administrator to become subject to subsection 3 of this section, and such application shall be approved subject to appropriation of funds for that purpose;

(7) The state auditor may audit any single county circuit to verify compliance with the requirements of this section, including an audit of the 1997 budget.

3. Juvenile court employees in multicounty circuits shall be subject to the following provisions:

(1) Juvenile court employees including detention personnel hired in 1998 in those multicounty circuits who began actual construction on detention facilities in 1996, employed in a multicounty circuit on or after July 1, 1999, shall:

(a) Not be state employees unless they receive all salary from the state, which shall include any salary as provided in section 211.381 in addition to any salary provided by the applicable county or counties during calendar year 1997 and any general salary increase approved by the state of Missouri for fiscal year 1999 and fiscal year 2000;

(b) Participate in the state retirement plan;

(c) Receive creditable prior service in the state retirement plan for service rendered as a juvenile court employee prior to July 1, 1999, to the extent they have not already received credit for such service in a county retirement plan on salary paid to them for such service if such service was rendered in a single county circuit or a multicounty circuit, except that if they forfeited such credit in such county retirement plan prior to being eligible to receive creditable prior service under this paragraph, they may receive creditable service under this paragraph;

(d) Receive creditable prior service pursuant to paragraph (c) of this subdivision even though they already have received credit for such creditable service in a county retirement plan if they elect within six months from the date they become participants in the state retirement plan pursuant to this section to forfeit their service from such plan in which case such plan shall transfer to the state retirement plan an amount equal to the actuarial accrued liability for the forfeited creditable service, determined as if the person was going to continue to be an active member of the county retirement plan, less the amount of any refunds of member contributions;

(e) Receive creditable prior service for service rendered as a juvenile court employee in a multicounty circuit in a position that was financed in whole or in part by a public or private grant to the extent they have not already received credit for such service in a county retirement plan on salary paid to them for such service except that if they:

a. Forfeited such credit in such county retirement plan prior to being eligible to receive creditable service under this paragraph, they may receive creditable service under paragraph (e) of this subdivision;

b. Received credit for such creditable service in a county retirement plan, they may not receive creditable prior service pursuant to paragraph (e) of this subdivision unless they elect to forfeit their service from such plan, in which case such plan shall transfer to the state retirement plan an amount equal to the actuarial liability for the forfeited creditable service, determined as if the person was going to continue to be an active member of the county retirement plan, less the amount of any refunds of member contributions;

c. Terminated employment prior to August 28, 2007, and apply to the board of trustees of the state retirement plan to be made and employed as a special consultant and be available to give opinions regarding retirement they may receive creditable service under paragraph (e) of this subdivision;

d. Retired prior to August 28, 2007, and apply to the board of trustees of the state retirement plan to be made and employed as a special consultant and be available to give opinions regarding retirement, they shall have their retirement benefits adjusted so they receive retirement benefits equal to the amount they would have received had their retirement benefit been initially calculated to include such creditable prior service; or

e. Purchased creditable prior service pursuant to section 104.344 or section 105.691 based on service as a juvenile court employee in a position that was financed in whole or in part by a public or private grant, they shall receive a refund based on the amount paid for such purchased service;

(2) Juvenile court employee positions added after December 31, 1997, shall be terminated and not subject to the provisions of subdivision (1) of this subsection, unless the office of the state courts administrator requests and receives an appropriation specifically for such positions;

(3) The salary of any juvenile court employee who becomes a state employee, effective July 1, 1999, shall be limited to the salary provided by the state of Missouri, which shall be set in accordance with guidelines established by the state pursuant to a salary survey conducted by the office of the state courts administrator, but such salary shall in no event be less than the amount specified in paragraph (a) of subdivision (1) of this subsection. Notwithstanding any provision to the contrary in subsection 1 of section 211.394, such employees shall not be entitled to additional compensation paid by a county as a public officer or employee. Such employees shall be considered employees of the judicial branch of state government for all purposes;

(4) All other employees of a multicounty circuit who are not juvenile court employees as defined in subsection 1 of this section shall be county employees subject to the county's own terms and conditions of employment;

(5) In a single county circuit that changed from a multicounty circuit on or after August 28, 2016, any juvenile court employee, who receives all salary from the state, shall be a state employee, receive state-provided benefits under this subsection, including retirement benefits from the state retirement plan, and not be subject to subsection 2 of this section while employed in that circuit.

4. The receipt of creditable prior service as described in paragraph (c) of subdivision (1) of subsection 2 of this section and paragraph (c) of subdivision (1) of subsection 3 of this section is contingent upon the office of the state courts administrator providing the state retirement plan information, in a form subject to verification and acceptable to the state retirement plan, indicating the dates of service and amount of monthly salary paid to each juvenile court employee for such creditable prior service.

5. No juvenile court employee employed by any single or multicounty circuit shall be eligible to participate in the county employees' retirement system fund pursuant to sections 50.1000 to 50.1200.

6. Each county in every circuit in which a juvenile court employee becomes a state employee shall maintain each year in the local juvenile court budget an amount, defined as "maintenance of effort funding", not less than the total amount budgeted for all employees of the juvenile court including any juvenile officer, deputy juvenile officer, or other juvenile court employees in calendar year 1997, minus the state reimbursements as described in this section received for the calendar year 1997 personnel costs for the salaries of all such juvenile court employees who become state employees. The juvenile court shall provide a proposed budget to the county commission each year. The budget shall contain a separate section specifying all funds to be expended in the juvenile court. Such funding may be used for contractual costs for detention services, guardians ad litem, transportation costs for those circuits without detention facilities to transport children to and from detention and hearings, short-term residential services, indebtedness for juvenile facilities, expanding existing detention facilities or services, continuation of services funded by public grants or subsidy, and enhancing the court's ability to provide prevention, probation, counseling and treatment services. The county commission may review such budget and may appeal the proposed budget to the judicial finance commission pursuant to section 50.640.

7. Any person who is employed on or after July 1, 1999, in a position covered by the state retirement plan or the transportation department and highway patrol retirement system and who has rendered service as a juvenile court employee in a judicial circuit that was not a single county of the first classification shall be eligible to receive creditable prior service in such plan or system as provided in subsections 2 and 3 of this section. For purposes of this subsection, the provisions of paragraphs (c) and (d) of subdivision (1) of subsection 2 of this section and paragraphs (c) and (d) of subdivision (1) of subsection 3 of this section that apply to the state retirement plan shall also apply to the transportation department and highway patrol retirement system.

8. (1) Any juvenile officer who is employed as a state employee in a multicounty circuit on or after July 1, 1999, shall not be eligible to participate in the state retirement plan as provided by this section unless such juvenile officer elects to:

(a) Receive retirement benefits from the state retirement plan based on all years of service as a juvenile officer and a final average salary which shall include salary paid by the county and the state; and

(b) Forfeit any county retirement benefits from any county retirement plan based on service rendered as a juvenile officer.

(2) Upon making the election described in this subsection, the county retirement plan shall transfer to the state retirement plan an amount equal to the actuarial accrued liability for the forfeited creditable service determined as if the person was going to continue to be an active member of the county retirement plan, less the amount of any refunds of member contributions.

9. The elections described in this section shall be made on forms developed and made available by the state retirement plan.

478.011. NUMBER OF JUDICIAL CIRCUITS — This state is divided into forty-six judicial circuits, numbered consecutively from one to forty-six.

478.170. CIRCUIT NO. 38. — 1. Until December 31, 2016, circuit number thirty-eight shall consist of the counties of Christian and Taney.

2. Beginning January 1, 2017, circuit number thirty-eight shall consist of the county of Christian.

478.188. CIRCUIT NO. 46. — Beginning January 1, 2017, circuit number forty-six shall consist of the county of Taney.

478.191. AUTHORITY FOR ESTABLISHMENT OF CIRCUITS, REPEALED, EFFECTIVE WHEN. — The repeal of sections 478.075, 478.077, 478.080, 478.085, 478.087, 478.090, 478.093, 478.095, 478.097, 478.100, 478.103, 478.105, 478.107, 478.110, 478.113, 478.115, 478.117, 478.120, 478.123, 478.125, 478.127, 478.130, 478.133, 478.135, 478.137, 478.140, 478.143, 478.145, 478.147, 478.150, 478.153, 478.155, 478.157, 478.160, 478.163, 478.165, 478.167, 478.170, 478.173, 478.175, 478.177, 478.180, 478.183, 478.185, 478.186, **478.188**, and the repeal and reenactment of section 487.010 shall become effective December 31, 2020.

478.577. CIRCUIT NO. 46, NUMBER OF JUDGES — ELECTION, WHEN. — Beginning January 1, 2017, there shall be one circuit judge in the forty-sixth judicial circuit who shall be elected in 2016 for a two-year term and thereafter in 2018 for a full six-year term.

SECTION B. EMERGENCY CLAUSE. — Because immediate action is necessary to enable the judiciary to continue serving the citizens of Missouri efficiently and effectively, 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.

Approved February 18, 2016

SB 586 [SCS SBs 586 & 651]

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 definition of "current operating expenditures" and "state adequacy target" for the purposes of state funding and applies the definition of "average daily attendance" to charter schools

AN ACT to repeal sections 163.011 and 163.018, RSMo, and to enact in lieu thereof two new sections relating to elementary and secondary education, with an emergency clause.

SECTION

- A. Enacting clause.
- 163.011. Definitions — method of calculating state aid.
- 163.018. Early childhood education programs, pupils included in average daily attendance calculation, when — applicability for unaccredited districts, provisionally accredited districts, and other districts.
- B. Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Sections 163.011 and 163.018, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 163.011 and 163.018, 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 **price** 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 **price** 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 **price** lunch pupil count shall be the percentage of free and reduced **price** 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 **price** lunch count multiplied by the district's average daily attendance figure;

(7) "Free and reduced **price** lunch threshold" shall be calculated by dividing the total free and reduced **price** 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] **state adequacy target as calculated for fiscal years 2017 and 2018 and any state adequacy target figure calculated subsequent to fiscal year 2018**. 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 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 **price** lunch pupil count that exceeds the free and reduced **price** 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 **price** lunch pupil count that exceeds the free and reduced **price** 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.

163.018. EARLY CHILDHOOD EDUCATION PROGRAMS, PUPILS INCLUDED IN AVERAGE DAILY ATTENDANCE CALCULATION, WHEN — APPLICABILITY FOR UNACCREDITED DISTRICTS, PROVISIONALLY ACCREDITED DISTRICTS, AND OTHER DISTRICTS. — 1. Notwithstanding the definition of "average daily attendance" in subdivision (2) of section 163.011 to the contrary, pupils between the ages of three and five who are eligible for free and reduced **price** lunch and attend an early childhood education program that is operated by and in a district or by a charter school that has declared itself as a local educational agency providing full-day kindergarten and that meets standards established by the state board of education shall be included in the district's or charter school's calculation of average daily attendance. The total number of such pupils included in the district's or charter school's calculation of average daily attendance shall not exceed four percent of the total number of pupils who are eligible for free and reduced **price** lunch between the ages of [three] **five** and eighteen who are included in the district's or charter school's calculation of average daily attendance.

2. (1) For any district that has been declared unaccredited by the state board of education and remains unaccredited as of July 1, 2015, **and for any charter school located in said district**, the provisions of subsection 1 of this section shall become applicable during the 2015-16 school year.

(2) For any district that is declared unaccredited by the state board of education after July 1, 2015, **and for any charter school located in said district**, the provisions of subsection 1 of this section shall become applicable immediately upon such declaration.

(3) For any district that has been declared provisionally accredited by the state board of education and remains provisionally accredited as of July 1, 2016, **and for any charter school located in said district**, the provisions of subsection 1 of this section shall become applicable beginning in the 2016-17 school year.

(4) For any district that is declared provisionally accredited by the state board of education after July 1, 2016, **and for any charter school located in said district**, the provisions of this section shall become applicable beginning in the 2016-17 school year or immediately upon such declaration, whichever is later.

(5) For all other districts **and charter schools**, the provisions of subsection 1 of this section shall become effective in any school year subsequent to a school year in which the amount appropriated for subsections 1 and 2 of section 163.031 is equal to or exceeds the amount necessary to fund the entire entitlement calculation determined by subsections 1 and 2 of section 163.031, and shall remain effective in all school years thereafter, irrespective of the amount appropriated for subsections 1 and 2 of section 163.031 in any succeeding year.

3. This section shall not require school attendance beyond that mandated under section 167.031 and shall not change or amend the provisions of sections 160.051, 160.053, 160.054, and 160.055 relating to kindergarten attendance.

SECTION B. EMERGENCY CLAUSE. — Because of the importance of funding elementary and secondary education, 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 on July 1, 2016.

Vetoed May 4, 2016
Overridden May 5, 2016

SB 588 [HCS SCS SBs 588, 603 & 942]

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 petitions for the expungement of criminal records

AN ACT to repeal sections 488.650 and 610.140, RSMo, and to enact in lieu thereof two new sections relating to petitions for the expungement of records, with a delayed effective date.

SECTION

- A. Enacting clause.
- 488.650. Expungement cases under section 610.140, surcharge, amount, waiver. Expungement cases under section 610.140, surcharge, amount.
- 610.140. Expungement of certain criminal records, petition, contents, procedure — effect of expungement on employer inquiry — lifetime limits. Expungement of certain criminal records, petition, contents, procedure.
- B. Delayed effective date.

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

SECTION A. ENACTING CLAUSE. — Sections 488.650 and 610.140, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 488.650 and 610.140, to read as follows:

488.650. EXPUNGEMENT CASES UNDER SECTION 610.140, SURCHARGE, AMOUNT, WAIVER. EXPUNGEMENT CASES UNDER SECTION 610.140, SURCHARGE, AMOUNT. — There shall be assessed as costs a surcharge in the amount of [one] **two hundred fifty** dollars on all petitions for expungement filed under the provisions of section 610.140. **The judge may waive the surcharge if the petitioner is found by the judge to be indigent and unable to pay the costs.** Such surcharge shall be collected and disbursed by the clerk of the court as provided by sections 488.010 to 488.020. Moneys collected from this surcharge shall be payable to the general revenue fund.

610.140. EXPUNGEMENT OF CERTAIN CRIMINAL RECORDS, PETITION, CONTENTS, PROCEDURE — EFFECT OF EXPUNGEMENT ON EMPLOYER INQUIRY — LIFETIME LIMITS. EXPUNGEMENT OF CERTAIN CRIMINAL RECORDS, PETITION, CONTENTS, PROCEDURE. — 1. Notwithstanding any other provision of law and subject to the provisions of this section, any person may apply to any court in which such person was **charged or** found guilty of any [of the] offenses [specified in subsection 2 of this section], **violations, or infractions** for an order to expunge [**recordations**] **records of such arrest, plea, trial, or conviction.** **Subject to the limitations of subsection 12 of this section,** a person may apply to have one or more offenses, **violations, or infractions** expunged **if such offense, violation, or infraction occurred within the state of Missouri and was prosecuted under the jurisdiction of a Missouri municipal, associate circuit, or circuit court,** so long as such person lists all the offenses, **violations, and infractions** he or she is seeking to have expunged in the [same] petition and so long as all such offenses, **violations, and infractions** are [eligible] **not excluded** under subsection 2 of this section. **If the offenses, violations, or infractions were charged as counts in the same indictment or information or were committed as part of the same course of criminal conduct, the person may include all the related offenses, violations, and infractions in the petition, regardless of the limits of subsection 12 of this section, and the petition shall only count as a petition for expungement of the highest level violation or offense contained in the petition for the purpose of determining future eligibility for expungement.**

2. [The following offenses are eligible to be expunged when such offenses occurred within the state of Missouri and were prosecuted under the jurisdiction of a Missouri municipal associate or circuit court:

(1) Any felony or misdemeanor offense of passing a bad check under 570.120, fraudulently stopping payment of an instrument under 570.125, or fraudulent use of a credit device or debit device under section 570.130;

(2) Any misdemeanor offense of sections 569.065, 569.067, 569.090, subdivision (1) of subsection 1 of section 569.120, sections 569.140, 569.145, 572.020, 574.020, or 574.075; or

(3) Any class B or C misdemeanor offense of section 574.010.] **The following offenses, violations, and infractions shall not be eligible for expungement under this section:**

(1) **Any class A felony offense;**

(2) **Any dangerous felony as that term is defined in section 556.061;**

(3) **Any offense that requires registration as a sex offender;**

(4) **Any felony offense where death is an element of the offense;**

(5) **Any felony offense of assault; misdemeanor or felony offense of domestic assault; or felony offense of kidnapping;**

(6) **Any offense listed, or previously listed, in chapter 566 or section 105.454, 105.478, 115.631, 130.028, 188.030, 188.080, 191.677, 194.425, 217.360, 217.385, 334.245, 375.991, 389.653, 455.085, 455.538, 557.035, 565.084, 565.085, 565.086, 565.095, 565.120, 565.130, 565.156, 565.200, 565.214, 566.093, 566.111, 566.115, 568.020, 568.030, 568.032, 568.045, 568.060, 568.065, 568.080, 568.090, 568.175, 569.030, 569.035, 569.040, 569.050, 569.055, 569.060, 569.065, 569.067, 569.072, 569.100, 569.160, 570.025, 570.030, 570.090, 570.100, 570.130, 570.180, 570.223, 570.224, 570.310, 571.020, 571.030, 571.060, 571.063, 571.070, 571.072, 571.150, 574.070, 574.105, 574.115, 574.120, 574.130, 575.040, 575.095, 575.153,**

575.155, 575.157, 575.159, 575.195, 575.200, 575.210, 575.220, 575.230, 575.240, 575.350, 575.353, 577.078, 577.703, 577.706, 578.008, 578.305, 578.310, or 632.520;

(7) Any offense eligible for expungement under section 577.054 or 610.130;

(8) Any intoxication-related traffic or boating offense as defined in section 577.001, or any offense of operating an aircraft with an excessive blood alcohol content or while in an intoxicated condition;

(9) Any ordinance violation that is the substantial equivalent of any offense that is not eligible for expungement under this section; and

(10) Any violations of any state law or county or municipal ordinance regulating the operation of motor vehicles when committed by an individual who has been issued a commercial driver's license or is required to possess a commercial driver's license issued by this state or any other state.

3. The petition shall name as defendants all law enforcement agencies, courts, prosecuting or circuit attorneys, **municipal prosecuting attorneys**, central state repositories of criminal records, or others who the petitioner has reason to believe may possess the records subject to expungement for each of the offenses, **violations, and infractions** listed in the petition. The court's order of expungement shall not affect any person or entity not named as a defendant in the action.

4. The petition shall [be dismissed if it does not] include the following information:

(1) The petitioner's:

(a) Full name;

(b) Sex;

(c) Race;

(d) Driver's license number, if applicable; and

(e) Current address;

(2) Each offense [charged against the petitioner], **violation, or infraction** for which the petitioner is requesting expungement;

(3) The **approximate** date the petitioner was [arrested] **charged** for each offense, **violation, or infraction; and**

(4) The name of the county where the petitioner was [arrested] **charged** for each offense, **violation, or infraction** and if any of the offenses, **violations, or infractions** occurred in a municipality, the name of the municipality for each offense, **violation, or infraction; and**

(5) [The name of the agency that arrested the petitioner for each offense;

(6)] The case number and name of the court for each offense]; and

(7) Petitioner's fingerprints on a standard fingerprint card at the time of filing a petition for expungement which will be forwarded to the central repository for the sole purpose of positively identifying the petitioner].

5. **The clerk of the court shall give notice of the filing of the petition to the office of the prosecuting attorney, circuit attorney, or municipal prosecuting attorney that prosecuted the offenses, violations, or infractions listed in the petition. If the prosecuting attorney, circuit attorney, or municipal prosecuting attorney objects to the petition for expungement, he or she shall do so in writing within thirty days after receipt of service. Unless otherwise agreed upon by the parties, the court shall hold a hearing within sixty days after any written objection is filed, giving reasonable notice of the hearing to the petitioner. If no objection has been filed within thirty days after receipt of service,** the court may set a hearing on the matter [no sooner than thirty days from the filing of the petition] and shall give reasonable notice of the hearing to each entity named in the petition. At [the] **any** hearing, the court may accept evidence and hear testimony on, and may consider, the following criteria for each of the offenses, **violations, or infractions** listed in the petition for expungement:

(1) It has been at least [twenty] **seven** years if the offense is a felony, or at least [ten] **three** years if the offense is a misdemeanor, municipal offense, or infraction, [since the person making the application completed:

(a) Any sentence of imprisonment; or
(b) Any period of probation or parole] **from the date the petitioner completed any authorized disposition imposed under section 557.011 for each offense, violation, or infraction listed in the petition;**

(2) The person has not been found guilty of [a] **any other** misdemeanor or felony, not including violations of the traffic regulations provided under chapters 304 and 307, during the time period specified for the underlying offense, **violation, or infraction** in subdivision (1) of this subsection;

(3) The person has [paid any amount of restitution ordered by the court] **satisfied all obligations relating to any such disposition, including the payment of any fines or restitution;**

(4) The [circumstances and behavior of the petitioner warrant the expungement] **person does not have charges pending; [and]**

(5) **The petitioner's habits and conduct demonstrate that the petitioner is not a threat to the public safety of the state; and**

(6) The expungement is consistent with the public welfare **and the interests of justice warrant the expungement.**

A pleading by the petitioner that such petitioner meets the requirements of subdivisions (5) and (6) of this subsection shall create a rebuttable presumption that the expungement is warranted so long as the criteria contained in subdivisions (1) to (4) of this subsection are otherwise satisfied. The burden shall shift to the prosecuting attorney, circuit attorney, or municipal prosecuting attorney to rebut the presumption. A victim of an offense, violation, or infraction listed in the petition shall have an opportunity to be heard at any hearing held under this section, and the court may make a determination based solely on such victim's testimony.

6. **A petition to expunge records related to an arrest for an eligible offense, violation, or infraction may be made in accordance with the provisions of this section to a court of competent jurisdiction in the county where the petitioner was arrested no earlier than three years from the date of arrest; provided that, during such time, the petitioner has not been charged and the petitioner has not been found guilty of any misdemeanor or felony offense.**

7. If the court determines [at the conclusion of the hearing] that such person meets all the criteria set forth in subsection 5 of this section for each of the offenses, **violations, or infractions** listed in the petition for expungement, the court [may] **shall** enter an order of expungement. **In all cases under this section, the court shall issue an order of expungement or dismissal within six months of the filing of the petition.** A copy of the order of expungement shall be provided to [each entity named in the petition] **the petitioner and each entity possessing records subject to the order,** and, upon receipt of the order, each entity shall [destroy] **close** any record in its possession relating to any offense, **violation, or infraction** listed in the petition, **in the manner established by section 610.120.** [If destruction of the record is not feasible because of the permanent nature of the record books, such record entries shall be blacked out. Entries of a record ordered expunged shall be removed from all electronic files maintained with the state of Missouri, except for the files of the court.] The records and files maintained in any administrative or court proceeding in a municipal, associate, or circuit court for any offense, **infraction, or violation** ordered expunged under this section shall be confidential and only available to the parties or by order of the court for good cause shown. The central repository shall request the Federal Bureau of Investigation to expunge the records from its files.

[7.] **8.** The order shall not limit any of the petitioner's rights that were restricted as a collateral consequence of such person's criminal record, and such rights shall be restored upon issuance of the order of expungement. Except as otherwise provided under this section, the effect of such order shall be to restore such person to the status he or she occupied prior to such arrests, pleas, trials, or convictions as if such events had never taken place. No person as to whom such

order has been entered shall be held thereafter under any provision of law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrests, pleas, trials, convictions, or expungement in response to an inquiry made of him or her and no such inquiry shall be made for information relating to an expungement, except the petitioner shall disclose the expunged offense, **violation, or infraction** to any court when asked or upon being charged with any subsequent offense, **violation, or infraction**. The expunged offense, **violation, or infraction** may be considered a prior offense in determining a sentence to be imposed for any subsequent offense that the person is found guilty of committing.

[8.] 9. Notwithstanding the provisions of subsection [7] 8 of this section to the contrary, a person granted an expungement shall disclose any expunged offense, **violation, or infraction** when the disclosure of such information is necessary to complete any application for:

(1) A license, certificate, or permit issued by this state to practice such individual's profession;

(2) Any license issued under chapter 313 **or permit issued under chapter 571**; [or]

(3) Paid or unpaid employment with an entity licensed under chapter 313, any state-operated lottery, or any emergency services provider, including any law enforcement agency;

(4) **Employment with any federally insured bank or savings institution or credit union or an affiliate of such institution or credit union for the purposes of compliance with 12 U.S.C. Section 1829 and 12 U.S.C. Section 1785;**

(5) **Employment with any entity engaged in the business of insurance or any insurer for the purpose of complying with 18 U.S.C. Section 1033, 18 U.S.C. Section 1034, or other similar law which requires an employer engaged in the business of insurance to exclude applicants with certain criminal convictions from employment; or**

(6) **Employment with any employer that is required to exclude applicants with certain criminal convictions from employment due to federal or state law, including corresponding rules and regulations.**

An employer shall notify an applicant of the requirements under subdivisions (4) to (6) of this subsection. Notwithstanding any provision of law to the contrary, an expunged offense, **violation, or infraction** shall not be grounds for automatic disqualification of an applicant, but may be a factor for denying employment, or a professional license, certificate, or permit; **except that, an offense, violation, or infraction expunged under the provisions of this section may be grounds for automatic disqualification if the application is for employment under subdivisions (4) to (6) of this subsection.**

[9.] 10. A person who has been granted an expungement of records pertaining to a misdemeanor or felony offense, an ordinance violation, or an infraction may answer "no" to an employer's inquiry into whether the person has ever been convicted of a crime if, after the granting of the expungement, the person has no public record of a misdemeanor or felony offense, an ordinance violation, or an infraction. The person, however, shall answer such an inquiry affirmatively and disclose his or her criminal convictions, including any offense or violation expunged under this section or similar law, if the employer is required to exclude applicants with certain criminal convictions from employment due to federal or state law, including corresponding rules and regulations.

11. If the court determines that [such person] **the petitioner** has not met the criteria for any of the offenses, **violations, or infractions** listed in the petition for expungement **or the petitioner has knowingly provided false information in the petition**, the court shall enter an order dismissing the petition. Any person whose petition for expungement has been dismissed by the court for failure to meet the criteria set forth in subsection 5 of this section may not refile another petition until a year has passed since the date of filing for the previous petition.

[10.] 12. A person may be granted more than one expungement under this section provided that [no person shall be granted more than one order of expungement from the same court. Nothing contained in this section shall prevent the court from maintaining records to ensure that an individual has only one petition for expungement granted by such court under this

section] during his or her lifetime, the total number of offenses, violations, or infractions for which orders of expungement are granted to the person shall not exceed the following limits:

(1) Not more than two misdemeanor offenses or ordinance violations that have an authorized term of imprisonment; and

(2) Not more than one felony offense.

A person may be granted expungement under this section for any number of infractions. Nothing in this section shall prevent the court from maintaining records to ensure that an individual has not exceeded the limitations of this subsection. Nothing in this section shall be construed to limit or impair in any way the subsequent use of any record expunged under this section of any arrests or findings of guilt by a law enforcement agency, criminal justice agency, prosecuting attorney, circuit attorney, or municipal prosecuting attorney, including its use as a prior offense, violation, or infraction.

13. The court shall make available a form for pro se petitioners seeking expungement, which shall include the following statement: "I declare under penalty of perjury that the statements made herein are true and correct to the best of my knowledge, information, and belief."

14. Nothing in this section shall be construed to limit or restrict the availability of expungement to any person under any other law.

SECTION B. DELAYED EFFECTIVE DATE. — Section A of this act shall become effective on January 1, 2018.

Approved July 13, 2016

SB 590 [HCS SS#2 SCS SB 590]

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 first degree murder

AN ACT to repeal sections 565.020, 565.030, 565.032, and 565.040, RSMo, and to enact in lieu thereof seven new sections relating to crime, with penalty provisions, an emergency clause for certain sections, and an effective date for a certain section.

SECTION

- A. Enacting clause.
 558.047. Persons under eighteen, review of sentence, when, procedure.
 565.020. First degree murder, penalty — person under eighteen years of age, penalty.
 565.030. Trial procedure, first degree murder.
 565.032. Evidence to be considered in assessing punishment in first degree murder cases for which death penalty authorized. Evidence to be considered in assessing punishment in first degree murder cases for which death penalty authorized.
 565.033. Person under eighteen, sentencing — factors to be considered, jury instructions.
 565.034. Person under eighteen, written notice filed to seek life without parole, procedure — withdrawal — trial procedure — required findings.
 565.040. Death penalty, if held unconstitutional, resentencing procedure.
 B. Delayed effective date.
 C. Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Sections 565.020, 565.030, 565.032, and 565.040, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 558.047, 565.020, 565.030, 565.032, 565.033, 565.034, and 565.040, to read as follows:

558.047. PERSONS UNDER EIGHTEEN, REVIEW OF SENTENCE, WHEN, PROCEDURE. —

1. (1) Any person sentenced to a term of imprisonment for life without eligibility for parole before August 28, 2016, who was under eighteen years of age at the time of the commission of the offense or offenses, may submit to the parole board a petition for a review of his or her sentence, regardless of whether the case is final for purposes of appeal, after serving twenty-five years of incarceration on the sentence of life without parole.

(2) Any person found guilty of murder in the first degree who was sentenced on or after August 28, 2016, to a term of life imprisonment with eligibility for parole or a term of imprisonment of not less than thirty years and not to exceed forty years, who was under eighteen years of age at the time of the commission of the offense or offenses may submit to the parole board a petition for a review of his or her sentence, regardless of whether the case is final for purposes of appeal, after serving twenty-five years of incarceration, and a subsequent petition after serving thirty-five years of incarceration.

2. A copy of the petition shall be served on the office of the prosecutor in the judicial circuit of original jurisdiction. The petition shall include the person's statement that he or she was under eighteen years of age at the time of the offense, is eligible to petition under this section, and requests that his or her sentence be reviewed.

3. If any of the information required in subsection 2 of this section is missing from the petition, or if proof of service on the prosecuting or circuit attorney is not provided, the parole board shall return the petition to the person and advise him or her that the matter cannot be considered without the missing information.

4. The parole board shall hold a hearing and determine if the defendant shall be granted parole. At such a hearing, the victim or victim's family members shall retain their rights under section 595.209.

5. In a parole review hearing under this section, the board shall consider, in addition to the factors listed in section 565.033:

(1) Efforts made toward rehabilitation since the offense or offenses occurred, including participation in educational, vocational, or other programs during incarceration, when available;

(2) The subsequent growth and increased maturity of the person since the offense or offenses occurred;

(3) Evidence that the person has accepted accountability for the offense or offenses, except in cases where the person has maintained his or her innocence;

(4) The person's institutional record during incarceration; and

(5) Whether the person remains the same risk to society as he or she did at the time of the initial sentencing.

565.020. FIRST DEGREE MURDER, PENALTY — PERSON UNDER EIGHTEEN YEARS OF AGE, PENALTY. — 1. A person commits the [crime] offense of murder in the first degree if he or she knowingly causes the death of another person after deliberation upon the matter.

2. The offense of murder in the first degree is a class A felony, and, if a person is eighteen years of age or older at the time of the offense, the punishment shall be either death or imprisonment for life without eligibility for probation or parole, or release except by act of the governor; except that,]. If a person has not reached his [sixteenth] or her eighteenth birthday at the time of the commission of the [crime] offense, the punishment shall be [imprisonment for life without eligibility for probation or parole, or release except by act of the governor] as provided under section 565.033.

565.030. TRIAL PROCEDURE, FIRST DEGREE MURDER. — 1. Where murder in the first degree is charged but not submitted or where the state waives the death penalty, the submission to the trier and all subsequent proceedings in the case shall proceed as in all other criminal cases [with a single stage trial in which guilt and punishment are submitted together].

2. Where murder in the first degree is submitted to the trier without a waiver of the death penalty, the trial shall proceed in two stages before the same trier. At the first stage the trier shall decide only whether the defendant is guilty or not guilty of any submitted offense. The issue of punishment shall not be submitted to the trier at the first stage. If an offense is charged other than murder in the first degree in a count together with a count of murder in the first degree, the trial judge shall assess punishment on any such offense according to law, after the defendant is found guilty of such offense and after he finds the defendant to be a prior offender pursuant to chapter 558.

3. If murder in the first degree is submitted and the death penalty was not waived but the trier finds the defendant guilty of a lesser homicide, a second stage of the trial shall proceed [at which the only issue shall be the punishment to be assessed and declared. No further evidence shall be received. If the trier is a jury it shall be instructed on the law] **as in all other criminal cases**. The attorneys may then argue as in other criminal cases the issue of punishment, after which the trier shall assess and declare the punishment as in all other criminal cases.

4. If the trier at the first stage of a trial where the death penalty was not waived finds the defendant guilty of murder in the first degree, a second stage of the trial shall proceed at which the only issue shall be the punishment to be assessed and declared. Evidence in aggravation and mitigation of punishment, including but not limited to evidence supporting any of the aggravating or mitigating circumstances listed in subsection 2 or 3 of section 565.032, may be presented subject to the rules of evidence at criminal trials. Such evidence may include, within the discretion of the court, evidence concerning the murder victim and the impact of the [crime] **offense** upon the family of the victim and others. Rebuttal and surrebuttal evidence may be presented. The state shall be the first to proceed. If the trier is a jury it shall be instructed on the law. The attorneys may then argue the issue of punishment to the jury, and the state shall have the right to open and close the argument. The trier shall assess and declare the punishment at life imprisonment without eligibility for probation, parole, or release except by act of the governor:

(1) If the trier finds by a preponderance of the evidence that the defendant is intellectually disabled; or

(2) If the trier does not find beyond a reasonable doubt at least one of the statutory aggravating circumstances set out in subsection 2 of section 565.032; or

(3) If the trier concludes that there is evidence in mitigation of punishment, including but not limited to evidence supporting the statutory mitigating circumstances listed in subsection 3 of section 565.032, which is sufficient to outweigh the evidence in aggravation of punishment found by the trier; or

(4) If the trier decides under all of the circumstances not to assess and declare the punishment at death. If the trier is a jury it shall be so instructed.

If the trier assesses and declares the punishment at death it shall, in its findings or verdict, set out in writing the aggravating circumstance or circumstances listed in subsection 2 of section 565.032 which it found beyond a reasonable doubt. If the trier is a jury it shall be instructed before the case is submitted that if it is unable to decide or agree upon the punishment the court shall assess and declare the punishment at life imprisonment without eligibility for probation, parole, or release except by act of the governor or death. The court shall follow the same procedure as set out in this section whenever it is required to determine punishment for murder in the first degree.

5. Upon written agreement of the parties and with leave of the court, the issue of the defendant's intellectual disability may be taken up by the court and decided prior to trial without prejudicing the defendant's right to have the issue submitted to the trier of fact as provided in subsection 4 of this section.

6. As used in this section, the terms "intellectual disability" or "intellectually disabled" refer to a condition involving substantial limitations in general functioning characterized by significantly subaverage intellectual functioning with continual extensive related deficits and

limitations in two or more adaptive behaviors such as communication, self-care, home living, social skills, community use, self-direction, health and safety, functional academics, leisure and work, which conditions are manifested and documented before eighteen years of age.

7. The provisions of this section shall only govern offenses committed on or after August 28, 2001.

565.032. EVIDENCE TO BE CONSIDERED IN ASSESSING PUNISHMENT IN FIRST DEGREE MURDER CASES FOR WHICH DEATH PENALTY AUTHORIZED. — 1. In all cases of murder in the first degree for which the death penalty is authorized, the judge in a jury-waived trial shall consider, or [he] shall include in his **or her** instructions to the jury for it to consider:

(1) Whether a statutory aggravating circumstance or circumstances enumerated in subsection 2 of this section is established by the evidence beyond a reasonable doubt; and

(2) If a statutory aggravating circumstance or circumstances is proven beyond a reasonable doubt, whether the evidence as a whole justifies a sentence of death or a sentence of life imprisonment without eligibility for probation, parole, or release except by act of the governor. In determining the issues enumerated in subdivisions (1) and (2) of this subsection, the trier shall consider all evidence which it finds to be in aggravation or mitigation of punishment, including evidence received during the first stage of the trial and evidence supporting any of the statutory aggravating or mitigating circumstances set out in subsections 2 and 3 of this section. If the trier is a jury, it shall not be instructed upon any specific evidence which may be in aggravation or mitigation of punishment, but shall be instructed that each juror shall consider any evidence which he **or she** considers to be aggravating or mitigating.

2. Statutory aggravating circumstances for a murder in the first degree offense shall be limited to the following:

(1) The offense was committed by a person with a prior record of conviction for murder in the first degree, or the offense was committed by a person who has one or more serious assaultive criminal convictions;

(2) The murder in the first degree offense was committed while the offender was engaged in the commission or attempted commission of another unlawful homicide;

(3) The offender by his **or her** act of murder in the first degree knowingly created a great risk of death to more than one person by means of a weapon or device which would normally be hazardous to the lives of more than one person;

(4) The offender committed the offense of murder in the first degree for himself **or herself** or another, for the purpose of receiving money or any other thing of monetary value from the victim of the murder or another;

(5) The murder in the first degree was committed against a judicial officer, former judicial officer, prosecuting attorney or former prosecuting attorney, circuit attorney or former circuit attorney, assistant prosecuting attorney or former assistant prosecuting attorney, assistant circuit attorney or former assistant circuit attorney, peace officer or former peace officer, elected official or former elected official during or because of the exercise of his official duty;

(6) The offender caused or directed another to commit murder in the first degree or committed murder in the first degree as an agent or employee of another person;

(7) The murder in the first degree was outrageously or wantonly vile, horrible or inhuman in that it involved torture, or depravity of mind;

(8) The murder in the first degree was committed against any peace officer, or fireman while engaged in the performance of his **or her** official duty;

(9) The murder in the first degree was committed by a person in, or who has escaped from, the lawful custody of a peace officer or place of lawful confinement;

(10) The murder in the first degree was committed for the purpose of avoiding, interfering with, or preventing a lawful arrest or custody in a place of lawful confinement, of himself **or herself** or another;

(11) The murder in the first degree was committed while the defendant was engaged in the perpetration or was aiding or encouraging another person to perpetrate or attempt to perpetrate a felony of any degree of rape, sodomy, burglary, robbery, kidnapping, or any felony offense in chapter 195 or 579;

(12) The murdered individual was a witness or potential witness in any past or pending investigation or past or pending prosecution, and was killed as a result of his or her status as a witness or potential witness;

(13) The murdered individual was an employee of an institution or facility of the department of corrections of this state or local correction agency and was killed in the course of performing his or her official duties, or the murdered individual was an inmate of such institution or facility;

(14) The murdered individual was killed as a result of the hijacking of an airplane, train, ship, bus or other public conveyance;

(15) The murder was committed for the purpose of concealing or attempting to conceal any felony offense defined in chapter 195 or 579;

(16) The murder was committed for the purpose of causing or attempting to cause a person to refrain from initiating or aiding in the prosecution of a felony offense defined in chapter 195 or 579;

(17) The murder was committed during the commission of [a crime] an offense which is part of a pattern of criminal street gang activity as defined in section 578.421.

3. Statutory mitigating circumstances shall include the following:

(1) The defendant has no significant history of prior criminal activity;

(2) The murder in the first degree was committed while the defendant was under the influence of extreme mental or emotional disturbance;

(3) The victim was a participant in the defendant's conduct or consented to the act;

(4) The defendant was an accomplice in the murder in the first degree committed by another person and his or her participation was relatively minor;

(5) The defendant acted under extreme duress or under the substantial domination of another person;

(6) The capacity of the defendant to appreciate the criminality of his or her conduct or to conform his or her conduct to the requirements of law was substantially impaired;

(7) The age of the defendant at the time of the [crime] offense.

565.033. PERSON UNDER EIGHTEEN, SENTENCING — FACTORS TO BE CONSIDERED, JURY INSTRUCTIONS. — 1. A person found guilty of murder in the first degree who was under the age of eighteen at the time of the commission of the offense shall be sentenced to a term of life without eligibility for probation or parole as provided in section 565.034, life imprisonment with eligibility for parole, or not less than thirty years and not to exceed forty years imprisonment.

2. When assessing punishment in all first degree murder cases in which the defendant was under the age of eighteen at the time of the commission of the offense or offenses, the judge in a jury-waived trial shall consider, or the judge shall include in instructions to the jury for it to consider, the following factors:

(1) The nature and circumstances of the offense committed by the defendant;

(2) The degree of the defendant's culpability in light of his or her age and role in the offense;

(3) The defendant's age, maturity, intellectual capacity, and mental and emotional health and development at the time of the offense;

(4) The defendant's background, including his or her family, home, and community environment;

(5) The likelihood for rehabilitation of the defendant;

(6) The extent of the defendant's participation in the offense;

- (7) The effect of familial pressure or peer pressure on the defendant's actions;
- (8) The nature and extent of the defendant's prior criminal history, including whether the offense was committed by a person with a prior record of conviction for murder in the first degree, or one or more serious assaultive criminal convictions;
- (9) The effect of characteristics attributable to the defendant's youth on the defendant's judgment; and
- (10) A statement by the victim or the victim's family member as provided by section 557.041 until December 31, 2016, and beginning January 1, 2017, section 595.229.

565.034. PERSON UNDER EIGHTEEN, WRITTEN NOTICE FILED TO SEEK LIFE WITHOUT PAROLE, PROCEDURE — WITHDRAWAL — TRIAL PROCEDURE — REQUIRED FINDINGS. —

1. If the state intends to seek a sentence of life without eligibility for probation or parole for a person charged with murder in the first degree who was under the age of eighteen at the time of the commission of the offense, the state must file with the court and serve upon the person a written notice of intent to seek life without eligibility for probation or parole. This notice shall be provided within one hundred twenty days of the person's arraignment upon an indictment or information charging the person with murder in the first degree. For good cause shown, the court may extend the period for service and filing of the notice. Any notice of intent to seek life without eligibility for probation or parole shall include a listing of the statutory aggravating circumstances, as provided by subsection 6 of this section, upon which the state will rely in seeking that sentence.

2. Notwithstanding any other provisions of law, where the state files a notice of intent to seek life without eligibility for probation or parole pursuant to this section, the defendant shall be entitled to an additional sixty days for the purpose of filing new motions or supplementing pending motions.

3. A notice of intent to seek life without eligibility for probation or parole pursuant to this section may be withdrawn at any time by a written notice of withdrawal filed with the court and served upon the defendant. Once withdrawn, the notice of intent to seek life without eligibility for probation or parole shall not be refiled.

4. After the state has filed a proper notice of intent to seek life without eligibility for probation or parole pursuant to this section, the trial shall proceed in two stages before the same trier. At the first stage the trier shall decide only whether the person is guilty or not guilty of any submitted offense. The issue of punishment shall not be submitted to the trier at the first stage.

5. If the trier at the first stage of the trial finds the person guilty of murder in the first degree, a second stage of the trial shall proceed at which the only issue shall be the punishment to be assessed and declared.

6. A person found guilty of murder in the first degree who was under the age of eighteen at the time of the commission of the offense is eligible for a sentence of life without eligibility for probation or parole only if a unanimous jury, or a judge in a jury-waived sentencing, finds beyond a reasonable doubt that:

(1) The victim received physical injuries personally inflicted by the defendant and the physical injuries inflicted by the defendant caused the death of the victim; and

(2) The defendant was found guilty of first degree murder and one of the following aggravating factors was present:

(a) The defendant has a previous conviction for first degree murder, assault in the first degree, rape in the first degree, or sodomy in the first degree;

(b) The murder was committed during the perpetration of any other first degree murder, assault in the first degree, rape in the first degree, or sodomy in the first degree;

(c) The murder was committed as part of an agreement with a third party that the defendant was to receive money or any other thing of monetary value in exchange for the commission of the offense;

(d) The defendant inflicted severe pain on the victim for the pleasure of the defendant or for the purpose of inflicting torture;

(e) The defendant killed the victim after he or she was bound or otherwise rendered helpless by the defendant or another person;

(f) The defendant, while killing the victim or immediately thereafter, purposely mutilated or grossly disfigured the body of the victim by an act or acts beyond that necessary to cause his or her death;

(g) The defendant, while killing the victim or immediately thereafter, had sexual intercourse with the victim or sexually violated him or her;

(h) The defendant killed the victim for the purposes of causing suffering to a third person; or

(i) The first degree murder was committed against a current or former: judicial officer, prosecuting attorney or assistant prosecuting attorney, law enforcement officer, firefighter, state or local corrections officer; or against a witness or potential witness to a past or pending investigation or prosecution, during or because of the exercise of their official duty or status as a witness.

565.040. DEATH PENALTY, IF HELD UNCONSTITUTIONAL, RESENTENCING PROCEDURE.

— 1. In the event that the death penalty provided in this chapter is held to be unconstitutional, any person convicted of murder in the first degree shall be sentenced by the court to life imprisonment without eligibility for probation, parole, or release except by act of the governor, with the exception that when a specific aggravating circumstance found in a case is held to be unconstitutional or invalid for another reason, the supreme court of Missouri is further authorized to remand the case for resentencing or retrial of the punishment pursuant to subsection 5 of section [565.036] **565.035**.

2. In the event that any death sentence imposed pursuant to this chapter is held to be unconstitutional, the trial court which previously sentenced the defendant to death shall cause the defendant to be brought before the court and shall sentence the defendant to life imprisonment without eligibility for probation, parole, or release except by act of the governor, with the exception that when a specific aggravating circumstance found in a case is held to be inapplicable, unconstitutional or invalid for another reason, the supreme court of Missouri is further authorized to remand the case for retrial of the punishment pursuant to subsection 5 of section 565.035.

SECTION B. DELAYED EFFECTIVE DATE. — The repeal and reenactment of section 565.032 of this act shall become effective on January 1, 2017.

SECTION C. EMERGENCY CLAUSE. — Because of the need to adopt a punishment scheme for first degree murderers of a certain age after the United States Supreme Court declared as unconstitutional the only punishment available under Missouri law for such offenders, the repeal and reenactment of section 565.020, and the enactment of sections 558.047, 565.033, and 565.034 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 the repeal and reenactment of section 565.020, and the enactment of sections 558.047, 565.033, and 565.034 of this act shall be in full force and effect upon its passage and approval.

Approved July 13, 2016

SB 607 [CCS HCS SB 607]

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 assistance programs

AN ACT to repeal sections 208.152, 208.952, and 208.985, RSMo, and to enact in lieu thereof five new sections relating to public assistance programs.

SECTION

- A. Enacting clause.
- 208.065. Verification of eligibility for public assistance, contract for.
- 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 — reimbursement for behavioral, social, and psychological services for physical health issues.
- 208.952. Committee established, members, duties.
- 208.1030. Supplemental reimbursement for ground emergency medical transportation — amount — voluntary participation.
- 208.1032. Intergovernmental transfer program — increased reimbursement for services, when — participation requirements.
- 208.985. Legislative budget office to conduct forecast, items to be included.

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

SECTION A. ENACTING CLAUSE. — Sections 208.152, 208.952, and 208.985, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 208.065, 208.152, 208.952, 208.1030, and 208.1032, to read as follows:

208.065. VERIFICATION OF ELIGIBILITY FOR PUBLIC ASSISTANCE, CONTRACT FOR. —
1. No later than January 1, 2017, the department of social services shall procure and enter into a competitively bid contract with a contractor to provide verification of initial and ongoing eligibility data for assistance under the supplemental nutrition assistance program (SNAP); temporary assistance for needy families (TANF) program; child care assistance program; and MO HealthNet program. The contractor shall conduct data matches using the name, date of birth, address, and Social Security number of each applicant and recipient, and additional data provided by the applicant or recipient relevant to eligibility against public records and other data sources to verify eligibility data.

2. The contractor shall evaluate the income, resources, and assets of each applicant and recipient no less than quarterly. In addition to quarterly eligibility data verification, the contractor shall identify on a monthly basis any program participants who have died, moved out of state, or have been incarcerated longer than ninety days.

3. The contractor, upon completing an eligibility data verification of an applicant or recipient, shall notify the department of the results; except that, the contractor shall not verify the eligibility data of persons residing in long-term care facilities or persons receiving home- and community-based services whose income and resources were at or below the applicable financial eligibility standards at the time of their last review. Within twenty business days of such notification, the department shall make an eligibility determination. The department shall retain final authority over eligibility determinations. The contractor shall keep a record of all eligibility data verifications communicated to the department. Nothing in this subsection shall be construed to affect any obligation or requirement under state or federal law or regulation that the department verify the eligibility data of persons residing in long-term care facilities or persons receiving home- and community-based services.

4. Within thirty days of the end of each calendar year, the department and contractor shall file a joint report to the governor, the speaker of the house of representatives, and the president pro tempore of the senate. The report shall include, but shall not be limited to, the number of applicants and recipients determined ineligible for assistance programs based on the eligibility data verification by the contractor and the stated reasons for the determination of ineligibility by the department.

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 — REIMBURSEMENT FOR BEHAVIORAL, SOCIAL, AND PSYCHOLOGICAL SERVICES FOR PHYSICAL HEALTH ISSUES. —

1. MO HealthNet payments shall be made on behalf of those eligible needy persons as [defined] **described** 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] **described** 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 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.

14. Beginning July 1, 2016, and subject to appropriations, providers of behavioral, social, and psychophysiological services for the prevention, treatment, or management of physical health problems shall be reimbursed utilizing the behavior assessment and intervention reimbursement codes 96150 to 96154 or their successor codes under the Current Procedural Terminology (CPT) coding system. Providers eligible for such reimbursement shall include psychologists.

208.952. COMMITTEE ESTABLISHED, MEMBERS, DUTIES. — 1. There is hereby established [the] a permanent "Joint Committee on [MO HealthNet] Public Assistance". The committee shall have [as its purpose the study of] the following purposes:

(1) Studying, monitoring, and reviewing the efficacy of the public assistance programs within the state;

(2) Determining the level and adequacy of resources needed [to continue and improve the MO HealthNet program over time] for the public assistance programs within the state; and

(3) Developing recommendations to the general assembly on the public assistance programs within the state and on promoting independence from safety net programs among participants as may be appropriate.

The committee shall receive and obtain information from the departments of social services, mental health, health and senior services, and elementary and secondary education, and any other department as applicable, regarding the public assistance programs within the state including, but not limited to, MO HealthNet, the supplemental nutrition assistance program (SNAP), and temporary assistance for needy families (TANF). Such information shall include projected enrollment growth, budgetary matters, trends in childhood poverty and hunger, and any other information deemed to be relevant to the committee's purpose.

2. The directors of the department of social services, mental health, and health and senior services shall each submit an annual written report to the committee providing data and statistical information regarding the caseloads of the department's employees involved in the administration of public assistance programs.

3. The committee shall consist of ten members:

(1) The chair and the ranking minority member of the house of representatives committee on the budget;

(2) The chair and the ranking minority member of the senate committee on appropriations [committee];

(3) The chair and the ranking minority member of the **standing house of representatives** committee [on appropriations for health, mental health, and social services] **designated to consider public assistance legislation and matters;**

(4) The chair and the ranking minority member of the **standing** senate committee [on health and mental health] **designated to consider public assistance legislation and matters;**

(5) A representative chosen by the speaker of the house of representatives; and

(6) A senator chosen by the president pro [tem] **tempore** of the senate.

No more than [three] **four** members from each [house] **chamber** shall be of the same political party.

[2.] **4.** A chair of the committee shall be selected by the members of the committee.

[3.] **5.** The committee shall meet [as necessary] **at least twice a year. A portion of the meeting shall be set aside for the purpose of receiving public testimony. The committee shall seek recommendations from social, economic, and public assistance experts on ways to improve the effectiveness of public assistance programs, to improve program efficiency and reduce costs, and to promote self-sufficiency among public assistance recipients as may be appropriate.**

[4.] Nothing in this section shall be construed as authorizing the committee to hire employees or enter into any employment contracts.

5. The committee shall receive and study the five-year rolling MO HealthNet budget forecast issued annually by the legislative budget office.]

6. The committee is authorized to hire staff and enter into employment contracts including, but not limited to, an executive director to conduct special reviews or investigations of the public assistance programs within the state in order to assist the committee with its duties. Staff appointments shall be approved by the president pro tempore of the senate and the speaker of the house of representatives. The compensation of committee staff and the expenses of the committee shall be paid from the joint contingent fund or jointly from the senate and house of representatives contingent funds until an appropriation is made therefor.

7. The committee shall annually conduct a rolling five-year forecast of the public assistance programs within the state and make recommendations in a report to the general assembly by January first each year, beginning in [2008] 2018, on anticipated growth [in the MO HealthNet program] of the public assistance programs within the state, needed improvements, anticipated needed appropriations, and suggested strategies on ways to structure the state budget in order to satisfy the future needs of [the program] such programs.

208.1030. SUPPLEMENTAL REIMBURSEMENT FOR GROUND EMERGENCY MEDICAL TRANSPORTATION — AMOUNT — VOLUNTARY PARTICIPATION. — 1. An eligible provider, as described in subsection 2 of this section, may, in addition to the rate of payment that the provider would otherwise receive for Medicaid ground emergency medical transportation services, receive MO HealthNet supplemental reimbursement to the extent provided by law.

2. A provider shall be eligible for Medicaid supplemental reimbursement if the provider meets the following characteristics during the state reporting period:

(1) Provides ground emergency medical transportation services to MO HealthNet participants;

(2) Is enrolled as a MO HealthNet provider for the period being claimed; and

(3) Is owned, operated, or contracted by the state or a political subdivision.

3. An eligible provider's Medicaid supplemental reimbursement under this section shall be calculated and paid as follows:

(1) The supplemental reimbursement to an eligible provider, as described in subsection 2 of this section, shall be equal to the amount of federal financial participation received as a result of the claims submitted under subdivision (2) of subsection 6 of this section;

(2) In no instance shall the amount certified under subdivision (1) of subsection 5 of this section, when combined with the amount received from all other sources of reimbursement from the MO HealthNet program, exceed one hundred percent of actual costs, as determined under the Medicaid state plan for ground emergency medical transportation services; and

(3) The supplemental Medicaid reimbursement provided by this section shall be distributed exclusively to eligible providers under a payment methodology based on ground emergency medical transportation services provided to MO HealthNet participants by eligible providers on a per-transport basis or other federally permissible basis. The department of social services shall obtain approval from the Centers for Medicare and Medicaid Services for the payment methodology to be utilized and shall not make any payment under this section prior to obtaining that approval.

4. An eligible provider, as a condition of receiving supplemental reimbursement under this section, shall enter into and maintain an agreement with the department's designee for the purposes of implementing this section and reimbursing the department of social services for the costs of administering this section. The non-federal share of the supplemental reimbursement submitted to the Centers for Medicare and Medicaid Services for purposes of claiming federal financial participation shall be paid with funds from the governmental entities described in subdivision (3) of subsection 2 of this section and certified to the state as provided in subsection 5 of this section.

5. Participation in the program by an eligible provider described in this section is voluntary. If an applicable governmental entity elects to seek supplemental reimbursement under this section on behalf of an eligible provider owned or operated by the entity, as described in subdivision (3) of subsection 2 of this section, the governmental entity shall do the following:

(1) Certify in conformity with the requirements of 42 CFR 433.51 that the claimed expenditures for the ground emergency medical transportation services are eligible for federal financial participation;

(2) Provide evidence supporting the certification as specified by the department of social services;

(3) Submit data as specified by the department of social services to determine the appropriate amounts to claim as expenditures qualifying for federal financial participation; and

(4) Keep, maintain, and have readily retrievable any records specified by the department of social services to fully disclose reimbursement amounts to which the eligible provider is entitled and any other records required by the Centers for Medicare and Medicaid Services.

6. The department of social services shall be authorized to seek any necessary federal approvals for the implementation of this section. The department may limit the program to those costs that are allowable expenditures under Title XIX of the Social Security Act, 42 U.S.C. Section 1396, et seq.

(1) The department of social services shall submit claims for federal financial participation for the expenditures for the services described in subsection 5 of this section that are allowable expenditures under federal law.

(2) The department of social services shall, on an annual basis, submit any necessary materials to the federal government to provide assurances that claims for federal financial participation shall include only those expenditures that are allowable under federal law.

208.1032. INTERGOVERNMENTAL TRANSFER PROGRAM — INCREASED REIMBURSEMENT FOR SERVICES, WHEN — PARTICIPATION REQUIREMENTS. — 1. The department of social services shall be authorized to design and implement in consultation and coordination with eligible providers as described in subsection 2 of this section an intergovernmental transfer program relating to ground emergency medical transport

services, including those services provided at the emergency medical responder, emergency medical technician (EMT), advanced EMT, EMT intermediate, or paramedic levels in the pre-stabilization and preparation for transport, in order to increase capitation payments for the purpose of increasing reimbursement to eligible providers.

2. A provider shall be eligible for increased reimbursement under this section only if the provider meets the following conditions in an applicable state fiscal year:

(1) Provides ground emergency medical transportation services to MO HealthNet participants;

(2) Is enrolled as a MO HealthNet provider for the period being claimed; and

(3) Is owned, operated, or contracted by the state or a political subdivision.

3. To the extent intergovernmental transfers are voluntarily made by and accepted from an eligible provider described in subsection 2 of this section or a governmental entity affiliated with an eligible provider, the department of social services shall make increased capitation payments to applicable MO HealthNet eligible providers for covered ground emergency medical transportation services.

(1) The increased capitation payments made under this section shall be in amounts at least actuarially equivalent to the supplemental fee-for-service payments and up to equivalent of commercial reimbursement rates available for eligible providers to the extent permissible under federal law.

(2) Except as provided in subsection 6 of this section, all funds associated with intergovernmental transfers made and accepted under this section shall be used to fund additional payments to eligible providers.

(3) MO HealthNet managed care plans and coordinated care organizations shall pay one hundred percent of any amount of increased capitation payments made under this section to eligible providers for providing and making available ground emergency medical transportation and pre-stabilization services pursuant to a contract or other arrangement with a MO HealthNet managed care plan or coordinated care organization.

4. The intergovernmental transfer program developed under this section shall be implemented on the date federal approval is obtained, and only to the extent intergovernmental transfers from the eligible provider, or the governmental entity with which it is affiliated, are provided for this purpose. The department of social services shall implement the intergovernmental transfer program and increased capitation payments under this section on a retroactive basis as permitted by federal law.

5. Participation in the intergovernmental transfers under this section is voluntary on the part of the transferring entities for purposes of all applicable federal laws.

6. As a condition of participation under this section, each eligible provider as described in subsection 2 of this section or the governmental entity affiliated with an eligible provider shall agree to reimburse the department of social services for any costs associated with implementing this section. Intergovernmental transfers described in this section are subject to an administration fee of up to twenty percent of the nonfederal share paid to the department of social services and shall be allowed to count as a cost of providing the services not to exceed one hundred twenty percent of the total amount.

7. As a condition of participation under this section, MO HealthNet managed care plans, coordinated care organizations, eligible providers as described in subsection 2 of this section, and governmental entities affiliated with eligible providers shall agree to comply with any requests for information or similar data requirements imposed by the department of social services for purposes of obtaining supporting documentation necessary to claim federal funds or to obtain federal approvals.

8. This section shall be implemented only if and to the extent federal financial participation is available and is not otherwise jeopardized, and any necessary federal approvals have been obtained.

9. To the extent that the director of the department of social services determines that the payments made under this section do not comply with federal Medicaid requirements,

the director retains the discretion to return or not accept an intergovernmental transfer, and may adjust payments under this section as necessary to comply with federal Medicaid requirements.

[208.985. LEGISLATIVE BUDGET OFFICE TO CONDUCT FORECAST, ITEMS TO BE INCLUDED. — 1. Pursuant to section 33.803, by January 1, 2008, and each January first thereafter, the legislative budget office shall annually conduct a rolling five-year MO HealthNet forecast. The forecast shall be issued to the general assembly, the governor, the joint committee on MO HealthNet, and the oversight committee established in section 208.955. The forecast shall include, but not be limited to, the following, with additional items as determined by the legislative budget office:

- (1) The projected budget of the entire MO HealthNet program;
- (2) The projected budgets of selected programs within MO HealthNet;
- (3) Projected MO HealthNet enrollment growth, categorized by population and geographic area;
- (4) Projected required reimbursement rates for MO HealthNet providers; and
- (5) Projected financial need going forward.

2. In preparing the forecast required in subsection 1 of this section, where the MO HealthNet program overlaps more than one department or agency, the legislative budget office may provide for review and investigation of the program or service level on an interagency or interdepartmental basis in an effort to review all aspects of the program.]

Allowed to go into effect pursuant to Article III, Section 31 of the Missouri Constitution

SB 613 [SCS SB 613]

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

Enacts new provisions of law relating to the workers' compensation insurance premiums of volunteer fire departments

AN ACT to repeal sections 287.957 and 287.975, RSMo, and to enact in lieu thereof three new sections relating to worker's compensation.

SECTION

- A. Enacting clause.
 287.245. Volunteer firefighters, grants for workers' compensation insurance premiums.
 287.957. Experience rating plan, contents.
 287.975. Pure premium rate, schedule of rates, filed with director, when — payroll differential, advisory organization to collect data, when, purpose — construction group, submission to advisory organization.

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

SECTION A. ENACTING CLAUSE. — Sections 287.957 and 287.975, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 287.245, 287.957, and 287.975, to read as follows:

287.245. VOLUNTEER FIREFIGHTERS, GRANTS FOR WORKERS' COMPENSATION INSURANCE PREMIUMS. — 1. **As used in this section, the following terms shall mean:**

- (1) "Association", volunteer fire protection associations as defined in section 320.300;

(2) "State fire marshal", the state fire marshal selected under the provisions of sections 320.200 to 320.270;

(3) "Volunteer firefighter", the same meaning as in section 287.243.

2. Any association may apply to the state fire marshal for a grant for the purpose of funding such association's costs related to workers' compensation insurance premiums for volunteer firefighters.

3. Subject to appropriations, the state fire marshal shall disburse grants to each applying volunteer fire protection association according to the following schedule:

(1) Associations which had zero to five volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for two thousand dollars in grant money;

(2) Associations which had six to ten volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for one thousand five hundred dollars in grant money;

(3) Associations which had eleven to fifteen volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for one thousand dollars in grant money;

(4) Associations which had sixteen to twenty volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for five hundred dollars in grant money.

4. Grant money disbursed under this section shall only be used for the purpose of paying for the workers' compensation insurance premiums of volunteer firefighters.

287.957. EXPERIENCE RATING PLAN, CONTENTS. — The experience rating plan shall contain reasonable eligibility standards, provide adequate incentives for loss prevention, and shall provide for sufficient premium differentials so as to encourage safety. The uniform experience rating plan shall be the exclusive means of providing prospective premium adjustment based upon measurement of the loss-producing characteristics of an individual insured. An insurer may submit a rating plan or plans providing for retrospective premium adjustments based upon an insured's past experience. Such system shall provide for retrospective adjustment of an experience modification and premiums paid pursuant to such experience modification where a prior reserved claim produced an experience modification that varied by greater than fifty percent from the experience modification that would have been established based on the settlement amount of that claim. The rating plan shall prohibit an adjustment to the experience modification of an employer if the total medical cost does not exceed [one thousand dollars] **twenty percent of the current split point of primary and excess losses under the uniform experience rating plan**, and the employer pays all of the total medical costs and there is no lost time from the employment, other than the first three days or less of disability under subsection 1 of section 287.160, and no claim is filed. An employer opting to utilize this provision maintains an obligation to report the injury under subsection 1 of section 287.380.

287.975. PURE PREMIUM RATE, SCHEDULE OF RATES, FILED WITH DIRECTOR, WHEN — PAYROLL DIFFERENTIAL, ADVISORY ORGANIZATION TO COLLECT DATA, WHEN, PURPOSE — CONSTRUCTION GROUP, SUBMISSION TO ADVISORY ORGANIZATION. — 1. The advisory organization shall file with the director every pure premium rate, every manual of rating rules, every rating schedule and every change or amendment, or modification of any of the foregoing, proposed for use in this state no more than thirty days after it is distributed to members, subscribers or others.

2. The advisory organization which makes a uniform classification system for use in setting rates in this state shall collect data for two years after January 1, 1994, on the payroll differential between employers within the construction group of code classifications, including, but not limited to, payroll costs of the employer and number of hours worked by all employees of the employer engaged in construction work. Such data shall be transferred to the department of insurance, financial institutions and professional registration in a form prescribed by the director of the department of insurance, financial institutions and professional registration, and the department shall compile the data and develop a formula to equalize premium rates for employers within the construction group of code classifications based on such payroll differential within three years after the data is submitted by the advisory organization.

3. The formula to equalize premium rates for employers within the construction group of code classifications established under subsection 2 of this section shall be the formula in effect on January 1, 1999. This subsection shall become effective on January 1, 2014.

4. For the purposes of calculating the premium credit under the Missouri contracting classification premium adjustment program, an employer within the construction group of code classifications may submit to the advisory organization the required payroll record information for the first, second, third, or fourth calendar quarter of the year prior to the workers' compensation policy beginning or renewal date, provided that the employer clearly indicates for which quarter the payroll information is being submitted.

Allowed to go into effect pursuant to Article III, Section 31 of the Missouri Constitution

SB 620 [SCS SBs 620 & 582]

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

Modifies composition of the Career and Technical Education Advisory Council and requires said council to establish minimum requirement for a career and technical education certificate

AN ACT to repeal section 178.550, RSMo, and to enact in lieu thereof two new sections relating to career and technical education.

SECTION

- A. Enacting clause.
- 170.029. Career and technical education (CTE) certificates, minimum requirements — curriculum — recognition of program — rulemaking authority.
- 178.550. Career and technical education student protection act — council established, members, terms, meetings, duties.

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

SECTION A. ENACTING CLAUSE. — Section 178.550, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 170.029 and 178.550, to read as follows:

170.029. CAREER AND TECHNICAL EDUCATION (CTE) CERTIFICATES, MINIMUM REQUIREMENTS — CURRICULUM — RECOGNITION OF PROGRAM — RULEMAKING AUTHORITY. — **1. The state board of education, in consultation with the career and technical education advisory council as established in section 178.550, shall establish minimum requirements for a career and technical education (CTE) certificate that a student can earn in addition to his or her high school graduation diploma. Students**

entering high school in school year 2017-2018 and thereafter shall be eligible to earn a CTE certificate.

2. The state board of education shall establish CTE requirements intended to provide students with the necessary technical employability skills to be prepared for an entry-level career in a technical field or additional training in a technical field. The provisions of this section shall not be considered a means for tracking students in order to impel students to particular vocational, career, or college paths. The state board of education shall work with local school districts to ensure that tracking does not occur. For purposes of this section, "tracking" means separating pupils by academic ability into groups for all subjects or certain classes and curriculum.

3. Each local school district shall determine the curriculum, programs of study, and course offerings based on the needs and interests of the students in the district. As required by Missouri's state plan for career education and the Missouri school improvement program, the state board of education shall work in cooperation with individual school districts to stipulate the minimum number of CTE offerings. Each local school district shall strive to offer programs of study that are economically feasible for students in the district. In establishing CTE offerings, the district may rely on standards, technical coursework, and skills assessments developed for industry-recognized certificates or credentials.

4. No later than January 1, 2017, the department of elementary and secondary education shall develop a process for recognition of a school district's career and technical education program that offers a career and technical education certificate.

5. The department of elementary and secondary education 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 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, 2016, shall be invalid and void.

178.550. CAREER AND TECHNICAL EDUCATION STUDENT PROTECTION ACT—COUNCIL ESTABLISHED, MEMBERS, TERMS, MEETINGS, DUTIES. — 1. This section shall be known and may be cited as the "Career and Technical Education Student Protection Act". There is hereby established the "Career and Technical Education Advisory Council" within the department of elementary and secondary education.

2. The advisory council shall be composed of [eleven] **fifteen** members who shall be Missouri residents[, appointed by the governor with the advice and consent of the senate]. **The commissioner of education shall appoint the following members:**

- (1) A director or administrator of a career and technical education center;
- (2) An individual from the business community with a background in commerce;
- (3) A representative from State Technical College of Missouri;
- (4) Three current or retired career and technical education teachers who also serve or served as an advisor to any of the nationally recognized career and technical education student organizations of:
 - (a) DECA;
 - (b) Future Business Leaders of America (FBLA);
 - (c) FFA;
 - (d) Family, Career and Community Leaders of America (FCCLA);
 - (e) Health Occupations Students of America (HOSA);
 - (f) SkillsUSA; or
 - (g) Technology Student Association (TSA);

(5) A representative from a business organization, association of businesses, or a business coalition;

(6) A representative from a Missouri community college;

(7) A representative from Southeast Missouri State University or the University of Central Missouri;

(8) An individual participating in an apprenticeship recognized by the department of labor and industrial relations or approved by the United States Department of Labor's Office of Apprenticeship;

(9) A school administrator or school superintendent of a school that offers career and technical education.

3. Members shall serve a term of five years except for the initial appointments, which shall be for the following lengths:

(1) One member shall be appointed for a term of one year;

(2) Two members shall be appointed for a term of two years;

(3) Two members shall be appointed for a term of three years;

(4) Three members shall be appointed for a term of four years;

(5) Three members shall be appointed for a term of five years.

4. Four members shall be from the general assembly. The president pro tempore of the senate shall appoint two members of the senate of whom not more than one shall be of the same party. The speaker of the house of representatives shall appoint two members of the house of representatives of whom not more than one shall be of the same party. The legislative members shall serve on the advisory council until such time as they resign, are no longer members of the general assembly, or are replaced by new appointments.

5. The advisory council shall have three nonvoting ex officio members:

(1) A director of guidance and counseling services at the department of elementary and secondary education, or a similar position if such position ceases to exist;

(2) The director of the division of workforce development; and

(3) A member of the coordinating board for higher education, as selected by the coordinating board.

[5.] 6. The assistant commissioner for the office of college and career readiness of the department of elementary and secondary education shall provide staff assistance to the advisory council.

[6.] 7. The advisory council shall meet at least four times annually. The advisory council may make all rules it deems necessary to enable it to conduct its meetings, elect its officers, and set the terms and duties of its officers. The advisory council shall elect from among its members a chairperson, vice chairperson, a secretary-reporter, and such other officers as it deems necessary. Members of the advisory council shall serve without compensation but may be reimbursed for actual expenses necessary to the performance of their official duties for the advisory council.

[7.] 8. Any business to come before the advisory council shall be available on the advisory council's internet website at least seven business days prior to the start of each meeting. All records of any decisions, votes, exhibits, or outcomes shall be available on the advisory council's internet website within forty-eight hours following the conclusion of every meeting. Any materials prepared for the members shall be delivered to the members at least five days before the meeting, and to the extent such materials are public records as defined in section 610.010 and are not permitted to be closed under section 610.021, shall be made available on the advisory council's internet website at least five business days in advance of the meeting.

[8.] 9. The advisory council shall make an annual written report to the state board of education and the commissioner of education regarding the development, implementation, and administration of the state budget for career and technical education.

[9.] 10. The advisory council shall annually submit written recommendations to the state board of education and the commissioner of education regarding the oversight and procedures for the handling of funds for student career and technical education organizations.

[10.] **11.** The advisory council shall:

- (1) Develop a comprehensive statewide short- and long-range strategic plan for career and technical education;
- (2) Identify service gaps and provide advice on methods to close such gaps as they relate to youth and adult employees, workforce development, and employers on training needs;
- (3) Confer with public and private entities for the purpose of promoting and improving career and technical education;
- (4) Identify legislative recommendations to improve career and technical education;
- (5) Promote coordination of existing career and technical education programs;
- (6) Adopt, alter, or repeal by its own bylaws, rules and regulations governing the manner in which its business may be transacted.

[11.] **12.** For purposes of this section, the department of elementary and secondary education shall provide such documentation and information as to allow the advisory council to be effective.

[12.] **13.** For purposes of this section, "advisory council" shall mean the career and technical education advisory council.

Approved June 13, 2016

SB 624 [SB 624]

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 crimes of stealing and fraudulent procurement of a credit or debit device

AN ACT to repeal section 570.010 as enacted by house bill no. 1888, ninety-first general assembly, second regular session, section 570.030 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 570.030 as enacted by senate bill no. 9, ninety-seventh general assembly, first regular session, and section 570.135 as enacted by senate bill no. 491, ninety-seventh general assembly, and to enact in lieu thereof three new sections relating to stealing, with penalty provisions.

SECTION

- A. Enacting clause.
- 570.010. Until December 31, 2016 — Chapter definitions..
- 570.030. Beginning January 1, 2017 — Stealing — penalties.
- 570.030. Until December 31, 2016 — Stealing — penalties.
- 570.135. Beginning January 1, 2017 — Fraudulent procurement of a credit or debit card — penalty — limitation of liability.

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

SECTION A. ENACTING CLAUSE. — Section 570.010 as enacted by house bill no. 1888, ninety-first general assembly, second regular session, section 570.030 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 570.030 as enacted by senate bill no. 9, ninety-seventh general assembly, first regular session, and section 570.135 as enacted by senate bill no. 491, ninety-seventh general assembly, are repealed and three new sections enacted in lieu thereof, to be known as sections 570.010, 570.030, and 570.135, to read as follows:

570.010. UNTIL DECEMBER 31, 2016 — CHAPTER DEFINITIONS. — As used in this chapter:

(1) "Adulterated" means varying from the standard of composition or quality prescribed by statute or lawfully promulgated administrative regulations of this state lawfully filed, or if none, as set by commercial usage;

(2) "Appropriate" means to take, obtain, use, transfer, conceal or retain possession of;

(3) "Coercion" means a threat, however communicated:

(a) To commit any crime; or

(b) To inflict physical injury in the future on the person threatened or another; or

(c) To accuse any person of any crime; or

(d) To expose any person to hatred, contempt or ridicule; or

(e) To harm the credit or business repute of any person; or

(f) To take or withhold action as a public servant, or to cause a public servant to take or withhold action; or

(g) To inflict any other harm which would not benefit the actor. A threat of accusation, lawsuit or other invocation of official action is not coercion if the property sought to be obtained by virtue of such threat was honestly claimed as restitution or indemnification for harm done in the circumstances to which the accusation, exposure, lawsuit or other official action relates, or as compensation for property or lawful service. The defendant shall have the burden of injecting the issue of justification as to any threat;

(4) "Credit device" means a writing, number or other device purporting to evidence an undertaking to pay for property or services delivered or rendered to or upon the order of a designated person or bearer;

(5) "Dealer" means a person in the business of buying and selling goods;

(6) "Debit device" means a card, code, number or other device, other than a check, draft or similar paper instrument, by the use of which a person may initiate an electronic fund transfer, including but not limited to devices that enable electronic transfers of benefits to public assistance recipients;

(7) "Deceit" means purposely making a representation which is false and which the actor does not believe to be true and upon which the victim relies, as to a matter of fact, law, value, intention or other state of mind. The term "deceit" does not, however, include falsity as to matters having no pecuniary significance, or puffing by statements unlikely to deceive ordinary persons in the group addressed. Deception as to the actor's intention to perform a promise shall not be inferred from the fact alone that he did not subsequently perform the promise;

(8) "Deprive" means:

(a) To withhold property from the owner permanently; or

(b) To restore property only upon payment of reward or other compensation; or

(c) To use or dispose of property in a manner that makes recovery of the property by the owner unlikely;

(9) **"Financial institution" means a bank, trust company, savings and loan association, or credit union;**

(10) "Mislabeled" means varying from the standard of truth or disclosure in labeling prescribed by statute or lawfully promulgated administrative regulations of this state lawfully filed, or if none, as set by commercial usage; or represented as being another person's product, though otherwise accurately labeled as to quality and quantity;

[10] (11) "New and unused property" means tangible personal property that has never been used since its production or manufacture and is in its original unopened package or container if such property was packaged;

[11] (12) "Of another" property or services is that "of another" if any natural person, corporation, partnership, association, governmental subdivision or instrumentality, other than the actor, has a possessory or proprietary interest therein, except that property shall not be deemed property of another who has only a security interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or other security arrangement;

~~[(12)]~~ **(13)** "Property" means anything of value, whether real or personal, tangible or intangible, in possession or in action, and shall include but not be limited to the evidence of a debt actually executed but not delivered or issued as a valid instrument;

~~[(13)]~~ **(14)** "Receiving" means acquiring possession, control or title or lending on the security of the property;

~~[(14)]~~ **(15)** "Services" includes transportation, telephone, electricity, gas, water, or other public service, accommodation in hotels, restaurants or elsewhere, admission to exhibitions and use of vehicles;

~~[(15)]~~ **(16)** "Writing" includes printing, any other method of recording information, money, coins, negotiable instruments, tokens, stamps, seals, credit cards, badges, trademarks and any other symbols of value, right, privilege or identification.

570.030. BEGINNING JANUARY 1, 2017 — STEALING — PENALTIES. — 1. A person commits the offense of stealing if he or she:

(1) Appropriates property or services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion;

(2) Attempts to appropriate anhydrous ammonia or liquid nitrogen of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion; or

(3) For the purpose of depriving the owner of a lawful interest therein, receives, retains or disposes of property of another knowing that it has been stolen, or believing that it has been stolen.

2. The offense of stealing is a class A felony if the property appropriated consists of any of the following containing any amount of anhydrous ammonia: a tank truck, tank trailer, rail tank car, bulk storage tank, field nurse, field tank or field applicator.

3. The offense of stealing is a class B felony if:

(1) The property appropriated or attempted to be appropriated consists of any amount of anhydrous ammonia or liquid nitrogen;

(2) The property consists of any animal considered livestock as the term livestock is defined in section 144.010, or any captive wildlife held under permit issued by the conservation commission, and the value of the animal or animals appropriated exceeds three thousand dollars and that person has previously been found guilty of appropriating any animal considered livestock or captive wildlife held under permit issued by the conservation commission. Notwithstanding any provision of law to the contrary, such person shall serve a minimum prison term of not less than eighty percent of his or her sentence before he or she is eligible for probation, parole, conditional release, or other early release by the department of corrections;

(3) A person appropriates property consisting of a motor vehicle, watercraft, or aircraft, and that person has previously been found guilty of two stealing-related offenses committed on two separate occasions where such offenses occurred within ten years of the date of occurrence of the present offense; [or]

(4) The property appropriated or attempted to be appropriated consists of any animal considered livestock as the term is defined in section 144.010 if the value of the livestock exceeds ten thousand dollars; or

(5) The property appropriated or attempted to be appropriated is owned by or in the custody of a financial institution and the property is taken or attempted to be taken physically from an individual person to deprive the owner or custodian of the property.

4. The offense of stealing is a class C felony if the value of the property or services appropriated is twenty-five thousand dollars or more.

5. The offense of stealing is a class D felony if:

(1) The value of the property or services appropriated is seven hundred fifty dollars or more;

- (2) The offender physically takes the property appropriated from the person of the victim;
- or
- (3) The property appropriated consists of:
- (a) Any motor vehicle, watercraft or aircraft;
 - (b) Any will or unrecorded deed affecting real property;
 - (c) Any credit device, debit device or letter of credit;
 - (d) Any firearms;
 - (e) Any explosive weapon as defined in section 571.010;
 - (f) Any United States national flag designed, intended and used for display on buildings or stationary flagstaffs in the open;
 - (g) Any original copy of an act, bill or resolution, introduced or acted upon by the legislature of the state of Missouri;
 - (h) Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States;
 - (i) Any book of registration or list of voters required by chapter 115;
 - (j) Any animal considered livestock as that term is defined in section 144.010;
 - (k) Any live fish raised for commercial sale with a value of seventy-five dollars or more;
 - (l) Any captive wildlife held under permit issued by the conservation commission;
 - (m) Any controlled substance as defined by section 195.010;
 - (n) Ammonium nitrate;
 - (o) Any wire, electrical transformer, or metallic wire associated with transmitting telecommunications, video, internet, or voice over internet protocol service, or any other device or pipe that is associated with conducting electricity or transporting natural gas or other combustible fuels; or
 - (p) Any material appropriated with the intent to use such material to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues.
6. The offense of stealing is a class E felony if:
- (1) The property appropriated is an animal; or
 - (2) A person has previously been found guilty of three stealing-related offenses committed on three separate occasions where such offenses occurred within ten years of the date of occurrence of the present offense.
7. The offense of stealing is a class D misdemeanor if the property is not of a type listed in subsection 2, 3, 5, or 6 of this section, the property appropriated has a value of less than one hundred fifty dollars, and the person has no previous findings of guilt for a stealing-related offense.
8. The offense of stealing is a class A misdemeanor if no other penalty is specified in this section.
9. If a violation of this section is subject to enhanced punishment based on prior findings of guilt, such findings of guilt shall be pleaded and proven in the same manner as required by section 558.021.
10. The appropriation of any property or services of a type listed in subsection 2, 3, 5, or 6 of this section or of a value of seven hundred fifty dollars or more may be considered a separate felony and may be charged in separate counts.
11. The value of property or services appropriated pursuant to one scheme or course of conduct, whether from the same or several owners and whether at the same or different times, constitutes a single criminal episode and may be aggregated in determining the grade of the offense, except as set forth in subsection 10 of this section.

570.030. UNTIL DECEMBER 31, 2016 — STEALING — PENALTIES. — 1. A person commits the crime of stealing if he or she appropriates property or services of another with the

purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion.

2. Evidence of the following is admissible in any criminal prosecution pursuant to this section on the issue of the requisite knowledge or belief of the alleged stealer:

(1) That he or she failed or refused to pay for property or services of a hotel, restaurant, inn or boardinghouse;

(2) That he or she gave in payment for property or services of a hotel, restaurant, inn or boardinghouse a check or negotiable paper on which payment was refused;

(3) That he or she left the hotel, restaurant, inn or boardinghouse with the intent to not pay for property or services;

(4) That he or she surreptitiously removed or attempted to remove his or her baggage from a hotel, inn or boardinghouse;

(5) That he or she, with intent to cheat or defraud a retailer, possesses, uses, utters, transfers, makes, alters, counterfeits, or reproduces a retail sales receipt, price tag, or universal price code label, or possesses with intent to cheat or defraud, the device that manufactures fraudulent receipts or universal price code labels.

3. Notwithstanding any other provision of law, any offense in which the value of property or services is an element is a class C felony if:

(1) The value of the property or services appropriated is five hundred dollars or more but less than twenty-five thousand dollars; or

(2) The actor physically takes the property appropriated from the person of the victim; or

(3) The property appropriated consists of:

(a) Any motor vehicle, watercraft or aircraft; or

(b) Any will or unrecorded deed affecting real property; or

(c) Any credit card or letter of credit; or

(d) Any firearms; or

(e) Any explosive weapon as defined in section 571.010; or

(f) A United States national flag designed, intended and used for display on buildings or stationary flagstaffs in the open; or

(g) Any original copy of an act, bill or resolution, introduced or acted upon by the legislature of the state of Missouri; or

(h) Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States; or

(i) Any book of registration or list of voters required by chapter 115; or

(j) Any animal considered livestock as that term is defined in section 144.010; or

(k) Live fish raised for commercial sale with a value of seventy-five dollars; or

(l) Captive wildlife held under permit issued by the conservation commission; or

(m) Any controlled substance as defined by section 195.010; or

(n) Anhydrous ammonia;

(o) Ammonium nitrate; or

(p) Any document of historical significance which has fair market value of five hundred dollars or more.

4. Notwithstanding any other provision of law, stealing of any animal considered livestock, as that term is defined in section 144.010, is a class B felony if the value of the livestock exceeds ten thousand dollars.

5. If an actor appropriates any material with a value less than five hundred dollars in violation of this section with the intent to use such material to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues, then such violation is a class C felony. The theft of any amount of anhydrous ammonia or liquid nitrogen, or any attempt to steal any amount of anhydrous ammonia or liquid nitrogen, is a class B felony. The theft of any amount of anhydrous ammonia by appropriation of a tank truck, tank trailer, rail tank car, bulk storage tank, field (nurse) tank or field applicator is a class A felony.

6. **If the actor appropriates or attempts to appropriate property that is owned by or in the custody of a financial institution and the property is taken or attempted to be taken physically from an individual person to deprive the owner or custodian of the property, the theft is a class B felony.**

7. The theft of any item of property or services pursuant to subsection 3 of this section which exceeds five hundred dollars may be considered a separate felony and may be charged in separate counts.

[7.] 8. Any person with a prior conviction of paragraph (j) or (l) of subdivision (3) of subsection 3 of this section and who violates the provisions of paragraph (j) or (l) of subdivision (3) of subsection 3 of this section when the value of the animal or animals stolen exceeds three thousand dollars is guilty of a class B felony. Notwithstanding any provision of law to the contrary, such person shall serve a minimum prison term of not less than eighty percent of his or her sentence before he or she is eligible for probation, parole, conditional release, or other early release by the department of corrections.

[8.] 9. Any offense in which the value of property or services is an element is a class B felony if the value of the property or services equals or exceeds twenty-five thousand dollars.

[9.] 10. Any violation of this section for which no other penalty is specified in this section is a class A misdemeanor.

570.135. BEGINNING JANUARY 1, 2017 — FRAUDULENT PROCUREMENT OF A CREDIT OR DEBIT CARD — PENALTY — LIMITATION OF LIABILITY. — 1. A person commits the offense of fraudulent procurement of a credit or debit device if he or she:

(1) Knowingly makes or causes to be made, directly or indirectly, a false statement regarding another person for the purpose of fraudulently procuring the issuance of a credit or debit device; [or]

(2) Knowingly obtains a means of identification of another person without the authorization of that person and uses that means of identification fraudulently to obtain, or attempt to obtain, credit, goods or services in the name of the other person without the consent of that person; or

(3) Knowingly possesses a fraudulently obtained credit or debit device.

2. The offense of fraudulent procurement of a credit or debit device is a class A misdemeanor.

3. Notwithstanding any other provision of this section, no corporation, proprietorship, partnership, limited liability company, limited liability partnership or other business entity shall be **criminally** liable under this section for accepting applications for credit or debit devices or for the use of a credit or debit device in any transaction, absent clear and convincing evidence that such business entity conspired with or was a part of the fraudulent procuring of the issuance of a credit or debit device.

Approved June 6, 2016

SB 625 [CCS HCS SB 625]

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 state highways and creates a process for the naming of additional highways and bridges

AN ACT to amend chapter 227, RSMo, by adding thereto five new sections relating to the designation of highways.

SECTION

- A. Enacting clause.
- 227.432. Judge Vincent E. Baker Memorial Highway designated for a portion of I-470 in Jackson County.
- 227.443. Special Agent Tom Crowell Memorial Highway designated for a portion of I-49 in Newton County.
- 227.445. Deputy Sheriff Matthew S. Chism Memorial Highway designated for a portion of State Highway 32 in Cedar County.
- 227.446. Phyllis D. Shelley Memorial Highway designated for a portion of U.S. Highway 50 in Moniteau County.
- 227.528. Sgt. Peggy Vassallo Way designated for a portion of State Highway 367 in St. Louis 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 five new sections, to be known as sections 227.432, 227.443, 227.445, 227.446, and 227.528, to read as follows:

227.432. JUDGE VINCENT E. BAKER MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF I-470 IN JACKSON COUNTY. — The portion of Interstate 470 at the interchange with Woods Chapel Road continuing to Lakewood Boulevard in Jackson County shall be designated as the "Judge Vincent E. Baker Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid for by private donations.

227.443. SPECIAL AGENT TOM CROWELL MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF I-49 IN NEWTON COUNTY. — The portion of Interstate 49 from its intersection with State Highway 86 continuing north to Iris Road in Newton County shall be designated the "Special Agent Tom Crowell Memorial Highway". Costs for such designation shall be paid for by private donations.

227.445. DEPUTY SHERIFF MATTHEW S. CHISM MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF STATE HIGHWAY 32 IN CEDAR COUNTY. — The portion of State Highway 32 from Stockton Dam Road continuing west to State Highway 39/County Road 1401 within the city limits of Stockton in Cedar County shall be designated as the "Deputy Sheriff Matthew S. Chism Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with costs for such designation to be paid for by private donation.

227.446. PHYLLIS D. SHELLEY MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF U.S. HIGHWAY 50 IN MONITEAU COUNTY. — The portion of U.S. Highway 50 from County Line Road continuing west to Mockingbird Road in Moniteau County shall be designated as the "Phyllis D. Shelley Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with costs to be paid for by private donation.

227.528. SGT. PEGGY VASSALLO WAY DESIGNATED FOR A PORTION OF STATE HIGHWAY 367 IN ST. LOUIS COUNTY. — The portion of State Highway 367 from the southern city limit of Bellefontaine Neighbors north to the intersection of Interstate 270 in St. Louis County shall be designated "Sgt. Peggy Vassallo Way". The department of transportation shall erect and maintain appropriate signs designating such highway with the costs to be paid by private donations.

Approved July 8, 2016

SB 635 [CCS HCS SB 635]

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 health care

AN ACT to repeal sections 167.638, 170.310, 174.335, 190.142, 190.241, 192.737, 192.2490, 192.2495, 197.315, 324.001, 335.300, 335.305, 335.310, 335.315, 335.320, 335.325, 335.330, 335.335, 335.340, 335.345, 335.350, 335.355, 338.200, 376.1235, 376.1237, and 536.031, RSMo, and to enact in lieu thereof forty-seven new sections relating to health care, with penalty provisions, an emergency clause for a certain section, and an effective date for certain sections.

SECTION

- A. Enacting clause.
- 96.192. Investment of hospital funds, limitations.
- 167.638. Meningitis immunization, brochure, contents.
- 167.950. Dyslexia screening guidelines — screenings required, when — definitions — rulemaking authority.
- 170.310. Cardiopulmonary resuscitation instruction and training, grades nine through twelve, requirements — rulemaking authority.
- 174.335. Meningococcal disease, all on-campus students to be vaccinated — exemption, when — records to be maintained.
- 190.142. Emergency medical technician license — rules.
- 190.241. Trauma, STEMI, or stroke centers, designation by department — on-site reviews — grounds for suspension or revocation of designation — data submission and analysis — fees — administrative hearing commission to hear persons aggrieved by designation.
- 190.265. Helipads, hospitals not required to have fencing or barriers.
- 191.1075. Definitions.
- 191.1080. Council created, purpose, members, terms, duties — report — expiration date.
- 191.1085. Program established, purpose, website information — rulemaking authority.
- 192.737. Data analysis and needs assessment.
- 192.2490. Employee disqualification list, notification of placement, contents — challenge of allegation, procedure — hearing, procedure — appeal — removal of name from list — list provided to whom — prohibition of employment.
- 192.2495. Beginning January 1, 2017 — Criminal background checks of employees, required when — persons with criminal history not to be hired, when, penalty — failure to disclose, penalty — improper hirings, penalty — definitions — rules to waive hiring restrictions.
- 197.065. Life safety code standards — waiver, when — rulemaking authority.
- 197.315. Certificate of need granted, when — forfeiture, grounds — application for certificate, fee — certificate not required, when.
- 324.001. Division of professional registration established, duties — boards and commissions assigned to — reference to division in statutes — workforce data analysis, requirements.
- 334.1200. Purpose.
- 334.1203. Definitions.
- 334.1206. State participation in the compact.
- 334.1209. Compact privilege.
- 334.1212. Active duty military personnel or their spouses.
- 334.1215. Adverse actions.
- 334.1218. Establishment of the physical therapy compact commission.
- 334.1221. Data system.
- 334.1224. Rulemaking.
- 334.1227. Oversight, dispute resolution, and enforcement.
- 334.1230. Date of implementation of the interstate commission for physical therapy practice and associated rules, withdrawal, and amendment.
- 334.1233. Construction and severability.
- 335.360. Findings and declaration of purpose.
- 335.365. Definitions.
- 335.370. General provisions and jurisdiction.
- 335.375. Applications for licensure in a party state.
- 335.380. Additional authorities invested in party state licensing boards.
- 335.385. Coordinated licensure information system and exchange of information.
- 335.390. Establishment of the interstate commission of nurse licensure compact administrators.
- 335.395. Rulemaking.

- 335.400. Oversight, dispute resolution and enforcement.
- 335.405. Effective date, withdrawal and amendment.
- 335.410. Construction and severability.
- 335.415. Head of the nurse licensing board defined.
- 338.200. Pharmacist may dispense emergency prescription, when, requirements — rulemaking authority.
- 376.388. Maximum allowable costs — definitions — contract requirements — reimbursement — appeals process required.
- 376.1235. No co-payments or coinsurance for physical or occupational therapy services, when — actuarial analysis of cost, when.
- 376.1237. Refills for prescription eye drops, required, when — definitions — termination date.
- 536.031. Code to be published — to be revised monthly — incorporation by reference authorized, courts to take judicial notice — incorporation by reference of certain rules, how.
- 633.420. Dyslexia defined — task force created, members, duties, recommendations — expiration date.
- 335.300. Findings and declaration of purpose.
- 335.305. Definitions.
- 335.310. General provisions and jurisdiction.
- 335.315. Applications for licensure in a party state.
- 335.320. Adverse actions.
- 335.325. Additional authorities invested in party state nurse licensing boards.
- 335.330. Coordinated licensure information system.
- 335.335. Compact administration and interchange of information.
- 335.340. Immunity.
- 335.345. Entry into force, withdrawal and amendment.
- 335.350. Construction and severability.
- 335.355. Applicability of compact.
 - B. Emergency clause.
 - C. Contingent effective date.

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

SECTION A. ENACTING CLAUSE. — Sections 167.638, 170.310, 174.335, 190.142, 190.241, 192.737, 192.2490, 192.2495, 197.315, 324.001, 335.300, 335.305, 335.310, 335.315, 335.320, 335.325, 335.330, 335.335, 335.340, 335.345, 335.350, 335.355, 338.200, 376.1235, 376.1237, and 536.031, RSMo, are repealed and forty-seven new sections enacted in lieu thereof, to be known as sections 96.192, 167.638, 167.950, 170.310, 174.335, 190.142, 190.241, 190.265, 191.1075, 191.1080, 191.1085, 192.737, 192.2490, 192.2495, 197.065, 197.315, 324.001, 334.1200, 334.1203, 334.1206, 334.1209, 334.1212, 334.1215, 334.1218, 334.1221, 334.1224, 334.1227, 334.1230, 334.1233, 335.360, 335.365, 335.370, 335.375, 335.380, 335.385, 335.390, 335.395, 335.400, 335.405, 335.410, 335.415, 338.200, 376.388, 376.1235, 376.1237, 536.031, and 633.420, to read as follows:

96.192. INVESTMENT OF HOSPITAL FUNDS, LIMITATIONS. — **1. The board of trustees of any hospital authorized under subsection 2 of this section, and established and organized under the provisions of sections 96.150 to 96.229, may invest up to twenty-five percent of the hospital's funds not required for immediate disbursement in obligations or for the operation of the hospital in any United States investment grade fixed income funds or any diversified stock funds, or both.**

2. The provisions of this section shall only apply if the hospital:

- (1) Receives less than one percent of its annual revenues from municipal, county, or state taxes; and**
- (2) Receives less than one percent of its annual revenue from appropriated funds from the municipality in which such hospital is located.**

167.638. MENINGITIS IMMUNIZATION, BROCHURE, CONTENTS. — The department of health and senior services shall develop an informational brochure relating to meningococcal disease that states that [an immunization] **immunizations** against meningococcal disease [is] **are** available. The department shall make the brochure available on its website and shall notify every public institution of higher education in this state of the availability of the brochure. Each public

institution of higher education shall provide a copy of the brochure to all students and if the student is under eighteen years of age, to the student's parent or guardian. Such information in the brochure shall include:

- (1) The risk factors for and symptoms of meningococcal disease, how it may be diagnosed, and its possible consequences if untreated;
- (2) How meningococcal disease is transmitted;
- (3) The latest scientific information on meningococcal disease immunization and its effectiveness, **including information on all meningococcal vaccines receiving a Category A or B recommendation from the Advisory Committee on Immunization Practices;** [and]
- (4) A statement that any questions or concerns regarding immunization against meningococcal disease may be answered by contacting the individual's health care provider; **and**
- (5) **A recommendation that the current student or entering student receive meningococcal vaccines in accordance with current Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention guidelines.**

167.950. DYSLEXIA SCREENING GUIDELINES — SCREENINGS REQUIRED, WHEN — DEFINITIONS — RULEMAKING AUTHORITY. — 1. (1) By December 31, 2017, the department of elementary and secondary education shall develop guidelines for the appropriate screening of students for dyslexia and related disorders and the necessary classroom support for students with dyslexia and related disorders. Such guidelines shall be consistent with the findings and recommendations of the task force created under section 633.420.

(2) In the 2018-19 school year and subsequent years, each public school, including each charter school, shall conduct dyslexia screenings for students in the appropriate year consistent with the guidelines developed by the department of elementary and secondary education.

(3) In the 2018-19 school year and subsequent years, the school board of each district and the governing board of each charter school shall provide reasonable classroom support consistent with the guidelines developed by the department of elementary and secondary education.

2. In the 2018-19 school year and subsequent years, the practicing teacher assistance programs established under section 168.400 shall include two hours of in-service training provided by each local school district for all practicing teachers in such district regarding dyslexia and related disorders. Each charter school shall also offer all of its teachers two hours of training on dyslexia and related disorders. Districts and charter schools may seek assistance from the department of elementary and secondary education in developing and providing such training. Completion of such training shall count as two contact hours of professional development under section 168.021.

3. For purposes of this section, the following terms mean:

(1) "Dyslexia", a disorder that is neurological in origin, characterized by difficulties with accurate and fluent word recognition and poor spelling and decoding abilities that typically result from a deficit in the phonological component of language, often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction, and of which secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge. Nothing in this definition shall require a student with dyslexia to obtain an individualized education program (IEP) unless the student has otherwise met the federal conditions necessary;

(2) "Dyslexia screening", a short test conducted by a teacher or school counselor to determine whether a student likely has dyslexia or a related disorder in which a positive result does not represent a medical diagnosis but indicates that the student could benefit from approved support;

(3) "Related disorders", disorders similar to or related to dyslexia, such as developmental auditory imperception, dysphasia, specific developmental dyslexia, developmental dysgraphia, and developmental spelling disability;

(4) "Support", low-cost and effective best practices, such as oral examinations and extended test-taking periods, used to support students who have dyslexia or any related disorder.

4. The state board of education shall promulgate rules and regulations for each public school to screen students for dyslexia and related disorders and to provide the necessary classroom support for students with dyslexia and related disorders. 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, 2016, shall be invalid and void.

5. Nothing in this section shall require the MO HealthNet program to expand the services that it provides.

170.310. CARDIOPULMONARY RESUSCITATION INSTRUCTION AND TRAINING, GRADES NINE THROUGH TWELVE, REQUIREMENTS — RULEMAKING AUTHORITY. — 1. For school year 2017-18 and each school year thereafter, upon graduation from high school, pupils in public schools and charter schools shall have received thirty minutes of cardiopulmonary resuscitation instruction and training in the proper performance of the Heimlich maneuver or other first aid for choking given any time during a pupil's four years of high school.

2. Beginning in school year 2017-18, any public school or charter school serving grades nine through twelve [may] shall provide enrolled students instruction in cardiopulmonary resuscitation. Students with disabilities may participate to the extent appropriate as determined by the provisions of the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act. [Instruction may be embedded in any health education course] Instruction shall be included in the district's existing health or physical education curriculum. Instruction shall be based on a program established by the American Heart Association or the American Red Cross, or through a nationally recognized program based on the most current national evidence-based emergency cardiovascular care guidelines, and psychomotor skills development shall be incorporated into the instruction. For purposes of this section, "psychomotor skills" means the use of hands-on practicing and skills testing to support cognitive learning.

[2.] **3.** The teacher of the cardiopulmonary resuscitation course or unit shall not be required to be a certified trainer of cardiopulmonary resuscitation if the instruction is not designed to result in certification of students. Instruction that is designed to result in certification being earned shall be required to be taught by an authorized cardiopulmonary instructor. Schools may develop agreements with any local chapter of a voluntary organization of first responders to provide the required hands-on practice and skills testing.

[3.] **4.** The department of elementary and secondary education may promulgate rules 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, 2012, shall be invalid and void.

174.335. MENINGOCOCCAL DISEASE, ALL ON-CAMPUS STUDENTS TO BE VACCINATED — EXEMPTION, WHEN — RECORDS TO BE MAINTAINED. — 1. Beginning with the 2004-05 school year and for each school year thereafter, every public institution of higher education in this state shall require all students who reside in on-campus housing to have received the meningococcal vaccine **not more than five years prior to enrollment and in accordance with the latest recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention**, unless a signed statement of medical or religious exemption is on file with the institution's administration. A student shall be exempted from the immunization requirement of this section upon signed certification by a physician licensed under chapter 334 indicating that either the immunization would seriously endanger the student's health or life or the student has documentation of the disease or laboratory evidence of immunity to the disease. A student shall be exempted from the immunization requirement of this section if he or she objects in writing to the institution's administration that immunization violates his or her religious beliefs.

2. Each public university or college in this state shall maintain records on the meningococcal vaccination status of every student residing in on-campus housing at the university or college.

3. Nothing in this section shall be construed as requiring any institution of higher education to provide or pay for vaccinations against meningococcal disease.

4. For purposes of this section, the term "on-campus housing" shall include, but not be limited to, any fraternity or sorority residence, regardless of whether such residence is privately owned, on or near the campus of a public institution of higher education.

190.142. EMERGENCY MEDICAL TECHNICIAN LICENSE — RULES. — 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as it deems necessary to be made of the applicant for an emergency medical technician's license. The director may authorize investigations into criminal records in other states for any applicant.

2. The department shall issue a license to all levels of emergency medical technicians, for a period of five years, if the applicant meets the requirements established pursuant to sections 190.001 to 190.245 and the rules adopted by the department pursuant to sections 190.001 to 190.245. The department may promulgate rules relating to the requirements for an emergency medical technician including but not limited to:

- (1) Age requirements;
- (2) Education and training requirements based on respective national curricula of the United States Department of Transportation and any modification to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245;
- (3) Initial licensure testing requirements. **Initial EMT-P licensure testing shall be through the national registry of EMTs or examinations developed and administered by the department of health and senior services;**
- (4) Continuing education and relicensure requirements; and
- (5) Ability to speak, read and write the English language.

3. Application for all levels of emergency medical technician license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical technician meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. All levels of emergency medical technicians may perform only that patient care which is:

- (1) Consistent with the training, education and experience of the particular emergency medical technician; and
- (2) Ordered by a physician or set forth in protocols approved by the medical director.

5. No person shall hold themselves out as an emergency medical technician or provide the services of an emergency medical technician unless such person is licensed by the department.

6. 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.

190.241. TRAUMA, STEMI, OR STROKE CENTERS, DESIGNATION BY DEPARTMENT — ON-SITE REVIEWS — GROUNDS FOR SUSPENSION OR REVOCATION OF DESIGNATION — DATA SUBMISSION AND ANALYSIS — FEES — ADMINISTRATIVE HEARING COMMISSION TO HEAR PERSONS AGGRIEVED BY DESIGNATION. — 1. The department shall designate a hospital as an adult, pediatric or adult and pediatric trauma center when a hospital, upon proper application submitted by the hospital and site review, has been found by the department to meet the applicable level of trauma center criteria for designation in accordance with rules adopted by the department as prescribed by section 190.185.

2. **Except as provided in subsection 4 of this section,** the department shall designate a hospital as a STEMI or stroke center when such hospital, upon proper application and site review, has been found by the department to meet the applicable level of STEMI or stroke center criteria for designation in accordance with rules adopted by the department as prescribed by section 190.185. In developing STEMI center and stroke center designation criteria, the department shall use, as it deems practicable, appropriate peer-reviewed or evidence-based research on such topics including, but not limited to, the most recent guidelines of the American College of Cardiology and American Heart Association for STEMI centers, or the Joint Commission's Primary Stroke Center Certification program criteria for stroke centers, or Primary and Comprehensive Stroke Center Recommendations as published by the American Stroke Association.

3. The department of health and senior services shall, not less than once every five years, conduct an on-site review of every trauma, STEMI, and stroke center through appropriate department personnel or a qualified contractor, **with the exception of stroke centers designated pursuant to subsection 4 of this section; however, this provision is not intended to limit the department's ability to conduct a complaint investigation pursuant to subdivision (3) of subsection 2 of section 197.080 of any trauma, STEMI, or stroke center.** On-site reviews shall be coordinated for the different types of centers to the extent practicable with hospital licensure inspections conducted under chapter 197. No person shall be a qualified contractor for purposes of this subsection who has a substantial conflict of interest in the operation of any trauma, STEMI, or stroke center under review. The department may deny, place on probation, suspend or revoke such designation in any case in which it has reasonable cause to believe that there has been a substantial failure to comply with the provisions of this chapter or any rules or regulations promulgated pursuant to this chapter. If the department of health and senior services has reasonable cause to believe that a hospital is not in compliance with such provisions or regulations, it may conduct additional announced or unannounced site reviews of the hospital to verify compliance. If a trauma, STEMI, or stroke center fails two consecutive on-site reviews because of substantial noncompliance with standards prescribed by sections 190.001 to 190.245 or rules adopted by the department pursuant to sections 190.001 to 190.245, its center designation shall be revoked.

4. **Instead of applying for stroke center designation pursuant to the provisions of subsection 2 of this section, a hospital may apply for stroke center designation pursuant to this subsection. Upon receipt of an application from a hospital on a form prescribed by the department, the department shall designate such hospital:**

(1) A level I stroke center if such hospital has been certified as a comprehensive stroke center by the Joint Commission or any other certifying organization designated by the department when such certification is in accordance with the American Heart Association/American Stroke Association guidelines;

(2) A level II stroke center if such hospital has been certified as a primary stroke center by the Joint Commission or any other certifying organization designated by the department when such certification is in accordance with the American Heart Association/American Stroke Association guidelines; or

(3) A level III stroke center if such hospital has been certified as an acute stroke-ready hospital by the Joint Commission or any other certifying organization designated by the department when such certification is in accordance with the American Heart Association/American Stroke Association guidelines.

Except as provided by subsection 5 of this section, the department shall not require compliance with any additional standards for establishing or renewing stroke designations. The designation shall continue if such hospital remains certified. The department may remove a hospital's designation as a stroke center if the hospital requests removal of the designation or the department determines that the certificate recognizing the hospital as a stroke center has been suspended or revoked. Any decision made by the department to withdraw its designation of a stroke center pursuant to this subsection that is based on the revocation or suspension of a certification by a certifying organization shall not be subject to judicial review. The department shall report to the certifying organization any complaint it receives related to the stroke center certification of a stroke center designated pursuant to this subsection. The department shall also advise the complainant which organization certified the stroke center and provide the necessary contact information should the complainant wish to pursue a complaint with the certifying organization.

5. Any hospital receiving designation as a stroke center pursuant to subsection 4 of this section shall:

(1) Annually and within thirty days of any changes submit to the department proof of stroke certification and the names and contact information of the medical director and the program manager of the stroke center;

(2) Submit to the department a copy of the certifying organization's final stroke certification survey results within thirty days of receiving such results;

(3) Submit every four years an application on a form prescribed by the department for stroke center review and designation;

(4) Participate in the emergency medical services regional system of stroke care in its respective emergency medical services region as defined in rules promulgated by the department;

(5) Participate in local and regional emergency medical services systems by reviewing and sharing outcome data and providing training and clinical educational resources.

Any hospital receiving designation as a level III stroke center pursuant to subsection 4 of this section shall have a formal agreement with a level I or level II stroke center for physician consultative services for evaluation of stroke patients for thrombolytic therapy and the care of the patient post-thrombolytic therapy.

6. Hospitals designated as a STEMI or stroke center by the department, including those designated pursuant to subsection 4 of this section, shall submit data to meet the data submission requirements specified by rules promulgated by the department. Such submission of data may be done by the following methods:

(1) Entering hospital data directly into a state registry by direct data entry;

(2) Downloading hospital data from a nationally-recognized registry or data bank and importing the data files into a state registry; or

(3) Authorizing a nationally-recognized registry or data bank to disclose or grant access to the department facility-specific data held by the registry or data bank.

A hospital submitting data pursuant to subdivisions (2) or (3) of this subsection shall not be required to collect and submit any additional STEMI or stroke center data elements.

7. When collecting and analyzing data pursuant to the provisions of this section, the department shall comply with the following requirements:

(1) Names of any health care professionals, as defined in section 376.1350, shall not be subject to disclosure;

(2) The data shall not be disclosed in a manner that permits the identification of an individual patient or encounter;

(3) The data shall be used for the evaluation and improvement of hospital and emergency medical services' trauma, stroke, and STEMI care;

(4) The data collection system shall be capable of accepting file transfers of data entered into to any national recognized trauma, stroke, or STEMI registry or data bank to fulfill trauma, stroke, or STEMI certification reporting requirements;

(5) STEMI and stroke center data elements shall conform to nationally recognized performance measures, such as the American Heart Association's Get With the Guidelines, and include published detailed measure specifications, data coding instructions, and patient population inclusion and exclusion criteria to ensure data reliability and validity; and

(6) Generate from the trauma, stroke, and STEMI registries quarterly regional and state outcome data reports for trauma, stroke, and STEMI designated centers, the state advisory council on EMS, and regional EMS committees to review for performance improvement and patient safety.

8. The board of registration for the healing arts shall have sole authority to establish education requirements for physicians who practice in an emergency department of a facility designated as a trauma, STEMI, or stroke center by the department under this section. The department shall deem such education requirements promulgated by the board of registration for the healing arts sufficient to meet the standards for designations under this section.

9. The department of health and senior services may establish appropriate fees to offset the costs of trauma, STEMI, and stroke center reviews.

[5.] 10. No hospital shall hold itself out to the public as a STEMI center, stroke center, adult trauma center, pediatric trauma center, or an adult and pediatric trauma center unless it is designated as such by the department of health and senior services.

[6.] 11. Any person aggrieved by an action of the department of health and senior services affecting the trauma, STEMI, or stroke center designation pursuant to this chapter, including the revocation, the suspension, or the granting of, refusal to grant, or failure to renew a designation, may seek a determination thereon by the administrative hearing commission under chapter 621. It shall not be a condition to such determination that the person aggrieved seek a reconsideration, a rehearing, or exhaust any other procedure within the department.

190.265. HELIPADS, HOSPITALS NOT REQUIRED TO HAVE FENCING OR BARRIERS. — 1. In order to ensure that the skids of a helicopter do not get caught in a fence or other barriers and cause a potentially catastrophic outcome, any rules and regulations promulgated by the department of health and senior services pursuant to sections 190.185, 190.241, and 192.006, chapter 197, or any other provision of Missouri law shall not require hospitals to have a fence, or other barriers, around such hospital's helipad. Any regulation requiring fencing, or other barriers, or any interpretation of such regulation shall be null and void.

2. In addition to the prohibition in subsection 1 of this section, the department shall not promulgate any rules and regulations with respect to the operation or construction of a helipad located at a hospital.

3. Hospitals shall ensure that helipads are free of obstruction and safe for use by a helicopter while on the ground, during approach, and takeoff.

4. As used in this section, the term "hospital" shall have the same meaning as in section 197.020.

191.1075. DEFINITIONS. — As used in sections 191.1075 to 191.1085, the following terms shall mean:

- (1) "Department", the department of health and senior services;
- (2) "Health care professional", a physician or other health care practitioner licensed, accredited, or certified by the state of Missouri to perform specified health services;
- (3) "Hospital":
 - (a) A place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care of not less than twenty-four consecutive hours in any week of three or more nonrelated individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions; or
 - (b) A place devoted primarily to provide for not less than twenty-four consecutive hours in any week medical or nursing care for three or more unrelated individuals. "Hospital" does not include convalescent, nursing, shelter, or boarding homes as defined in chapter 198.

191.1080. COUNCIL CREATED, PURPOSE, MEMBERS, TERMS, DUTIES — REPORT — EXPIRATION DATE. — 1. There is hereby created within the department the "Missouri Palliative Care and Quality of Life Interdisciplinary Council", which shall be a palliative care consumer and professional information and education program to improve quality and delivery of patient-centered and family-focused care in this state.

2. On or before December 1, 2016, the following members shall be appointed to the council:

- (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) Two board-certified hospice and palliative medicine physicians licensed in this state, appointed by the governor with the advice and consent of the senate;
- (4) Two certified hospice and palliative nurses licensed in this state, appointed by the governor with the advice and consent of the senate;
- (5) A certified hospice and palliative social worker, appointed by the governor with the advice and consent of the senate;
- (6) A patient and family caregiver advocate representative, appointed by the governor with the advice and consent of the senate; and
- (7) A spiritual professional with experience in palliative care and health care, appointed by the governor with the advice and consent of the senate.

3. Council members shall serve for a term of three years. The members of the council shall elect a chair and vice chair whose duties shall be established by the council. The department shall determine a time and place for regular meetings of the council, which shall meet at least biannually.

4. Members of the council shall serve without compensation, but shall, subject to appropriations, be reimbursed for their actual and necessary expenses incurred in the performance of their duties as members of the council.

5. The council shall consult with and advise the department on matters related to the establishment, maintenance, operation, and outcomes evaluation of palliative care initiatives in this state, including the palliative care consumer and professional information and education program established in section 191.1085.

6. The council shall submit an annual report to the general assembly, which includes an assessment of the availability of palliative care in this state for patients at early stages of serious disease and an analysis of barriers to greater access to palliative care.

7. The council authorized under this section shall automatically expire August 28, 2022.

191.1085. PROGRAM ESTABLISHED, PURPOSE, WEBSITE INFORMATION — RULEMAKING AUTHORITY. — 1. There is hereby established the "Palliative Care Consumer and Professional Information and Education Program" within the department.

2. The purpose of the program is to maximize the effectiveness of palliative care in this state by ensuring that comprehensive and accurate information and education about palliative care is available to the public, health care providers, and health care facilities.

3. The department shall publish on its website information and resources, including links to external resources, about palliative care for the public, health care providers, and health care facilities including, but not limited to:

- (1) Continuing education opportunities for health care providers;
- (2) Information about palliative care delivery in the home, primary, secondary, and tertiary environments; and
- (3) Consumer educational materials and referral information for palliative care, including hospice.

4. Each hospital in this state is encouraged to have a palliative care presence on its intranet or internet website which provides links to one or more of the following organizations: the Institute of Medicine, the Center to Advance Palliative Care, the Supportive Care Coalition, the National Hospice and Palliative Care Organization, the American Academy of Hospice and Palliative Medicine, and the National Institute on Aging.

5. Each hospital in this state is encouraged to have patient education information about palliative care available for distribution to patients.

6. The department shall consult with the palliative care and quality of life interdisciplinary council established in section 191.1080 in implementing the section.

7. The department may promulgate rules to implement the provisions of sections 191.1075 to 191.1085. 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 191.1075 to 191.1085 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. Sections 191.1075 to 191.1085 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, 2016, shall be invalid and void.

8. Notwithstanding the provisions of section 23.253 to the contrary, the program authorized under this section shall automatically expire on August 28, 2022.

192.737. DATA ANALYSIS AND NEEDS ASSESSMENT. — [1.] The department of health and senior services shall [establish and maintain an information registry and reporting system for the purpose of data collection and needs assessment of brain and spinal cord injured persons in this state] use patient abstract data under section 192.667, the department's trauma registry, motor vehicle crash and outcome data, and other publicly available data sources to provide information and create reports for the purpose of data analysis and needs assessment of traumatic brain and spinal cord injured persons.

[2. Reports of traumatic brain and spinal cord injuries shall be filed with the department by a treating physician or his designee within seven days of identification. The attending physician of any patient with traumatic brain or spinal cord injury who is in the hospital shall provide in writing to the chief administrative officer the information required to be reported by this section. The chief administrative officer of the hospital shall then have the duty to submit the required reports.

3. Reporting forms and the manner in which the information is to be reported shall be provided by the department. Such reports shall include, but shall not be limited to, the following information: name, age, and residence of the injured person, the date and cause of the injury, the initial diagnosis and such other information as required by the department.]

192.2490. EMPLOYEE DISQUALIFICATION LIST, NOTIFICATION OF PLACEMENT, CONTENTS — CHALLENGE OF ALLEGATION, PROCEDURE — HEARING, PROCEDURE — APPEAL — REMOVAL OF NAME FROM LIST — LIST PROVIDED TO WHOM — PROHIBITION OF EMPLOYMENT. — 1. After an investigation and a determination has been made to place a person's name on the employee disqualification list, that person shall be notified in writing mailed to his or her last known address that:

(1) An allegation has been made against the person, the substance of the allegation and that an investigation has been conducted which tends to substantiate the allegation;

(2) The person's name will be included in the employee disqualification list of the department;

(3) The consequences of being so listed including the length of time to be listed; and

(4) The person's rights and the procedure to challenge the allegation.

2. If no reply has been received within thirty days of mailing the notice, the department may include the name of such person on its list. The length of time the person's name shall appear on the employee disqualification list shall be determined by the director or the director's designee, based upon the criteria contained in subsection 9 of this section.

3. If the person so notified wishes to challenge the allegation, such person may file an application for a hearing with the department. The department shall grant the application within thirty days after receipt by the department and set the matter for hearing, or the department shall notify the applicant that, after review, the allegation has been held to be unfounded and the applicant's name will not be listed.

4. If a person's name is included on the employee disqualification list without the department providing notice as required under subsection 1 of this section, such person may file a request with the department for removal of the name or for a hearing. Within thirty days after receipt of the request, the department shall either remove the name from the list or grant a hearing and set a date therefor.

5. Any hearing shall be conducted in the county of the person's residence by the director of the department or the director's designee. The provisions of chapter 536 for a contested case except those provisions or amendments which are in conflict with this section shall apply to and govern the proceedings contained in this section and the rights and duties of the parties involved. The person appealing such an action shall be entitled to present evidence, pursuant to the provisions of chapter 536, relevant to the allegations.

6. Upon the record made at the hearing, the director of the department or the director's designee shall determine all questions presented and shall determine whether the person shall be listed on the employee disqualification list. The director of the department or the director's designee shall clearly state the reasons for his or her decision and shall include a statement of findings of fact and conclusions of law pertinent to the questions in issue.

7. A person aggrieved by the decision following the hearing shall be informed of his or her right to seek judicial review as provided under chapter 536. If the person fails to appeal the director's findings, those findings shall constitute a final determination that the person shall be placed on the employee disqualification list.

8. A decision by the director shall be inadmissible in any civil action brought against a facility or the in-home services provider agency and arising out of the facts and circumstances which brought about the employment disqualification proceeding, unless the civil action is brought against the facility or the in-home services provider agency by the department of health and senior services or one of its divisions.

9. The length of time the person's name shall appear on the employee disqualification list shall be determined by the director of the department of health and senior services or the director's designee, based upon the following:

- (1) Whether the person acted recklessly or knowingly, as defined in chapter 562;
- (2) The degree of the physical, sexual, or emotional injury or harm; or the degree of the imminent danger to the health, safety or welfare of a resident or in-home services client;
- (3) The degree of misappropriation of the property or funds, or falsification of any documents for service delivery of an in-home services client;
- (4) Whether the person has previously been listed on the employee disqualification list;
- (5) Any mitigating circumstances;
- (6) Any aggravating circumstances; and
- (7) Whether alternative sanctions resulting in conditions of continued employment are appropriate in lieu of placing a person's name on the employee disqualification list. Such conditions of employment may include, but are not limited to, additional training and employee counseling. Conditional employment shall terminate upon the expiration of the designated length of time and the person's submitting documentation which fulfills the department of health and senior services' requirements.

10. The removal of any person's name from the list under this section shall not prevent the director from keeping records of all acts finally determined to have occurred under this section.

11. The department shall provide the list maintained pursuant to this section to other state departments upon request and to any person, corporation, organization, or association who:

- (1) Is licensed as an operator under chapter 198;
- (2) Provides in-home services under contract with the department of social services or its divisions;
- (3) Employs [nurses and nursing assistants] **health care providers as defined in section 376.1350** for temporary or intermittent placement in health care facilities;
- (4) Is approved by the department to issue certificates for nursing assistants training;
- (5) Is an entity licensed under chapter 197;
- (6) Is a recognized school of nursing, medicine, or other health profession for the purpose of determining whether students scheduled to participate in clinical rotations with entities described in subdivision (1), (2), or (5) of this subsection are included in the employee disqualification list; or
- (7) Is a consumer reporting agency regulated by the federal Fair Credit Reporting Act that conducts employee background checks on behalf of entities listed in [subdivisions (1), (2), (5), or (6) of] this subsection. Such a consumer reporting agency shall conduct the employee disqualification list check only upon the initiative or request of an entity described in [subdivisions (1), (2), (5), or (6) of] this subsection when the entity is fulfilling its duties required under this section.

The information shall be disclosed only to the requesting entity. The department shall inform any person listed above who inquires of the department whether or not a particular name is on the list. The department may require that the request be made in writing. No person, corporation, organization, or association who is entitled to access the employee disqualification list may disclose the information to any person, corporation, organization, or association who is not entitled to access the list. Any person, corporation, organization, or association who is entitled to access the employee disqualification list who discloses the information to any person, corporation, organization, or association who is not entitled to access the list shall be guilty of an infraction.

12. No person, corporation, organization, or association who received the employee disqualification list under subdivisions (1) to (7) of subsection 11 of this section shall knowingly employ any person who is on the employee disqualification list. Any person, corporation, organization, or association who received the employee disqualification list under subdivisions (1) to (7) of subsection 11 of this section, or any person responsible for providing health care

service, who declines to employ or terminates a person whose name is listed in this section shall be immune from suit by that person or anyone else acting for or in behalf of that person for the failure to employ or for the termination of the person whose name is listed on the employee disqualification list.

13. Any employer or vendor as defined in sections 197.250, 197.400, 198.006, 208.900, or 192.2400 required to deny employment to an applicant or to discharge an employee, provisional or otherwise, as a result of information obtained through any portion of the background screening and employment eligibility determination process under section 210.903, or subsequent, periodic screenings, shall not be liable in any action brought by the applicant or employee relating to discharge where the employer is required by law to terminate the employee, provisional or otherwise, and shall not be charged for unemployment insurance benefits based on wages paid to the employee for work prior to the date of discharge, pursuant to section 288.100, if the employer terminated the employee because the employee:

- (1) Has been found guilty, pled guilty or nolo contendere in this state or any other state of a crime as listed in subsection 6 of section 192.2495;
- (2) Was placed on the employee disqualification list under this section after the date of hire;
- (3) Was placed on the employee disqualification registry maintained by the department of mental health after the date of hire;
- (4) Has a disqualifying finding under this section, section 192.2495, or is on any of the background check lists in the family care safety registry under sections 210.900 to 210.936; or
- (5) Was denied a good cause waiver as provided for in subsection 10 of section 192.2495.

14. Any person who has been listed on the employee disqualification list may request that the director remove his or her name from the employee disqualification list. The request shall be written and may not be made more than once every twelve months. The request will be granted by the director upon a clear showing, by written submission only, that the person will not commit additional acts of abuse, neglect, misappropriation of the property or funds, or the falsification of any documents of service delivery to an in-home services client. The director may make conditional the removal of a person's name from the list on any terms that the director deems appropriate, and failure to comply with such terms may result in the person's name being relisted. The director's determination of whether to remove the person's name from the list is not subject to appeal.

192.2495. BEGINNING JANUARY 1, 2017 — CRIMINAL BACKGROUND CHECKS OF EMPLOYEES, REQUIRED WHEN — PERSONS WITH CRIMINAL HISTORY NOT TO BE HIRED, WHEN, PENALTY — FAILURE TO DISCLOSE, PENALTY — IMPROPER HIRINGS, PENALTY — DEFINITIONS — RULES TO WAIVE HIRING RESTRICTIONS. — 1. For the purposes of this section, the term "provider" means any person, corporation or association who:

- (1) Is licensed as an operator pursuant to chapter 198;
- (2) Provides in-home services under contract with the department of social services or its divisions;
- (3) Employs [nurses or nursing assistants] **health care providers as defined in section 376.1350** for temporary or intermittent placement in health care facilities;
- (4) Is an entity licensed pursuant to chapter 197;
- (5) Is a public or private facility, day program, residential facility or specialized service operated, funded or licensed by the department of mental health; or
- (6) Is a licensed adult day care provider.

2. For the purpose of this section "patient or resident" has the same meaning as such term is defined in section 43.540.

3. Prior to allowing any person who has been hired as a full-time, part-time or temporary position to have contact with any patient or resident the provider shall, or in the case of temporary employees hired through or contracted for an employment agency, the employment agency shall prior to sending a temporary employee to a provider:

(1) Request a criminal background check as provided in section 43.540. Completion of an inquiry to the highway patrol for criminal records that are available for disclosure to a provider for the purpose of conducting an employee criminal records background check shall be deemed to fulfill the provider's duty to conduct employee criminal background checks pursuant to this section; except that, completing the inquiries pursuant to this subsection shall not be construed to exempt a provider from further inquiry pursuant to common law requirements governing due diligence. If an applicant has not resided in this state for five consecutive years prior to the date of his or her application for employment, the provider shall request a nationwide check for the purpose of determining if the applicant has a prior criminal history in other states. The fingerprint cards and any required fees shall be sent to the highway patrol's central repository. The first set of fingerprints shall be used for searching the state repository of criminal history information. If no identification is made, the second set of fingerprints shall be forwarded to the Federal Bureau of Investigation, Identification Division, for the searching of the federal criminal history files. The patrol shall notify the submitting state agency of any criminal history information or lack of criminal history information discovered on the individual. The provisions relating to applicants for employment who have not resided in this state for five consecutive years shall apply only to persons who have no employment history with a licensed Missouri facility during that five-year period. Notwithstanding the provisions of section 610.120, all records related to any criminal history information discovered shall be accessible and available to the provider making the record request; and

(2) Make an inquiry to the department of health and senior services whether the person is listed on the employee disqualification list as provided in section 192.2490.

4. When the provider requests a criminal background check pursuant to section 43.540, the requesting entity may require that the applicant reimburse the provider for the cost of such record check. When a provider requests a nationwide criminal background check pursuant to subdivision (1) of subsection 3 of this section, the total cost to the provider of any background check required pursuant to this section shall not exceed five dollars which shall be paid to the state. State funding and the obligation of a provider to obtain a nationwide criminal background check shall be subject to the availability of appropriations.

5. An applicant for a position to have contact with patients or residents of a provider shall:

(1) Sign a consent form as required by section 43.540 so the provider may request a criminal records review;

(2) Disclose the applicant's criminal history. For the purposes of this subdivision "criminal history" includes any conviction or a plea of guilty to a misdemeanor or felony charge and shall include any suspended imposition of sentence, any suspended execution of sentence or any period of probation or parole; [and]

(3) Disclose if the applicant is listed on the employee disqualification list as provided in section 192.2490; and

(4) Disclose if the applicant is listed on any of the background checks in the family care safety registry established under section 210.903. A provider not otherwise prohibited from employing an individual listed on such background checks may deny employment to an individual listed on any of the background checks in such registry.

6. An applicant who knowingly fails to disclose his or her criminal history as required in subsection 5 of this section is guilty of a class A misdemeanor. A provider is guilty of a class A misdemeanor if the provider knowingly hires or retains a person to have contact with patients or residents and the person has been found guilty in this state or any other state or has been found guilty of a crime, which if committed in Missouri would be a class A or B felony violation of chapter 565, 566 or 569, or any violation of subsection 3 of section 198.070 or section 568.020.

7. Any in-home services provider agency or home health agency shall be guilty of a class A misdemeanor if such agency knowingly employs a person to provide in-home services or home health services to any in-home services client or home health patient and such person

either refuses to register with the family care safety registry or is listed on any of the background check lists in the family care safety registry pursuant to sections 210.900 to 210.937.

8. The highway patrol shall examine whether protocols can be developed to allow a provider to request a statewide fingerprint criminal records review check through local law enforcement agencies.

9. A provider may use a private investigatory agency rather than the highway patrol to do a criminal history records review check, and alternatively, the applicant pays the private investigatory agency such fees as the provider and such agency shall agree.

10. Except for the hiring restriction based on the department of health and senior services employee disqualification list established pursuant to section 192.2490, the department of health and senior services shall promulgate rules and regulations to waive the hiring restrictions pursuant to this section for good cause. For purposes of this section, "good cause" means the department has made a determination by examining the employee's prior work history and other relevant factors that such employee does not present a risk to the health or safety of residents.

197.065. LIFE SAFETY CODE STANDARDS — WAIVER, WHEN — RULEMAKING AUTHORITY. — 1. The department of health and senior services shall promulgate regulations for the construction and renovation of hospitals that include life safety code standards for hospitals that exclusively reflect the life safety code standards imposed by the federal Medicare program under Title XVIII of the Social Security Act and its conditions of participation in the Code of Federal Regulations.

2. The department shall not require a hospital to meet the standards contained in the Facility Guidelines Institute for the Design and Construction of Health Care Facilities but any hospital that complies with the 2010 or later version of such guidelines for the construction and renovation of hospitals shall not be required to comply with any regulation that is inconsistent or conflicts in any way with such guidelines.

3. The department may waive enforcement of the standards for licensed hospitals imposed by this section if the department determines that:

(1) Compliance with those specific standards would result in unreasonable hardship for the facility and if the health and safety of hospital patients would not be compromised by such waiver or waivers; or

(2) The hospital has used other standards that provide for equivalent design criteria.

4. Regulations promulgated by the department to establish and enforce hospital licensure regulations under this chapter that conflict with the standards established under subsections 1 and 3 of this section shall lapse on and after January 1, 2018.

5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void.

197.315. CERTIFICATE OF NEED GRANTED, WHEN — FORFEITURE, GROUNDS — APPLICATION FOR CERTIFICATE, FEE — CERTIFICATE NOT REQUIRED, WHEN. — 1. Any person who proposes to develop or offer a new institutional health service within the state must obtain a certificate of need from the committee prior to the time such services are offered.

2. Only those new institutional health services which are found by the committee to be needed shall be granted a certificate of need. Only those new institutional health services which are granted certificates of need shall be offered or developed within the state. No expenditures for new institutional health services in excess of the applicable expenditure minimum shall be made by any person unless a certificate of need has been granted.

3. After October 1, 1980, no state agency charged by statute to license or certify health care facilities shall issue a license to or certify any such facility, or distinct part of such facility, that is developed without obtaining a certificate of need.

4. If any person proposes to develop any new institutional health care service without a certificate of need as required by sections 197.300 to 197.366, the committee shall notify the attorney general, and he shall apply for an injunction or other appropriate legal action in any court of this state against that person.

5. After October 1, 1980, no agency of state government may appropriate or grant funds to or make payment of any funds to any person or health care facility which has not first obtained every certificate of need required pursuant to sections 197.300 to 197.366.

6. A certificate of need shall be issued only for the premises and persons named in the application and is not transferable except by consent of the committee.

7. Project cost increases, due to changes in the project application as approved or due to project change orders, exceeding the initial estimate by more than ten percent shall not be incurred without consent of the committee.

8. Periodic reports to the committee shall be required of any applicant who has been granted a certificate of need until the project has been completed. The committee may order the forfeiture of the certificate of need upon failure of the applicant to file any such report.

9. A certificate of need shall be subject to forfeiture for failure to incur a capital expenditure on any approved project within six months after the date of the order. The applicant may request an extension from the committee of not more than six additional months based upon substantial expenditure made.

10. Each application for a certificate of need must be accompanied by an application fee. The time of filing commences with the receipt of the application and the application fee. The application fee is one thousand dollars, or one-tenth of one percent of the total cost of the proposed project, whichever is greater. All application fees shall be deposited in the state treasury. Because of the loss of federal funds, the general assembly will appropriate funds to the Missouri health facilities review committee.

11. In determining whether a certificate of need should be granted, no consideration shall be given to the facilities or equipment of any other health care facility located more than a fifteen-mile radius from the applying facility.

12. When a nursing facility shifts from a skilled to an intermediate level of nursing care, it may return to the higher level of care if it meets the licensure requirements, without obtaining a certificate of need.

13. In no event shall a certificate of need be denied because the applicant refuses to provide abortion services or information.

14. A certificate of need shall not be required for the transfer of ownership of an existing and operational health facility in its entirety.

15. A certificate of need may be granted to a facility for an expansion, an addition of services, a new institutional service, or for a new hospital facility which provides for something less than that which was sought in the application.

16. The provisions of this section shall not apply to facilities operated by the state, and appropriation of funds to such facilities by the general assembly shall be deemed in compliance with this section, and such facilities shall be deemed to have received an appropriate certificate of need without payment of any fee or charge. **The provisions of this subsection shall not apply to hospitals operated by the state and licensed under chapter 197, except for department of mental health state-operated psychiatric hospitals.**

17. Notwithstanding other provisions of this section, a certificate of need may be issued after July 1, 1983, for an intermediate care facility operated exclusively for the intellectually disabled.

18. To assure the safe, appropriate, and cost-effective transfer of new medical technology throughout the state, a certificate of need shall not be required for the purchase and operation of:

(1) Research equipment that is to be used in a clinical trial that has received written approval from a duly constituted institutional review board of an accredited school of medicine or osteopathy located in Missouri to establish its safety and efficacy and does not increase the bed complement of the institution in which the equipment is to be located. After the clinical trial has been completed, a certificate of need must be obtained for continued use in such facility; or

(2) Equipment that is to be used by an academic health center operated by the state in furtherance of its research or teaching missions.

324.001. DIVISION OF PROFESSIONAL REGISTRATION ESTABLISHED, DUTIES — BOARDS AND COMMISSIONS ASSIGNED TO — REFERENCE TO DIVISION IN STATUTES — WORKFORCE DATA ANALYSIS, REQUIREMENTS. — 1. For the purposes of this section, the following terms mean:

(1) "Department", the department of insurance, financial institutions and professional registration;

(2) "Director", the director of the division of professional registration; and

(3) "Division", the division of professional registration.

2. There is hereby established a "Division of Professional Registration" assigned to the department of insurance, financial institutions and professional registration as a type III transfer, headed by a director appointed by the governor with the advice and consent of the senate. All of the general provisions, definitions and powers enumerated in section 1 of the Omnibus State Reorganization Act of 1974 and Executive Order 06-04 shall apply to this department and its divisions, agencies, and personnel.

3. The director of the division of professional registration shall promulgate rules and regulations which designate for each board or commission assigned to the division the renewal date for licenses or certificates. After the initial establishment of renewal dates, no director of the division shall promulgate a rule or regulation which would change the renewal date for licenses or certificates if such change in renewal date would occur prior to the date on which the renewal date in effect at the time such new renewal date is specified next occurs. Each board or commission shall by rule or regulation establish licensing periods of one, two, or three years. Registration fees set by a board or commission shall be effective for the entire licensing period involved, and shall not be increased during any current licensing period. Persons who are required to pay their first registration fees shall be allowed to pay the pro rata share of such fees for the remainder of the period remaining at the time the fees are paid. Each board or commission shall provide the necessary forms for initial registration, and thereafter the director may prescribe standard forms for renewal of licenses and certificates. Each board or commission shall by rule and regulation require each applicant to provide the information which is required to keep the board's records current. Each board or commission shall have the authority to collect and analyze information required to support workforce planning and policy development. Such information shall not be publicly disclosed so as to identify a specific health care provider, as defined in section 376.1350. Each board or commission shall issue the original license or certificate.

4. The division shall provide clerical and other staff services relating to the issuance and renewal of licenses for all the professional licensing and regulating boards and commissions assigned to the division. The division shall perform the financial management and clerical functions as they each relate to issuance and renewal of licenses and certificates. "Issuance and renewal of licenses and certificates" means the ministerial function of preparing and delivering licenses or certificates, and obtaining material and information for the board or commission in connection with the renewal thereof. It does not include any discretionary authority with regard to the original review of an applicant's qualifications for licensure or certification, or the subsequent review of licensee's or certificate holder's qualifications, or any disciplinary action contemplated against the licensee or certificate holder. The division may develop and implement microfilming systems and automated or manual management information systems.

5. The director of the division shall maintain a system of accounting and budgeting, in cooperation with the director of the department, the office of administration, and the state auditor's office, to ensure proper charges are made to the various boards for services rendered to them. The general assembly shall appropriate to the division and other state agencies from each board's funds moneys sufficient to reimburse the division and other state agencies for all services rendered and all facilities and supplies furnished to that board.

6. For accounting purposes, the appropriation to the division and to the office of administration for the payment of rent for quarters provided for the division shall be made from the "Professional Registration Fees Fund", which is hereby created, and is to be used solely for the purpose defined in subsection 5 of this section. The fund shall consist of moneys deposited into it from each board's fund. Each board shall contribute a prorated amount necessary to fund the division for services rendered and rent based upon the system of accounting and budgeting established by the director of the division as provided in subsection 5 of this section. Transfers of funds to the professional registration fees fund shall be made by each board on July first of each year; provided, however, that the director of the division may establish an alternative date or dates of transfers at the request of any board. Such transfers shall be made until they equal the prorated amount for services rendered and rent by the division. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue.

7. The director of the division shall be responsible for collecting and accounting for all moneys received by the division or its component agencies. Any money received by a board or commission shall be promptly given, identified by type and source, to the director. The director shall keep a record by board and state accounting system classification of the amount of revenue the director receives. The director shall promptly transmit all receipts to the department of revenue for deposit in the state treasury to the credit of the appropriate fund. The director shall provide each board with all relevant financial information in a timely fashion. Each board shall cooperate with the director by providing necessary information.

8. All educational transcripts, test scores, complaints, investigatory reports, and information pertaining to any person who is an applicant or licensee of any agency assigned to the division of professional registration by statute or by the department are confidential and may not be disclosed to the public or any member of the public, except with the written consent of the person whose records are involved. The agency which possesses the records or information shall disclose the records or information if the person whose records or information is involved has consented to the disclosure. Each agency is entitled to the attorney-client privilege and work-product privilege to the same extent as any other person. Provided, however, that any board may disclose confidential information without the consent of the person involved in the course of voluntary interstate exchange of information, or in the course of any litigation concerning that person, or pursuant to a lawful request, or to other administrative or law enforcement agencies acting within the scope of their statutory authority. Information regarding identity, including names and addresses, registration, and currency of the license of the persons possessing licenses to engage in a professional occupation and the names and addresses of applicants for such licenses is not confidential information.

9. Any deliberations conducted and votes taken in rendering a final decision after a hearing before an agency assigned to the division shall be closed to the parties and the public. Once a final decision is rendered, that decision shall be made available to the parties and the public.

10. A compelling governmental interest shall be deemed to exist for the purposes of section 536.025 for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the division of professional registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue.

11. (1) The following boards and commissions are assigned by specific type transfers to the division of professional registration: Missouri state board of accountancy, chapter 326; board of cosmetology and barber examiners, chapters 328 and 329; Missouri board for architects,

professional engineers, professional land surveyors and landscape architects, chapter 327; Missouri state board of chiropractic examiners, chapter 331; state board of registration for the healing arts, chapter 334; Missouri dental board, chapter 332; state board of embalmers and funeral directors, chapter 333; state board of optometry, chapter 336; Missouri state board of nursing, chapter 335; board of pharmacy, chapter 338; state board of podiatric medicine, chapter 330; Missouri real estate appraisers commission, chapter 339; and Missouri veterinary medical board, chapter 340. The governor shall appoint members of these boards by and with the advice and consent of the senate.

(2) The boards and commissions assigned to the division shall exercise all their respective statutory duties and powers, except those clerical and other staff services involving collecting and accounting for moneys and financial management relating to the issuance and renewal of licenses, which services shall be provided by the division, within the appropriation therefor. Nothing herein shall prohibit employment of professional examining or testing services from professional associations or others as required by the boards or commissions on contract. Nothing herein shall be construed to affect the power of a board or commission to expend its funds as appropriated. However, the division shall review the expense vouchers of each board. The results of such review shall be submitted to the board reviewed and to the house and senate appropriations committees annually.

(3) Notwithstanding any other provisions of law, the director of the division shall exercise only those management functions of the boards and commissions specifically provided in the Reorganization Act of 1974, and those relating to the allocation and assignment of space, personnel other than board personnel, and equipment.

(4) "Board personnel", as used in this section or chapters 317, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, and 345, shall mean personnel whose functions and responsibilities are in areas not related to the clerical duties involving the issuance and renewal of licenses, to the collecting and accounting for moneys, or to financial management relating to issuance and renewal of licenses; specifically included are executive secretaries (or comparable positions), consultants, inspectors, investigators, counsel, and secretarial support staff for these positions; and such other positions as are established and authorized by statute for a particular board or commission. Boards and commissions may employ legal counsel, if authorized by law, and temporary personnel if the board is unable to meet its responsibilities with the employees authorized above. Any board or commission which hires temporary employees shall annually provide the division director and the appropriation committees of the general assembly with a complete list of all persons employed in the previous year, the length of their employment, the amount of their remuneration, and a description of their responsibilities.

(5) Board personnel for each board or commission shall be employed by and serve at the pleasure of the board or commission, shall be supervised as the board or commission designates, and shall have their duties and compensation prescribed by the board or commission, within appropriations for that purpose, except that compensation for board personnel shall not exceed that established for comparable positions as determined by the board or commission pursuant to the job and pay plan of the department of insurance, financial institutions and professional registration. Nothing herein shall be construed to permit salaries for any board personnel to be lowered except by board action.

12. All the powers, duties, and functions of the division of athletics, chapter 317, and others, are assigned by type I transfer to the division of professional registration.

13. Wherever the laws, rules, or regulations of this state make reference to the "division of professional registration of the department of economic development", such references shall be deemed to refer to the division of professional registration.

14. (1) The state board of nursing, board of pharmacy, Missouri dental board, state committee of psychologists, state board of chiropractic examiners, state board of optometry, Missouri board of occupational therapy, or state board of registration for the healing arts may individually or collectively enter into a contractual agreement with the

department of health and senior services, a public institution of higher education, or a nonprofit entity for the purpose of collecting and analyzing workforce data from its licensees, registrants, or permit holders for future workforce planning and to assess the accessibility and availability of qualified health care services and practitioners in Missouri. The boards shall work collaboratively with other state governmental entities to ensure coordination and avoid duplication of efforts.

(2) The boards may expend appropriated funds necessary for operational expenses of the program formed under this subsection. Each board is authorized to accept grants to fund the collection or analysis authorized in this subsection. Any such funds shall be deposited in the respective board's fund.

(3) Data collection shall be controlled and approved by the applicable state board conducting or requesting the collection. Notwithstanding the provisions of section 334.001, the boards may release identifying data to the contractor to facilitate data analysis of the health care workforce including, but not limited to, geographic, demographic, and practice or professional characteristics of licensees. The state board shall not request or be authorized to collect income or other financial earnings data.

(4) Data collected under this subsection shall be deemed the property of the state board requesting the data. Data shall be maintained by the state board in accordance with chapter 610, provided that any information deemed closed or confidential under subsection 8 of this section or any other provision of state law shall not be disclosed without consent of the applicable licensee or entity or as otherwise authorized by law. Data shall only be released in an aggregate form by geography, profession or professional specialization, or population characteristic in a manner that cannot be used to identify a specific individual or entity. Data suppression standards shall be addressed and established in the contractual agreement.

(5) Contractors shall maintain the security and confidentiality of data received or collected under this subsection and shall not use, disclose, or release any data without approval of the applicable state board. The contractual agreement between the applicable state board and contractor shall establish a data release and research review policy to include legal and institutional review board, or agency equivalent, approval.

(6) Each board may promulgate rules subject to the provisions of this subsection and chapter 536 to effectuate and implement the workforce data collection and analysis authorized by 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, 2016, shall be invalid and void.

334.1200. PURPOSE.—PURPOSE

The purpose of this compact is to facilitate interstate practice of physical therapy with the goal of improving public access to physical therapy services. The practice of physical therapy occurs in the state where the patient/client is located at the time of the patient/client encounter. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

This compact is designed to achieve the following objectives:

1. Increase public access to physical therapy services by providing for the mutual recognition of other member state licenses;
2. Enhance the states' ability to protect the public's health and safety;
3. Encourage the cooperation of member states in regulating multistate physical therapy practice;

4. Support spouses of relocating military members;
5. Enhance the exchange of licensure, investigative, and disciplinary information between member states; and
6. Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards.

334.1203. DEFINITIONS.—DEFINITIONS

As used in this compact, and except as otherwise provided, the following definitions shall apply:

1. "Active Duty Military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Section 1209 and 1211.
 2. "Adverse Action" means disciplinary action taken by a physical therapy licensing board based upon misconduct, unacceptable performance, or a combination of both.
 3. "Alternative Program" means a nondisciplinary monitoring or practice remediation process approved by a physical therapy licensing board. This includes, but is not limited to, substance abuse issues.
 4. "Compact privilege" means the authorization granted by a remote state to allow a licensee from another member state to practice as a physical therapist or work as a physical therapist assistant in the remote state under its laws and rules. The practice of physical therapy occurs in the member state where the patient/client is located at the time of the patient/client encounter.
 5. "Continuing competence" means a requirement, as a condition of license renewal, to provide evidence of participation in, and/or completion of, educational and professional activities relevant to practice or area of work.
 6. "Data system" means a repository of information about licensees, including examination, licensure, investigative, compact privilege, and adverse action.
 7. "Encumbered license" means a license that a physical therapy licensing board has limited in any way.
 8. "Executive Board" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission.
 9. "Home state" means the member state that is the licensee's primary state of residence.
 10. "Investigative information" means information, records, and documents received or generated by a physical therapy licensing board pursuant to an investigation.
 11. "Jurisprudence requirement" means the assessment of an individual's knowledge of the laws and rules governing the practice of physical therapy in a state.
 12. "Licensee" means an individual who currently holds an authorization from the state to practice as a physical therapist or to work as a physical therapist assistant.
 13. "Member state" means a state that has enacted the compact.
 14. "Party state" means any member state in which a licensee holds a current license or compact privilege or is applying for a license or compact privilege.
 15. "Physical therapist" means an individual who is licensed by a state to practice physical therapy.
 16. "Physical therapist assistant" means an individual who is licensed/certified by a state and who assists the physical therapist in selected components of physical therapy.
 17. "Physical therapy", "physical therapy practice", and "the practice of physical therapy" mean the care and services provided by or under the direction and supervision of a licensed physical therapist.
 18. "Physical therapy compact commission" or "commission" means the national administrative body whose membership consists of all states that have enacted the compact.
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19. "Physical therapy licensing board" or "licensing board" means the agency of a state that is responsible for the licensing and regulation of physical therapists and physical therapist assistants.

20. "Remote state" means a member state other than the home state, where a licensee is exercising or seeking to exercise the compact privilege.

21. "Rule" means a regulation, principle, or directive promulgated by the commission that has the force of law.

22. "State" means any state, commonwealth, district, or territory of the United States of America that regulates the practice of physical therapy.

334.1206. STATE PARTICIPATION IN THE COMPACT.— STATE PARTICIPATION IN THE COMPACT

A. To participate in the compact, a state must:

1. Participate fully in the commission's data system, including using the commission's unique identifier as defined in rules;

2. Have a mechanism in place for receiving and investigating complaints about licensees;

3. Notify the commission, in compliance with the terms of the compact and rules, of any adverse action or the availability of investigative information regarding a licensee;

4. Fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the Federal Bureau of Investigation record search on criminal background checks and use the results in making licensure decisions in accordance with section 334.1206.B.;

5. Comply with the rules of the commission;

6. Utilize a recognized national examination as a requirement for licensure pursuant to the rules of the commission; and

7. Have continuing competence requirements as a condition for license renewal.

B. Upon adoption of sections 334.1200 to 334.1233, the member state shall have the authority to obtain biometric-based information from each physical therapy licensure applicant and submit this information to the Federal Bureau of Investigation for a criminal background check in accordance with 28 U.S.C. Section 534 and 42 U.S.C. Section 14616.

C. A member state shall grant the compact privilege to a licensee holding a valid unencumbered license in another member state in accordance with the terms of the compact and rules.

D. Member states may charge a fee for granting a compact privilege.

334.1209. COMPACT PRIVILEGE.— COMPACT PRIVILEGE

A. To exercise the compact privilege under the terms and provisions of the compact, the licensee shall:

1. Hold a license in the home state;

2. Have no encumbrance on any state license;

3. Be eligible for a compact privilege in any member state in accordance with section 334.1209D, G and H;

4. Have not had any adverse action against any license or compact privilege within the previous 2 years;

5. Notify the commission that the licensee is seeking the compact privilege within a remote state(s);

6. Pay any applicable fees, including any state fee, for the compact privilege;

7. Meet any jurisprudence requirements established by the remote state(s) in which the licensee is seeking a compact privilege; and

8. Report to the commission adverse action taken by any nonmember state within thirty days from the date the adverse action is taken.

B. The compact privilege is valid until the expiration date of the home license. The licensee must comply with the requirements of section 334.1209.A. to maintain the compact privilege in the remote state.

C. A licensee providing physical therapy in a remote state under the compact privilege shall function within the laws and regulations of the remote state.

D. A licensee providing physical therapy in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's compact privilege in the remote state for a specific period of time, impose fines, and/or take any other necessary actions to protect the health and safety of its citizens. The licensee is not eligible for a compact privilege in any state until the specific time for removal has passed and all fines are paid.

E. If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until the following occur:

1. The home state license is no longer encumbered; and
2. Two years have elapsed from the date of the adverse action.

F. Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of section 334.1209A to obtain a compact privilege in any remote state.

G. If a licensee's compact privilege in any remote state is removed, the individual shall lose the compact privilege in any remote state until the following occur:

1. The specific period of time for which the compact privilege was removed has ended;
2. All fines have been paid; and
3. Two years have elapsed from the date of the adverse action.

H. Once the requirements of section 334.1209G have been met, the license must meet the requirements in section 334.1209A to obtain a compact privilege in a remote state.

334.1212. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES. — ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

A licensee who is active duty military or is the spouse of an individual who is active duty military may designate one of the following as the home state:

- A. Home of record;
- B. Permanent change of station (PCS); or
- C. State of current residence if it is different than the PCS state or home of record.

334.1215. ADVERSE ACTIONS. — ADVERSE ACTIONS

A. A home state shall have exclusive power to impose adverse action against a license issued by the home state.

B. A home state may take adverse action based on the investigative information of a remote state, so long as the home state follows its own procedures for imposing adverse action.

C. Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain nonpublic if required by the member state's laws. Member states must require licensees who enter any alternative programs in lieu of discipline to agree not to practice in any other member state during the term of the alternative program without prior authorization from such other member state.

D. Any member state may investigate actual or alleged violations of the statutes and rules authorizing the practice of physical therapy in any other member state in which a physical therapist or physical therapist assistant holds a license or compact privilege.

E. A remote state shall have the authority to:

1. Take adverse actions as set forth in section 334.1209.D. against a licensee's compact privilege in the state;

2. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, and the production of evidence. Subpoenas issued by a physical therapy licensing board in a party state for the attendance and testimony of witnesses, and/or the production of evidence from another party state, shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses and/or evidence are located; and

3. If otherwise permitted by state law, recover from the licensee the costs of investigations and disposition of cases resulting from any adverse action taken against that licensee.

F. Joint Investigations

1. In addition to the authority granted to a member state by its respective physical therapy practice act or other applicable state law, a member state may participate with other member states in joint investigations of licensees.

2. Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

334.1218. ESTABLISHMENT OF THE PHYSICAL THERAPY COMPACT COMMISSION. — ESTABLISHMENT OF THE PHYSICAL THERAPY COMPACT COMMISSION.

A. The compact member states hereby create and establish a joint public agency known as the physical therapy compact commission:

1. The commission is an instrumentality of the compact states.

2. Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3. Nothing in this compact shall be construed to be a waiver of sovereign immunity.

B. Membership, Voting, and Meetings

1. Each member state shall have and be limited to one delegate selected by that member state's licensing board.

2. The delegate shall be a current member of the licensing board, who is a physical therapist, physical therapist assistant, public member, or the board administrator.

3. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed.

4. The member state board shall fill any vacancy occurring in the commission.

5. Each delegate shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission.

6. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

7. The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

C. The commission shall have the following powers and duties:

1. Establish the fiscal year of the commission;

2. Establish bylaws;

3. Maintain its financial records in accordance with the bylaws;

4. Meet and take such actions as are consistent with the provisions of this compact and the bylaws;

5. Promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all member states;

6. Bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state physical therapy licensing board to sue or be sued under applicable law shall not be affected;

7. Purchase and maintain insurance and bonds;

8. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a member state;

9. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

10. Accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the commission shall avoid any appearance of impropriety and/or conflict of interest;

11. Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the commission shall avoid any appearance of impropriety;

12. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

13. Establish a budget and make expenditures;

14. Borrow money;

15. Appoint committees, including standing committees comprised of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws;

16. Provide and receive information from, and cooperate with, law enforcement agencies;

17. Establish and elect an executive board; and

18. Perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of physical therapy licensure and practice.

D. The Executive Board

The executive board shall have the power to act on behalf of the commission according to the terms of this compact.

1. The executive board shall be comprised of nine members:

a. Seven voting members who are elected by the commission from the current membership of the commission;

b. One ex officio, nonvoting member from the recognized national physical therapy professional association; and

c. One ex officio, nonvoting member from the recognized membership organization of the physical therapy licensing boards.

2. The ex officio members will be selected by their respective organizations.

3. The commission may remove any member of the executive board as provided in bylaws.

4. The executive board shall meet at least annually.

5. The executive board shall have the following duties and responsibilities:

a. Recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact member states such as annual dues, and any commission compact fee charged to licensees for the compact privilege;

b. Ensure compact administration services are appropriately provided, contractual or otherwise;

- c. Prepare and recommend the budget;
- d. Maintain financial records on behalf of the commission;
- e. Monitor compact compliance of member states and provide compliance reports to the commission;
- f. Establish additional committees as necessary; and
- g. Other duties as provided in rules or bylaws.

E. Meetings of the Commission

1. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in section 334.1224.

2. The commission or the executive board or other committees of the commission may convene in a closed, nonpublic meeting if the commission or executive board or other committees of the commission must discuss:

- a. Noncompliance of a member state with its obligations under the compact;
- b. The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;
- c. Current, threatened, or reasonably anticipated litigation;
- d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;
- e. Accusing any person of a crime or formally censuring any person;
- f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

h. Disclosure of investigative records compiled for law enforcement purposes;

i. Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact; or

j. Matters specifically exempted from disclosure by federal or member state statute.

3. If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

4. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

F. Financing of the Commission

1. The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

3. The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states.

4. The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state.

5. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission.

G. Qualified Immunity, Defense, and Indemnification

1. The members, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

2. The commission shall defend any member, officer, executive director, employee or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

334.1221. DATA SYSTEM.—DATA SYSTEM

A. The commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.

B. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the commission, including:

1. Identifying information;
2. Licensure data;
3. Adverse actions against a license or compact privilege;
4. Nonconfidential information related to alternative program participation;
5. Any denial of application for licensure, and the reason(s) for such denial; and
6. Other information that may facilitate the administration of this compact, as determined by the rules of the commission.

C. Investigative information pertaining to a licensee in any member state will only be available to other party states.

D. The commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state will be available to any other member state.

E. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

F. Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

334.1224. RULEMAKING.—RULEMAKING

A. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

B. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.

C. Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

D. Prior to promulgation and adoption of a final rule or rules by the commission, and at least thirty days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

1. On the website of the commission or other publicly accessible platform; and
2. On the website of each member state physical therapy licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

E. The notice of proposed rulemaking shall include:

1. The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;
2. The text of the proposed rule or amendment and the reason for the proposed rule;
3. A request for comments on the proposed rule from any interested person; and
4. The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

F. Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

G. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

1. At least twenty-five persons;
2. A state or federal governmental subdivision or agency; or
3. An association having at least twenty-five members.

H. If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the commission shall publish the mechanism for access to the electronic hearing.

1. All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing.

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

3. All hearings will be recorded. A copy of the recording will be made available on request.

4. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

I. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

J. If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

K. The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

L. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;
2. Prevent a loss of commission or member state funds;
3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
4. Protect public health and safety.

M. The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

334.1227. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT. — OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Oversight

1. The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the commission.

3. The commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact, or promulgated rules.

B. Default, Technical Assistance, and Termination

1. If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

a. Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default and/or any other action to be taken by the commission; and

b. Provide remedial training and specific technical assistance regarding the default.

2. If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the member states, and all rights, privileges and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

3. Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

4. A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

5. The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

6. The defaulting state may appeal the action of the commission by petitioning the United States District Court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

C. Dispute Resolution

1. Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.

2. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

D. Enforcement

1. The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

2. By majority vote, the commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

334.1230. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR PHYSICAL THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT. — DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR PHYSICAL THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

A. The compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission relating to assembly and

the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

B. Any state that joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

C. Any member state may withdraw from this compact by enacting a statute repealing the same.

1. A member state's withdrawal shall not take effect until six months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing state's physical therapy licensing board to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

D. Nothing contained in this compact shall be construed to invalidate or prevent any physical therapy licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.

E. This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

334.1233. CONSTRUCTION AND SEVERABILITY. — CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any party state, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

335.360. FINDINGS AND DECLARATION OF PURPOSE. — 1. The party states find that:

(1) The health and safety of the public are affected by the degree of compliance with and the effectiveness of enforcement activities related to state nurse licensure laws;

(2) Violations of nurse licensure and other laws regulating the practice of nursing may result in injury or harm to the public;

(3) The expanded mobility of nurses and the use of advanced communication technologies as part of our nation's health care delivery system require greater coordination and cooperation among states in the areas of nurse licensure and regulation;

(4) New practice modalities and technology make compliance with individual state nurse licensure laws difficult and complex;

(5) The current system of duplicative licensure for nurses practicing in multiple states is cumbersome and redundant to both nurses and states; and

(6) Uniformity of nurse licensure requirements throughout the states promotes public safety and public health benefits.

2. The general purposes of this compact are to:

(1) Facilitate the states' responsibility to protect the public's health and safety;

(2) Ensure and encourage the cooperation of party states in the areas of nurse licensure and regulation;

(3) Facilitate the exchange of information between party states in the areas of nurse regulation, investigation, and adverse actions;

(4) Promote compliance with the laws governing the practice of nursing in each jurisdiction;

(5) Invest all party states with the authority to hold a nurse accountable for meeting all state practice laws in the state in which the patient is located at the time care is rendered through the mutual recognition of party state licenses;

(6) Decrease redundancies in the consideration and issuance of nurse licenses; and

(7) Provide opportunities for interstate practice by nurses who meet uniform licensure requirements.

335.365. DEFINITIONS.—As used in this compact, the following terms shall mean:

(1) "Adverse action", any administrative, civil, equitable, or criminal action permitted by a state's laws which is imposed by a licensing board or other authority against a nurse, including actions against an individual's license or multistate licensure privilege such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other encumbrance on licensure affecting a nurse's authorization to practice, including issuance of a cease and desist action;

(2) "Alternative program", a nondisciplinary monitoring program approved by a licensing board;

(3) "Coordinated licensure information system", an integrated process for collecting, storing, and sharing information on nurse licensure and enforcement activities related to nurse licensure laws that is administered by a nonprofit organization composed of and controlled by licensing boards;

(4) "Current significant investigative information":

(a) Investigative information that a licensing board, after a preliminary inquiry that includes notification and an opportunity for the nurse to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or

(b) Investigative information that indicates that the nurse represents an immediate threat to public health and safety, regardless of whether the nurse has been notified and had an opportunity to respond;

(5) "Encumbrance", a revocation or suspension of, or any limitation on, the full and unrestricted practice of nursing imposed by a licensing board;

(6) "Home state", the party state which is the nurse's primary state of residence;

(7) "Licensing board", a party state's regulatory body responsible for issuing nurse licenses;

(8) "Multistate license", a license to practice as a registered nurse, "RN", or a licensed practical or vocational nurse, "LPN" or "VN", issued by a home state licensing board that authorizes the licensed nurse to practice in all party states under a multistate licensure privilege;

(9) "Multistate licensure privilege", a legal authorization associated with a multistate license permitting the practice of nursing as either an RN, LPN, or VN in a remote state;

(10) "Nurse", an RN, LPN, or VN, as those terms are defined by each party state's practice laws;

(11) "Party state", any state that has adopted this compact;

(12) "Remote state", a party state, other than the home state;

(13) "Single-state license", a nurse license issued by a party state that authorizes practice only within the issuing state and does not include a multistate licensure privilege to practice in any other party state;

(14) "State", a state, territory, or possession of the United States and the District of Columbia;

(15) "State practice laws", a party state's laws, rules, and regulations that govern the practice of nursing, define the scope of nursing practice, and create the methods and grounds for imposing discipline. State practice laws do not include requirements

necessary to obtain and retain a license, except for qualifications or requirements of the home state.

335.370. GENERAL PROVISIONS AND JURISDICTION. — 1. A multistate license to practice registered or licensed practical or vocational nursing issued by a home state to a resident in that state shall be recognized by each party state as authorizing a nurse to practice as a registered nurse, "RN", or as a licensed practical or vocational nurse, "LPN" or "VN", under a multistate licensure privilege, in each party state.

2. A state must implement procedures for considering the criminal history records of applicants for initial multistate license or licensure by endorsement. Such procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records.

3. Each party state shall require the following for an applicant to obtain or retain a multistate license in the home state:

(1) Meets the home state's qualifications for licensure or renewal of licensure as well as all other applicable state laws;

(2) (a) Has graduated or is eligible to graduate from a licensing board-approved RN or LPN or VN prelicensure education program; or

(b) Has graduated from a foreign RN or LPN or VN prelicensure education program that has been approved by the authorized accrediting body in the applicable country and has been verified by an independent credentials review agency to be comparable to a licensing board-approved prelicensure education program;

(3) Has, if a graduate of a foreign prelicensure education program not taught in English or if English is not the individual's native language, successfully passed an English proficiency examination that includes the components of reading, speaking, writing, and listening;

(4) Has successfully passed an NCLEX-RN or NCLEX-PN examination or recognized predecessor, as applicable;

(5) Is eligible for or holds an active, unencumbered license;

(6) Has submitted, in connection with an application for initial licensure or licensure by endorsement, fingerprints or other biometric data for the purpose of obtaining criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records;

(7) Has not been convicted or found guilty, or has entered into an agreed disposition, of a felony offense under applicable state or federal criminal law;

(8) Has not been convicted or found guilty, or has entered into an agreed disposition, of a misdemeanor offense related to the practice of nursing as determined on a case-by-case basis;

(9) Is not currently enrolled in an alternative program;

(10) Is subject to self-disclosure requirements regarding current participation in an alternative program; and

(11) Has a valid United States Social Security number.

4. All party states shall be authorized, in accordance with existing state due process law, to take adverse action against a nurse's multistate licensure privilege such as revocation, suspension, probation, or any other action that affects a nurse's authorization to practice under a multistate licensure privilege, including cease and desist actions. If a party state takes such action, it shall promptly notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the home state of any such actions by remote states.

5. A nurse practicing in a party state shall comply with the state practice laws of the state in which the client is located at the time service is provided. The practice of nursing

is not limited to patient care, but shall include all nursing practice as defined by the state practice laws of the party state in which the client is located. The practice of nursing in a party state under a multistate licensure privilege shall subject a nurse to the jurisdiction of the licensing board, the courts, and the laws of the party state in which the client is located at the time service is provided.

6. Individuals not residing in a party state shall continue to be able to apply for a party state's single-state license as provided under the laws of each party state. However, the single-state license granted to these individuals shall not be recognized as granting the privilege to practice nursing in any other party state. Nothing in this compact shall affect the requirements established by a party state for the issuance of a single-state license.

7. Any nurse holding a home state multistate license on the effective date of this compact may retain and renew the multistate license issued by the nurse's then current home state, provided that:

(1) A nurse who changes primary state of residence after this compact's effective date shall meet all applicable requirements as provided in subsection 3 of this section to obtain a multistate license from a new home state;

(2) A nurse who fails to satisfy the multistate licensure requirements in subsection 3 of this section due to a disqualifying event occurring after this compact's effective date shall be ineligible to retain or renew a multistate license, and the nurse's multistate license shall be revoked or deactivated in accordance with applicable rules adopted by the Interstate Commission of Nurse Licensure Compact Administrators, commission.

335.375. APPLICATIONS FOR LICENSURE IN A PARTY STATE. — 1. Upon application for a multistate license, the licensing board in the issuing party state shall ascertain, through the coordinated licensure information system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any encumbrances on any license or multistate licensure privilege held by the applicant, whether any adverse action has been taken against any license or multistate licensure privilege held by the applicant, and whether the applicant is currently participating in an alternative program.

2. A nurse shall hold a multistate license, issued by the home state, in only one party state at a time.

3. If a nurse changes primary state of residence by moving between two party states, the nurse shall apply for licensure in the new home state, and the multistate license issued by the prior home state shall be deactivated in accordance with applicable rules adopted by the commission.

(1) The nurse may apply for licensure in advance of a change in primary state of residence.

(2) A multistate license shall not be issued by the new home state until the nurse provides satisfactory evidence of a change in primary state of residence to the new home state and satisfies all applicable requirements to obtain a multistate license from the new home state.

4. If a nurse changes primary state of residence by moving from a party state to a non-party state, the multistate license issued by the prior home state shall convert to a single-state license, valid only in the former home state.

335.380. ADDITIONAL AUTHORITIES INVESTED IN PARTY STATE LICENSING BOARDS. — 1. In addition to the other powers conferred by state law, a licensing board shall have the authority to:

(1) Take adverse action against a nurse's multistate licensure privilege to practice within that party state;

(a) Only the home state shall have the power to take adverse action against a nurse's license issued by the home state;

(b) For purposes of taking adverse action, the home state licensing board shall give the same priority and effect to reported conduct received from a remote state as it would if such conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action;

(2) Issue cease and desist orders or impose an encumbrance on a nurse's authority to practice within that party state;

(3) Complete any pending investigations of a nurse who changes primary state of residence during the course of such investigations. The licensing board shall also have the authority to take appropriate action and shall promptly report the conclusions of such investigations to the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any such actions;

(4) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing board in a party state for the attendance and testimony of witnesses or the production of evidence from another party state shall be enforced in the latter state by any court of competent jurisdiction according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence are located;

(5) Obtain and submit, for each nurse licensure applicant, fingerprint or other biometric based information to the Federal Bureau of Investigation for criminal background checks, receive the results of the Federal Bureau of Investigation record search on criminal background checks, and use the results in making licensure decisions;

(6) If otherwise permitted by state law, recover from the affected nurse the costs of investigations and disposition of cases resulting from any adverse action taken against that nurse; and

(7) Take adverse action based on the factual findings of the remote state; provided that, the licensing board follows its own procedures for taking such adverse action.

2. If adverse action is taken by the home state against a nurse's multistate license, the nurse's multistate licensure privilege to practice in all other party states shall be deactivated until all encumbrances have been removed from the multistate license. All home state disciplinary orders that impose adverse action against a nurse's multistate license shall include a statement that the nurse's multistate licensure privilege is deactivated in all party states during the pendency of the order.

3. Nothing in this compact shall override a party state's decision that participation in an alternative program may be used in lieu of adverse action. The home state licensing board shall deactivate the multistate licensure privilege under the multistate license of any nurse for the duration of the nurse's participation in an alternative program.

335.385. COORDINATED LICENSURE INFORMATION SYSTEM AND EXCHANGE OF INFORMATION. — 1. All party states shall participate in a coordinated licensure information system of all licensed registered nurses, "RNs", and licensed practical or vocational nurses, "LPNs" or "VNs". This system shall include information on the licensure and disciplinary history of each nurse, as submitted by party states, to assist in the coordination of nurse licensure and enforcement efforts.

2. The commission, in consultation with the administrator of the coordinated licensure information system, shall formulate necessary and proper procedures for the identification, collection, and exchange of information under this compact.

3. All licensing boards shall promptly report to the coordinated licensure information system any adverse action, any current significant investigative information, denials of applications with the reasons for such denials, and nurse participation in alternative

programs known to the licensing board regardless of whether such participation is deemed nonpublic or confidential under state law.

4. Current significant investigative information and participation in nonpublic or confidential alternative programs shall be transmitted through the coordinated licensure information system only to party state licensing boards.

5. Notwithstanding any other provision of law, all party state licensing boards contributing information to the coordinated licensure information system may designate information that shall not be shared with non-party states or disclosed to other entities or individuals without the express permission of the contributing state.

6. Any personally identifiable information obtained from the coordinated licensure information system by a party state licensing board shall not be shared with non-party states or disclosed to other entities or individuals except to the extent permitted by the laws of the party state contributing the information.

7. Any information contributed to the coordinated licensure information system that is subsequently required to be expunged by the laws of the party state contributing that information shall also be expunged from the coordinated licensure information system.

8. The compact administrator of each party state shall furnish a uniform data set to the compact administrator of each other party state, which shall include, at a minimum:

- (1) Identifying information;
- (2) Licensure data;
- (3) Information related to alternative program participation; and
- (4) Other information that may facilitate the administration of this compact, as determined by commission rules.

9. The compact administrator of a party state shall provide all investigative documents and information requested by another party state.

335.390. ESTABLISHMENT OF THE INTERSTATE COMMISSION OF NURSE LICENSURE COMPACT ADMINISTRATORS. — 1. The party states hereby create and establish a joint public entity known as the "Interstate Commission of Nurse Licensure Compact Administrators".

- (1) The commission is an instrumentality of the party states.
- (2) Venue is proper, and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

(3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

2. (1) Each party state shall have and be limited to one administrator. The head of the state licensing board or designee shall be the administrator of this compact for each party state. Any administrator may be removed or suspended from office as provided by the law of the state from which the administrator is appointed. Any vacancy occurring in the commission shall be filled in accordance with the laws of the party state in which the vacancy exists.

(2) Each administrator shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. An administrator shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for an administrator's participation in meetings by telephone or other means of communication.

(3) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws or rules of the commission.

(4) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in section 335.395.

(5) The commission may convene in a closed, nonpublic meeting if the commission must discuss:

- (a) Noncompliance of a party state with its obligations under this compact;
- (b) The employment, compensation, discipline, or other personnel matters, practices, or procedures related to specific employees, or other matters related to the commission's internal personnel practices and procedures;
- (c) Current, threatened, or reasonably anticipated litigation;
- (d) Negotiation of contracts for the purchase or sale of goods, services, or real estate;
- (e) Accusing any person of a crime or formally censuring any person;
- (f) Disclosure of trade secrets or commercial or financial information that is privileged or confidential;
- (g) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- (h) Disclosure of investigatory records compiled for law enforcement purposes;
- (i) Disclosure of information related to any reports prepared by or on behalf of the commission for the purpose of investigation of compliance with this compact; or
- (j) Matters specifically exempted from disclosure by federal or state statute.

(6) If a meeting, or portion of a meeting, is closed pursuant to subdivision (5) of this subsection, the commission's legal counsel or designee shall certify that the meeting shall be closed and shall reference each relevant exempting provision. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

3. The commission shall, by a majority vote of the administrators, prescribe bylaws or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of this compact including, but not limited to:

- (1) Establishing the fiscal year of the commission;
- (2) Providing reasonable standards and procedures:
 - (a) For the establishment and meetings of other committees; and
 - (b) Governing any general or specific delegation of any authority or function of the commission;
- (3) Providing reasonable procedures for calling and conducting meetings of the commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals, and proprietary information, including trade secrets. The commission may meet in closed session only after a majority of the administrators vote to close a meeting in whole or in part. As soon as practicable, the commission must make public a copy of the vote to close the meeting revealing the vote of each administrator, with no proxy votes allowed;
- (4) Establishing the titles, duties, and authority and reasonable procedures for the election of the officers of the commission;
- (5) Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the commission. Notwithstanding any civil service or other similar laws of any party state, the bylaws shall exclusively govern the personnel policies and programs of the commission; and
- (6) Providing a mechanism for winding up the operations of the commission and the equitable disposition of any surplus funds that may exist after the termination of this compact after the payment or reserving of all of its debts and obligations.

4. The commission shall publish its bylaws and rules, and any amendments thereto, in a convenient form on the website of the commission.

5. The commission shall maintain its financial records in accordance with the bylaws.
 6. The commission shall meet and take such actions as are consistent with the provisions of this compact and the bylaws.
 7. The commission shall have the following powers:
 - (1) To promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all party states;
 - (2) To bring and prosecute legal proceedings or actions in the name of the commission; provided that, the standing of any licensing board to sue or be sued under applicable law shall not be affected;
 - (3) To purchase and maintain insurance and bonds;
 - (4) To borrow, accept, or contract for services of personnel including, but not limited to, employees of a party state or nonprofit organizations;
 - (5) To cooperate with other organizations that administer state compacts related to the regulation of nursing including, but not limited to, sharing administrative or staff expenses, office space, or other resources;
 - (6) To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of this compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;
 - (7) To accept any and all appropriate donations, grants and gifts of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same; provided that, at all times the commission shall avoid any appearance of impropriety or conflict of interest;
 - (8) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve, or use, any property, whether real, personal, or mixed; provided that, at all times the commission shall avoid any appearance of impropriety;
 - (9) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, whether real, personal, or mixed;
 - (10) To establish a budget and make expenditures;
 - (11) To borrow money;
 - (12) To appoint committees, including advisory committees comprised of administrators, state nursing regulators, state legislators or their representatives, consumer representatives, and other such interested persons;
 - (13) To provide and receive information from, and to cooperate with, law enforcement agencies;
 - (14) To adopt and use an official seal; and
 - (15) To perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of nurse licensure and practice.
 8.
 - (1) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.
 - (2) The commission may also levy on and collect an annual assessment from each party state to cover the cost of its operations, activities, and staff in its annual budget as approved each year. The aggregate annual assessment amount, if any, shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule that is binding upon all party states.
 - (3) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the party states, except by and with the authority of such party state.
 - (4) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and
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disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission.

9. (1) The administrators, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property, personal injury, or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred, within the scope of commission employment, duties, or responsibilities; provided that, nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional, willful, or wanton misconduct of that person.

(2) The commission shall defend any administrator, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that, nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further that the actual or alleged act, error, or omission did not result from that person's intentional, willful, or wanton misconduct.

(3) The commission shall indemnify and hold harmless any administrator, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that, the actual or alleged act, error, or omission did not result from the intentional, willful, or wanton misconduct of that person.

335.395. RULEMAKING. — 1. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment and shall have the same force and effect as provisions of this compact.

2. Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

3. Prior to promulgation and adoption of a final rule or rules by the commission, and at least sixty days in advance of the meeting at which the rule shall be considered and voted upon, the commission shall file a notice of proposed rulemaking:

(1) On the website of the commission; and

(2) On the website of each licensing board or the publication in which each state would otherwise publish proposed rules.

4. The notice of proposed rulemaking shall include:

(1) The proposed time, date, and location of the meeting in which the rule shall be considered and voted upon;

(2) The text of the proposed rule or amendment, and the reason for the proposed rule;

(3) A request for comments on the proposed rule from any interested person;

(4) The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

5. Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

6. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment.

7. The commission shall publish the place, time, and date of the scheduled public hearing.

(1) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing. All hearings shall be recorded, and a copy shall be made available upon request.

(2) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

8. If no one appears at the public hearing, the commission may proceed with promulgation of the proposed rule.

9. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

10. The commission shall, by majority vote of all administrators, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

11. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing; provided that, the usual rulemaking procedures provided in this compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that shall be adopted immediately in order to:

(1) Meet an imminent threat to public health, safety, or welfare;

(2) Prevent a loss of commission or party state funds; or

(3) Meet a deadline for the promulgation of an administrative rule that is required by federal law or rule.

12. The commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision shall be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the commission prior to the end of the notice period. If no challenge is made, the revision shall take effect without further action. If the revision is challenged, the revision shall not take effect without the approval of the commission.

335.400. OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT. — 1. (1) Each party state shall enforce this compact and take all actions necessary and appropriate to effectuate this compact's purposes and intent.

(2) The commission shall be entitled to receive service of process in any proceeding that may affect the powers, responsibilities, or actions of the commission, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process in such proceeding to the commission shall render a judgment or order void as to the commission, this compact, or promulgated rules.

2. (1) If the commission determines that a party state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

(a) Provide written notice to the defaulting state and other party states of the nature of the default, the proposed means of curing the default, or any other action to be taken by the commission; and

(b) Provide remedial training and specific technical assistance regarding the default.

(2) If a state in default fails to cure the default, the defaulting state's membership in this compact shall be terminated upon an affirmative vote of a majority of the administrators, and all rights, privileges, and benefits conferred by this compact shall be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(3) Termination of membership in this compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor of the defaulting state, to the executive officer of the defaulting state's licensing board, and each of the party states.

(4) A state whose membership in this compact has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(5) The commission shall not bear any costs related to a state that is found to be in default or whose membership in this compact has been terminated unless agreed upon in writing between the commission and the defaulting state.

(6) The defaulting state may appeal the action of the commission by petitioning the United States District Court for the District of Columbia or the federal district in which the commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.

3. (1) Upon request by a party state, the commission shall attempt to resolve disputes related to the compact that arise among party states and between party and non-party states.

(2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes, as appropriate.

(3) In the event the commission cannot resolve disputes among party states arising under this compact:

(a) The party states shall submit the issues in dispute to an arbitration panel, which shall be comprised of individuals appointed by the compact administrator in each of the affected party states and an individual mutually agreed upon by the compact administrators of all the party states involved in the dispute.

(b) The decision of a majority of the arbitrators shall be final and binding.

4. (1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

(2) By majority vote, the commission may initiate legal action in the United States District Court for the District of Columbia or the federal district in which the commission has its principal offices against a party state that is in default to enforce compliance with the provisions of this compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.

(3) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

335.405. EFFECTIVE DATE, WITHDRAWAL AND AMENDMENT. — 1. This compact shall become effective and binding on the earlier of the date of legislative enactment of this compact into law by no less than twenty-six states or December 31, 2018. All party states to this compact that also were parties to the prior Nurse Licensure Compact superseded by this compact "prior compact" shall be deemed to have withdrawn from said prior compact within six months after the effective date of this compact.

2. Each party state to this compact shall continue to recognize a nurse's multistate licensure privilege to practice in that party state issued under the prior compact until such party state has withdrawn from the prior compact.

3. Any party state may withdraw from this compact by enacting a statute repealing the same. A party state's withdrawal shall not take effect until six months after enactment of the repealing statute.

4. A party state's withdrawal or termination shall not affect the continuing requirement of the withdrawing or terminated state's licensing board to report adverse actions and significant investigations occurring prior to the effective date of such withdrawal or termination.

5. Nothing contained in this compact shall be construed to invalidate or prevent any nurse licensure agreement or other cooperative arrangement between a party state and a non-party state that is made in accordance with the other provisions of this compact.

6. This compact may be amended by the party states. No amendment to this compact shall become effective and binding upon the party states unless and until it is enacted into the laws of all party states.

7. Representatives of non-party states to this compact shall be invited to participate in the activities of the commission on a nonvoting basis prior to the adoption of this compact by all states.

335.410. CONSTRUCTION AND SEVERABILITY. — This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any party state, this compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

335.415. HEAD OF THE NURSE LICENSING BOARD DEFINED. — 1. The term "head of the nurse licensing board" as referred to in section 335.390 of this compact shall mean the executive director of the Missouri state board of nursing.

2. This compact is designed to facilitate the regulation of nurses, and does not relieve employers from complying with statutorily imposed obligations.

3. This compact does not supersede existing state labor laws.

338.200. PHARMACIST MAY DISPENSE EMERGENCY PRESCRIPTION, WHEN, REQUIREMENTS — RULEMAKING AUTHORITY. — 1. In the event a pharmacist is unable to obtain refill authorization from the prescriber due to death, incapacity, or when the pharmacist is unable to obtain refill authorization from the prescriber, a pharmacist may dispense an emergency supply of medication if:

(1) In the pharmacist's professional judgment, interruption of therapy might reasonably produce undesirable health consequences;

(2) The pharmacy previously dispensed or refilled a prescription from the applicable prescriber for the same patient and medication;

(3) The medication dispensed is not a controlled substance;

(4) The pharmacist informs the patient or the patient's agent either verbally, electronically, or in writing at the time of dispensing that authorization of a prescriber is required for future refills; and

(5) The pharmacist documents the emergency dispensing in the patient's prescription record, as provided by the board by rule.

2. (1) If the pharmacist is unable to obtain refill authorization from the prescriber, the amount dispensed shall be limited to the amount determined by the pharmacist within his or her

professional judgment as needed for the emergency period, provided the amount dispensed shall not exceed a seven-day supply.

(2) In the event of prescriber death or incapacity or inability of the prescriber to provide medical services, the amount dispensed shall not exceed a thirty-day supply.

3. Pharmacists or permit holders dispensing an emergency supply pursuant to this section shall promptly notify the prescriber or the prescriber's office of the emergency dispensing, as required by the board by rule.

4. An emergency supply may not be dispensed pursuant to this section if the pharmacist has knowledge that the prescriber has otherwise prohibited or restricted emergency dispensing for the applicable patient.

5. **The determination to dispense an emergency supply of medication under this section shall only be made by a pharmacist licensed by the board.**

6. The board 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, 2013, shall be invalid and void.

376.388. MAXIMUM ALLOWABLE COSTS—DEFINITIONS—CONTRACT REQUIREMENTS—REIMBURSEMENT—APPEALS PROCESS REQUIRED. — 1. As used in this section, unless the context requires otherwise, the following terms shall mean:

(1) "Contracted pharmacy" or "pharmacy", a pharmacy located in Missouri participating in the network of a pharmacy benefits manager through a direct or indirect contract;

(2) "Health carrier", an entity subject to the insurance laws and regulations of this state that contracts or offers to contract to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services, including a sickness and accident insurance company, a health maintenance organization, a nonprofit hospital and health service corporation, or any other entity providing a plan of health insurance, health benefits, or health services, except that such plan shall not include any coverage pursuant to a liability insurance policy, workers' compensation insurance policy, or medical payments insurance issued as a supplement to a liability policy;

(3) "Maximum allowable cost", the per unit amount that a pharmacy benefits manager reimburses a pharmacist for a prescription drug, excluding a dispensing or professional fee;

(4) "Maximum allowable cost list" or "MAC list", a listing of drug products that meet the standard described in this section;

(5) "Pharmacy", as such term is defined in chapter 338;

(6) "Pharmacy benefits manager", an entity that contracts with pharmacies on behalf of health carriers or any health plan sponsored by the state or a political subdivision of the state.

2. Upon each contract execution or renewal between a pharmacy benefits manager and a pharmacy or between a pharmacy benefits manager and a pharmacy's contracting representative or agent, such as a pharmacy services administrative organization, a pharmacy benefits manager shall, with respect to such contract or renewal:

(1) Include in such contract or renewal the sources utilized to determine maximum allowable cost and update such pricing information at least every seven days; and

(2) Maintain a procedure to eliminate products from the maximum allowable cost list of drugs subject to such pricing or modify maximum allowable cost pricing at least

every seven days, if such drugs do not meet the standards and requirements of this section, in order to remain consistent with pricing changes in the marketplace.

3. A pharmacy benefits manager shall reimburse pharmacies for drugs subject to maximum allowable cost pricing that has been updated to reflect market pricing at least every seven days as set forth under subdivision (1) of subsection 2 of this section.

4. A pharmacy benefits manager shall not place a drug on a maximum allowable cost list unless there are at least two therapeutically equivalent multisource generic drugs, or at least one generic drug available from at least one manufacturer, generally available for purchase by network pharmacies from national or regional wholesalers.

5. All contracts between a pharmacy benefits manager and a contracted pharmacy or between a pharmacy benefits manager and a pharmacy's contracting representative or agent, such as a pharmacy services administrative organization, shall include a process to internally appeal, investigate, and resolve disputes regarding maximum allowable cost pricing. The process shall include the following:

(1) The right to appeal shall be limited to fourteen calendar days following the reimbursement of the initial claim; and

(2) A requirement that the pharmacy benefits manager shall respond to an appeal described in this subsection no later than fourteen calendar days after the date the appeal was received by such pharmacy benefits manager.

6. For appeals that are denied, the pharmacy benefits manager shall provide the reason for the denial and identify the national drug code of a drug product that may be purchased by contracted pharmacies at a price at or below the maximum allowable cost and, when applicable, may be substituted lawfully.

7. If the appeal is successful, the pharmacy benefits manager shall:

(1) Adjust the maximum allowable cost price that is the subject of the appeal effective on the day after the date the appeal is decided;

(2) Apply the adjusted maximum allowable cost price to all similarly situated pharmacies as determined by the pharmacy benefits manager; and

(3) Allow the pharmacy that succeeded in the appeal to reverse and rebill the pharmacy benefits claim giving rise to the appeal.

8. Appeals shall be upheld if:

(1) The pharmacy being reimbursed for the drug subject to the maximum allowable cost pricing in question was not reimbursed as required under subsection 3 of this section; or

(2) The drug subject to the maximum allowable cost pricing in question does not meet the requirements set forth under subsection 4 of this section.

376.1235. NO CO-PAYMENTS OR COINSURANCE FOR PHYSICAL OR OCCUPATIONAL THERAPY SERVICES, WHEN — ACTUARIAL ANALYSIS OF COST, WHEN. — 1. No health carrier or health benefit plan, as defined in section 376.1350, shall impose a co-payment or coinsurance percentage charged to the insured for services rendered for each date of service by a physical therapist licensed under chapter 334 or an occupational therapist licensed under chapter 324, for services that require a prescription, that is greater than the co-payment or coinsurance percentage charged to the insured for the services of a primary care physician licensed under chapter 334 for an office visit.

2. A health carrier or health benefit plan shall clearly state the availability of physical therapy and occupational therapy coverage under its plan and all related limitations, conditions, and exclusions.

3. Beginning September 1, [2013] 2016, the oversight division of the joint committee on legislative research shall perform an actuarial analysis of the cost impact to health carriers, insureds with a health benefit plan, and other private and public payers if the provisions of this section regarding occupational therapy coverage were enacted. By December 31, [2013,] 2016, the director of the oversight division of the joint committee on legislative research shall

submit a report of the actuarial findings prescribed by this section to the speaker, the president pro tem, and the chairpersons of both the house of representatives and senate standing committees having jurisdiction over health insurance matters. If the fiscal note cost estimation is less than the cost of an actuarial analysis, the actuarial analysis requirement shall be waived.

376.1237. REFILLS FOR PRESCRIPTION EYE DROPS, REQUIRED, WHEN — DEFINITIONS — TERMINATION DATE. — 1. Each health carrier or health benefit plan that offers or issues health benefit plans which are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2014, and that provides coverage for prescription eye drops shall provide coverage for the refilling of an eye drop prescription prior to the last day of the prescribed dosage period without regard to a coverage restriction for early refill of prescription renewals as long as the prescribing health care provider authorizes such early refill, and the health carrier or the health benefit plan is notified.

2. For the purposes of this section, health carrier and health benefit plan shall have the same meaning as defined in section 376.1350.

3. The coverage required by this section shall not be subject to any greater deductible or co-payment than other similar health care services provided by the health benefit plan.

4. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months' or less duration, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

5. The provisions of this section shall terminate on January 1, [2017] **2020**.

536.031. CODE TO BE PUBLISHED — TO BE REVISED MONTHLY — INCORPORATION BY REFERENCE AUTHORIZED, COURTS TO TAKE JUDICIAL NOTICE — INCORPORATION BY REFERENCE OF CERTAIN RULES, HOW. — 1. There is established a publication to be known as the "Code of State Regulations", which shall be published in a format and medium as prescribed and in writing upon request by the secretary of state as soon as practicable after ninety days following January 1, 1976, and may be republished from time to time thereafter as determined by the secretary of state.

2. The code of state regulations shall contain the full text of all rules of state agencies in force and effect upon the effective date of the first publication thereof, and effective September 1, 1990, it shall be revised no less frequently than monthly thereafter so as to include all rules of state agencies subsequently made, amended or rescinded. The code may also include citations, references, or annotations, prepared by the state agency adopting the rule or by the secretary of state, to any intraagency ruling, attorney general's opinion, determination, decisions, order, or other action of the administrative hearing commission, or any determination, decision, order, or other action of a court interpreting, applying, discussing, distinguishing, or otherwise affecting any rule published in the code.

3. The code of state regulations shall be published in looseleaf form in one or more volumes upon request and a format and medium as prescribed by the secretary of state with an appropriate index, and revisions in the text and index may be made by the secretary of state as necessary and provided in written format upon request.

4. An agency may incorporate by reference rules, regulations, standards, and guidelines of an agency of the United States or a nationally or state-recognized organization or association without publishing the material in full. The reference in the agency rules shall fully identify the incorporated material by publisher, address, and date in order to specify how a copy of the material may be obtained, and shall state that the referenced rule, regulation, standard, or guideline does not include any later amendments or additions; **except that, hospital licensure regulations governing life safety code standards promulgated under this chapter and**

chapter 197 to implement section 197.065 may incorporate, by reference, later additions or amendments to such rules, regulations, standards, or guidelines as needed to consistently apply current standards of safety and practice. The agency adopting a rule, regulation, standard, or guideline under this section shall maintain a copy of the referenced rule, regulation, standard, or guideline at the headquarters of the agency and shall make it available to the public for inspection and copying at no more than the actual cost of reproduction. The secretary of state may omit from the code of state regulations such material incorporated by reference in any rule the publication of which would be unduly cumbersome or expensive.

5. The courts of this state shall take judicial notice, without proof, of the contents of the code of state regulations.

633.420. DYSLEXIA DEFINED — TASK FORCE CREATED, MEMBERS, DUTIES, RECOMMENDATIONS—EXPIRATION DATE. — 1. For the purposes of this section, the term "dyslexia" means a disorder that is neurological in origin, characterized by difficulties with accurate and fluent word recognition, and poor spelling and decoding abilities that typically result from a deficit in the phonological component of language, often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction, and of which secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge. Nothing in this section shall prohibit a district from assessing students for dyslexia and offering students specialized reading instruction if a determination is made that a student suffers from dyslexia. Unless required by federal law, nothing in this definition shall require a student with dyslexia to be automatically determined eligible as a student with a disability.

2. There is hereby created the "Legislative Task Force on Dyslexia". The joint committee on education shall provide technical and administrative support as required by the task force to fulfill its duties; any such support involving monetary expenses shall first be approved by the chairman of the joint committee on education. The task force shall meet at least quarterly and may hold meetings by telephone or video conference. The task force shall advise and make recommendations to the governor, joint committee on education, and relevant state agencies regarding matters concerning individuals with dyslexia, including education and other adult and adolescent services.

3. The task force shall be comprised of twenty members consisting of the following:

(1) Two members of the senate appointed by the president pro tempore of the senate, with one member appointed from the minority party and one member appointed from the majority party;

(2) Two members of the house of representatives appointed by the speaker of the house of representatives, with one member appointed from the minority party and one member appointed from the majority party;

(3) The commissioner of education, or his or her designee;

(4) One representative from an institution of higher education located in this state with specialized expertise in dyslexia and reading instruction;

(5) A representative from a state teachers association or the Missouri National Education Association;

(6) A representative from the International Dyslexia Association of Missouri;

(7) A representative from Decoding Dyslexia of Missouri;

(8) A representative from the Missouri Association of Elementary School Principals;

(9) A representative from the Missouri Council of Administrators of Special Education;

(10) A professional licensed in the state of Missouri with experience diagnosing dyslexia including, but not limited to, a licensed psychologist, school psychologist, or neuropsychologist;

(11) A speech-language pathologist with training and experience in early literacy development and effective research-based intervention techniques for dyslexia, including an Orton-Gillingham remediation program recommended by the Missouri Speech-Language Hearing Association;

(12) A certified academic language therapist recommended by the Academic Language Therapists Association who is a resident of this state;

(13) A representative from an independent private provider or nonprofit organization serving individuals with dyslexia;

(14) An assistive technology specialist with expertise in accessible print materials and assistive technology used by individuals with dyslexia recommended by the Missouri assistive technology council;

(15) One private citizen who has a child who has been diagnosed with dyslexia;

(16) One private citizen who has been diagnosed with dyslexia;

(17) A representative of the Missouri State Council of the International Reading Association; and

(18) A pediatrician with knowledge of dyslexia.

4. The members of the task force, other than the members from the general assembly and ex officio members, shall be appointed by the president pro tempore of the senate or the speaker of the house of representatives by September 1, 2016, by alternating appointments beginning with the president pro tempore of the senate. A chairperson shall be selected by the members of the task force. Any vacancy on the task force shall be filled in the same manner as the original appointment. Members shall serve on the task force without compensation.

5. The task force shall make recommendations for a statewide system for identification, intervention, and delivery of supports for students with dyslexia, including the development of resource materials and professional development activities. These recommendations shall be included in a report to the governor and joint committee on education and shall include findings and proposed legislation and shall be made available no longer than twelve months from the task force's first meeting.

6. The recommendations and resource materials developed by the task force shall:

(1) Identify valid and reliable screening and evaluation assessments and protocols that can be used and the appropriate personnel to administer such assessments in order to identify children with dyslexia or the characteristics of dyslexia as part of an ongoing reading progress monitoring system, multi-tiered system of supports, and special education eligibility determinations in schools;

(2) Recommend an evidence-based reading instruction, with consideration of the National Reading Panel Report and Orton-Gillingham methodology principles for use in all Missouri schools, and intervention system, including a list of effective dyslexia intervention programs, to address dyslexia or characteristics of dyslexia for use by schools in multi-tiered systems of support and for services as appropriate for special education eligible students;

(3) Develop and implement preservice and inservice professional development activities to address dyslexia identification and intervention, including utilization of accessible print materials and assistive technology, within degree programs such as education, reading, special education, speech-language pathology, and psychology;

(4) Review teacher certification and professional development requirements as they relate to the needs of students with dyslexia;

(5) Examine the barriers to accurate information on the prevalence of students with dyslexia across the state and recommend a process for accurate reporting of demographic data; and

(6) Study and evaluate current practices for diagnosing, treating, and educating children in this state and examine how current laws and regulations affect students with

dyslexia in order to present recommendations to the governor and joint committee on education.

7. The task force shall hire or contract for hire specialist services to support the work of the task force as necessary with appropriations made by the general assembly for that purpose or from other available funding.

8. The task force authorized under this section shall expire on August 31, 2018.

[335.300. FINDINGS AND DECLARATION OF PURPOSE. — 1. The party states find that:

(1) The health and safety of the public are affected by the degree of compliance with and the effectiveness of enforcement activities related to state nurse licensure laws;

(2) Violations of nurse licensure and other laws regulating the practice of nursing may result in injury or harm to the public;

(3) The expanded mobility of nurses and the use of advanced communication technologies as part of our nation's health care delivery system require greater coordination and cooperation among states in the areas of nurse licensure and regulation;

(4) New practice modalities and technology make compliance with individual state nurse licensure laws difficult and complex;

(5) The current system of duplicative licensure for nurses practicing in multiple states is cumbersome and redundant to both nurses and states.

2. The general purposes of this compact are to:

(1) Facilitate the states' responsibility to protect the public's health and safety;

(2) Ensure and encourage the cooperation of party states in the areas of nurse licensure and regulation;

(3) Facilitate the exchange of information between party states in the areas of nurse regulation, investigation, and adverse actions;

(4) Promote compliance with the laws governing the practice of nursing in each jurisdiction;

(5) Invest all party states with the authority to hold a nurse accountable for meeting all state practice laws in the state in which the patient is located at the time care is rendered through the mutual recognition of party state licenses.]

[335.305. DEFINITIONS. — As used in this compact, the following terms shall mean:

(1) "Adverse action", a home or remote state action;

(2) "Alternative program", a voluntary, nondisciplinary monitoring program approved by a nurse licensing board;

(3) "Coordinated licensure information system", an integrated process for collecting, storing, and sharing information on nurse licensure and enforcement activities related to nurse licensure laws, which is administered by a nonprofit organization composed of and controlled by state nurse licensing boards;

(4) "Current significant investigative information":

(a) Investigative information that a licensing board, after a preliminary inquiry that includes notification and an opportunity for the nurse to respond if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or

(b) Investigative information that indicates that the nurse represents an immediate threat to public health and safety regardless of whether the nurse has been notified and had an opportunity to respond;

(5) "Home state", the party state that is the nurse's primary state of residence;

(6) "Home state action", any administrative, civil, equitable, or criminal action permitted by the home state's laws that are imposed on a nurse by the home state's licensing board or other authority including actions against an individual's license such as: revocation, suspension, probation, or any other action affecting a nurse's authorization to practice;

(7) "Licensing board", a party state's regulatory body responsible for issuing nurse licenses;

(8) "Multistate licensing privilege", current, official authority from a remote state permitting the practice of nursing as either a registered nurse or a licensed practical/vocational nurse in such party state. All party states have the authority, in accordance with existing state due process law, to take actions against the nurse's privilege such as: revocation, suspension, probation, or any other action that affects a nurse's authorization to practice;

(9) "Nurse", a registered nurse or licensed/vocational nurse, as those terms are defined by each state's practice laws;

(10) "Party state", any state that has adopted this compact;

(11) "Remote state", a party state, other than the home state:

(a) Where a patient is located at the time nursing care is provided; or

(b) In the case of the practice of nursing not involving a patient, in such party state where the recipient of nursing practice is located;

(12) "Remote state action":

(a) Any administrative, civil, equitable, or criminal action permitted by a remote state's laws which are imposed on a nurse by the remote state's licensing board or other authority including actions against an individual's multistate licensure privilege to practice in the remote state; and

(b) Cease and desist and other injunctive or equitable orders issued by remote states or the licensing boards thereof;

(13) "State", a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico;

(14) "State practice laws", those individual party's state laws and regulations that govern the practice of nursing, define the scope of nursing practice, and create the methods and grounds for imposing discipline. State practice laws does not include the initial qualifications for licensure or requirements necessary to obtain and retain a license, except for qualifications or requirements of the home state.]

[335.310. GENERAL PROVISIONS AND JURISDICTION. — 1. A license to practice registered nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a multistate licensure privilege to practice as a registered nurse in such party state. A license to practice licensed practical/vocational nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a multistate licensure privilege to practice as a licensed practical/vocational nurse in such party state. In order to obtain or retain a license, an applicant must meet the home state's qualifications for licensure and license renewal as well as all other applicable state laws.

2. Party states may, in accordance with state due process laws, limit or revoke the multistate licensure privilege of any nurse to practice in their state and may take any other actions under their applicable state laws necessary to protect the health and safety of their citizens. If a party state takes such action, it shall promptly notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the home state of any such actions by remote states.

3. Every nurse practicing in a party state must comply with the state practice laws of the state in which the patient is located at the time care is rendered. In addition, the practice of nursing is not limited to patient care, but shall include all nursing practice as defined by the state practice laws of a party state. The practice of nursing will subject a nurse to the jurisdiction of the nurse licensing board and the courts, as well as the laws, in that party state.

4. This compact does not affect additional requirements imposed by states for advanced practice registered nursing. However, a multistate licensure privilege to practice registered nursing granted by a party state shall be recognized by other party states as a license to practice registered nursing if one is required by state law as a precondition for qualifying for advanced practice registered nurse authorization.

5. Individuals not residing in a party state shall continue to be able to apply for nurse licensure as provided for under the laws of each party state. However, the license granted to these individuals will not be recognized as granting the privilege to practice nursing in any other party state unless explicitly agreed to by that party state.]

[335.315. APPLICATIONS FOR LICENSURE IN A PARTY STATE. — 1. Upon application for a license, the licensing board in a party state shall ascertain, through the coordinated licensure information system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any restrictions on the multistate licensure privilege, and whether any other adverse action by any state has been taken against the license.

2. A nurse in a party state shall hold licensure in only one party state at a time, issued by the home state.

3. A nurse who intends to change primary state of residence may apply for licensure in the new home state in advance of such change. However, new licenses will not be issued by a party state until after a nurse provides evidence of change in primary state of residence satisfactory to the new home state's licensing board.

4. When a nurse changes primary state of residence by:

(1) Moving between two party states, and obtains a license from the new home state, the license from the former home state is no longer valid;

(2) Moving from a nonparty state to a party state, and obtains a license from the new home state, the individual state license issued by the nonparty state is not affected and will remain in full force if so provided by the laws of the nonparty state;

(3) Moving from a party state to a nonparty state, the license issued by the prior home state converts to an individual state license, valid only in the former home state, without the multistate licensure privilege to practice in other party states.]

[335.320. ADVERSE ACTIONS. — In addition to the general provisions described in article III of this compact, the following provisions apply:

(1) The licensing board of a remote state shall promptly report to the administrator of the coordinated licensure information system any remote state actions including the factual and legal basis for such action, if known. The licensing board of a remote state shall also promptly report any significant current investigative information yet to result in a remote state action. The administrator of the coordinated licensure information system shall promptly notify the home state of any such reports;

(2) The licensing board of a party state shall have the authority to complete any pending investigations for a nurse who changes primary state of residence during the course of such investigations. It shall also have the authority to take appropriate actions, and shall promptly report the conclusions of such investigations to the administrator of the coordinated licensure information system. The administrator of

the coordinated licensure information system shall promptly notify the new home state of any such actions;

(3) A remote state may take adverse action affecting the multistate licensure privilege to practice within that party state. However, only the home state shall have the power to impose adverse action against the license issued by the home state;

(4) For purposes of imposing adverse action, the licensing board of the home state shall give the same priority and effect to reported conduct received from a remote state as it would if such conduct had occurred within the home state, in so doing, it shall apply its own state laws to determine appropriate action;

(5) The home state may take adverse action based on the factual findings of the remote state, so long as each state follows its own procedures for imposing such adverse action;

(6) Nothing in this compact shall override a party state's decision that participation in an alternative program may be used in lieu of licensure action and that such participation shall remain nonpublic if required by the party state's laws. Party states must require nurses who enter any alternative programs to agree not to practice in any other party state during the term of the alternative program without prior authorization from such other party state.]

[335.325. ADDITIONAL AUTHORITIES INVESTED IN PARTY STATE NURSE LICENSING BOARDS.— Notwithstanding any other powers, party state nurse licensing boards shall have the authority to:

(1) If otherwise permitted by state law, recover from the affected nurse the costs of investigations and disposition of cases resulting from any adverse action taken against that nurse;

(2) Issue subpoenas for both hearings and investigations which require the attendance and testimony of witnesses, and the production of evidence. Subpoenas issued by a nurse licensing board in a party state for the attendance and testimony of witnesses, and/or the production of evidence from another party state, shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses and evidence are located;

(3) Issue cease and desist orders to limit or revoke a nurse's authority to practice in their state;

(4) Promulgate uniform rules and regulations as provided for in subsection 3 of section 335.335.]

[335.330. COORDINATED LICENSURE INFORMATION SYSTEM. — 1. All party states shall participate in a cooperative effort to create a coordinated database of all licensed registered nurses and licensed practical/vocational nurses. This system will include information on the licensure and disciplinary history of each nurse, as contributed by party states, to assist in the coordination of nurse licensure and enforcement efforts.

2. Notwithstanding any other provision of law, all party states' licensing boards shall promptly report adverse actions, actions against multistate licensure privileges, any current significant investigative information yet to result in adverse action, denials of applications, and the reasons for such denials to the coordinated licensure information system.

3. Current significant investigative information shall be transmitted through the coordinated licensure information system only to party state licensing boards.

4. Notwithstanding any other provision of law, all party states' licensing boards contributing information to the coordinated licensure information system may designate information that may not be shared with nonparty states or disclosed to other entities or individuals without the express permission of the contributing state.

5. Any personally identifiable information obtained by a party state's licensing board from the coordinated licensure information system may not be shared with nonparty states or disclosed to other entities or individuals except to the extent permitted by the laws of the party state contributing the information.

6. Any information contributed to the coordinated licensure information system that is subsequently required to be expunged by the laws of the party state contributing that information shall also be expunged from the coordinated licensure information system.

7. The compact administrators, acting jointly with each other and in consultation with the administrator of the coordinated licensure information system, shall formulate necessary and proper procedures for the identification, collection, and exchange of information under this compact.]

[335.335. COMPACT ADMINISTRATION AND INTERCHANGE OF INFORMATION.— 1. The head of the nurse licensing board, or his/her designee, of each party state shall be the administrator of this compact for his/her state.

2. The compact administrator of each party shall furnish to the compact administrator of each other party state any information and documents including, but not limited to, a uniform data set of investigations, identifying information, licensure data, and disclosable alternative program participation information to facilitate the administration of this compact.

3. Compact administrators shall have the authority to develop uniform rules to facilitate and coordinate implementation of this compact. These uniform rules shall be adopted by party states, under the authority invested under subsection 4 of section 335.325.]

[335.340. IMMUNITY.— No party state or the officers or employees or agents of a party state's nurse licensing board who acts in accordance with the provisions of this compact shall be liable on account of any act or omission in good faith while engaged in the performance of their duties under this compact. Good faith in this article shall not include willful misconduct, gross negligence, or recklessness.]

[335.345. ENTRY INTO FORCE, WITHDRAWAL AND AMENDMENT.— 1. This compact shall enter into force and become effective as to any state when it has been enacted into the laws of that state. Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until six months after the withdrawing state has given notice of the withdrawal to the executive heads of all other party states.

2. No withdrawal shall affect the validity or applicability by the licensing boards of states remaining party to the compact of any report of adverse action occurring prior to the withdrawal.

3. Nothing contained in this compact shall be construed to invalidate or prevent any nurse licensure agreement or other cooperative arrangement between a party state and a non-party state that is made in accordance with the other provisions of this compact.

4. This compact may be amended by the party states. No amendment to this compact shall become effective and binding upon the party states unless and until it is enacted into the laws of all party states.]

[335.350. CONSTRUCTION AND SEVERABILITY. CONSTRUCTION AND SEVERABILITY. — 1. This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

2. In the event party states find a need for settling disputes arising under this compact:

(1) The party states may submit the issues in dispute to an arbitration panel which will be comprised of an individual appointed by the compact administrator in the home state, an individual appointed by the compact administrator in the remote states involved, and an individual mutually agreed upon by the compact administrators of all the party states involved in the dispute;

(2) The decision of a majority of the arbitrators shall be final and binding.]

[335.355. APPLICABILITY OF COMPACT. — 1. The term "head of the nurse licensing board" as referred to in article VIII of this compact shall mean the executive director of the Missouri state board of nursing.

2. A person who is extended the privilege to practice in this state pursuant to the nurse licensure compact is subject to discipline by the board, as set forth in this chapter, for violation of this chapter or the rules and regulations promulgated herein. A person extended the privilege to practice in this state pursuant to the nurse licensure compact shall be subject to adhere to all requirements of this chapter, as if such person were originally licensed in this state.

3. Sections 335.300 to 335.355 are applicable only to nurses whose home states are determined by the Missouri state board of nursing to have licensure requirements that are substantially equivalent or more stringent than those of Missouri.

4. This compact is designed to facilitate the regulation of nurses, and does not relieve employers from complying with statutorily imposed obligations.

5. This compact does not supercede existing state labor laws.]

SECTION B. EMERGENCY CLAUSE. — Because immediate action is necessary to preserve access to quality health care facilities for the citizens of Missouri, the repeal and reenactment of section 197.315 of 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 the repeal and reenactment of section 197.315 of section A of this act shall be in full force and effect upon its passage and approval.

SECTION C. CONTINGENT EFFECTIVE DATE. — The repeal of sections 335.300 to 335.355 and the enactment of sections 335.360 to 335.415 of this act shall become effective on December 31, 2018, or upon the enactment of sections 335.360 to 335.415 of this act by no less than twenty-six states and notification of such enactment to the revisor of statutes by the Interstate Commission of Nurse Licensure Compact Administrators, whichever occurs first.

Approved July 5, 2016

SB 638 [CCS SCS SB 638]

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 "Missouri Civics Education Initiative"

AN ACT to repeal sections 160.400, 160.403, 160.405, 160.410, 160.415, 160.417, 160.545, 161.216, 162.073, 162.261, 162.531, 162.541, 162.720, 163.031, 167.131, 167.241, 170.011, 170.310, 171.021, and 173.750, RSMo, and to enact in lieu thereof twenty-nine new sections relating to elementary and secondary education, with an effective date for a certain section.

SECTION

- A. Enacting clause.
- 160.400. Charter schools, defined, St. Louis City and Kansas City school districts — sponsors — use of public school buildings — organization of charter schools — affiliations with college or university — criminal background check required.
- 160.403. Sponsoring a charter school, annual application and approval, contents of application, approval requirements.
- 160.405. Proposed charter, how submitted, requirements, submission to state board, powers and duties — approval, revocation, termination — definitions — lease of public school facilities, when — unlawful reprisal, defined, prohibited — performance report.
- 160.408. High-quality school, defined, replication in unaccredited districts.
- 160.410. Admission, preferences for admission permitted, when — information to be made publicly available — move out of school district, effect of.
- 160.415. Distribution of state school aid for charter schools — powers and duties of governing body of charter schools.
- 160.417. Financial stress, review of report information by charter school sponsor, when — criteria for financial stress.
- 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.
- 161.217. Early learning quality assurance report — sunset provision.
- 161.1050. Initiative established, department duties — definitions.
- 161.1055. Pilot program established, selection of schools — fund created — definitions.
- 162.073. Definitions.
- 162.261. Seven-director district, board of, terms — vacancies — prohibition on hiring spouse of board member, when — constitutional prohibition on nepotism applies to districts.
- 162.531. Duties of the secretary — bond.
- 162.541. Bond of treasurer.
- 162.720. Gifted children, district may establish programs for — state board to approve.
- 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.
- 167.131. District not accredited shall pay tuition and transportation, when — amount charged.
- 167.241. Transportation of pupils to another district.
- 167.903. Personal plan of study for certain students, contents — waiver.
- 167.905. At-risk students to be identified, district policy required.
- 167.950. Dyslexia screening guidelines — screenings required, when — definitions — rulemaking authority.
- 170.011. Courses in the constitutions, American history and Missouri government, required, penalty — waiver, when — student awards — requirements not applicable to foreign exchange students.
- 170.310. Cardiopulmonary resuscitation instruction and training, grades nine through twelve, requirements — rulemaking authority.
- 170.345. Missouri civics education initiative — examination required — waiver, when.
- 170.350. Constitution Project of the Missouri Supreme Court, participation in, effect of.
- 171.021. Schools receiving public moneys to display United States flag — requirement to recite Pledge of Allegiance once per school day — students not required to recite.
- 173.750. Annual reporting of performance of graduates, furnishing of report — procedure — data included — review of policies.
- 633.420. Dyslexia defined — task force created, members, duties, recommendations — expiration date.
- 161.216. Quality rating system for early childhood education, prohibition on certain incentives and mandates to participate without statutory authority — taxpayer standing, when — definitions.
- B. Delayed effective date

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

SECTION A. ENACTING CLAUSE. — Sections 160.400, 160.403, 160.405, 160.410, 160.415, 160.417, 160.545, 161.216, 162.073, 162.261, 162.531, 162.541, 162.720, 163.031, 167.131, 167.241, 170.011, 170.310, 171.021, and 173.750, RSMo, is repealed and twenty-nine new sections enacted in lieu thereof, to be known as sections 160.400, 160.403, 160.405, 160.408, 160.410, 160.415, 160.417, 160.545, 161.217, 161.1050, 161.1055, 162.073, 162.261, 162.531, 162.541, 162.720, 163.031, 167.131, 167.241, 167.903, 167.905, 167.950, 170.011, 170.310, 170.345, 170.350, 171.021, 173.750, and 633.420, to read as follows:

160.400. CHARTER SCHOOLS, DEFINED, ST. LOUIS CITY AND KANSAS CITY SCHOOL DISTRICTS — SPONSORS — USE OF PUBLIC SCHOOL BUILDINGS — ORGANIZATION OF CHARTER SCHOOLS — AFFILIATIONS WITH COLLEGE OR UNIVERSITY — CRIMINAL BACKGROUND CHECK REQUIRED.— 1. A charter school is an independent public school.

2. Except as further provided in subsection 4 of this section, charter schools may be operated only:

- (1) In a metropolitan school district;
- (2) In an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants;
- (3) In a school district that has been [declared] **classified as unaccredited by the state board of education;**

(4) In a school district that has been classified as provisionally accredited by the state board of education and has received scores on its annual performance report consistent with a classification of provisionally accredited or unaccredited for three consecutive school years beginning with the 2012-13 accreditation year under the following conditions:

(a) The eligibility for charter schools of any school district whose provisional accreditation is based in whole or in part on financial stress as defined in sections 161.520 to 161.529, or on financial hardship as defined by rule of the state board of education, shall be decided by a vote of the state board of education during the third consecutive school year after the designation of provisional accreditation; and

(b) The sponsor is limited to the local school board or a sponsor who has met the standards of accountability and performance as determined by the department based on sections 160.400 to 160.425 and section 167.349 and properly promulgated rules of the department; or

(5) In a school district that has been accredited without provisions, sponsored only by the local school board; provided that no board with a current year enrollment of one thousand five hundred fifty students or greater shall permit more than thirty-five percent of its student enrollment to enroll in charter schools sponsored by the local board under the authority of this subdivision, except that this restriction shall not apply to any school district that subsequently becomes eligible under subdivision (3) or (4) of this subsection or to any district accredited without provisions that sponsors charter schools prior to having a current year student enrollment of one thousand five hundred fifty students or greater.

3. Except as further provided in subsection 4 of this section, the following entities are eligible to sponsor charter schools:

(1) The school board of the district in any district which is sponsoring a charter school as of August 27, 2012, as permitted under subdivision (1) or (2) of subsection 2 of this section, the special administrative board of a metropolitan school district during any time in which powers granted to the district's board of education are vested in a special administrative board, or if the state board of education appoints a special administrative board to retain the authority granted to the board of education of an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants, the special administrative board of such school district;

(2) A public four-year college or university with an approved teacher education program that meets regional or national standards of accreditation;

(3) A community college, the service area of which encompasses some portion of the district;

(4) Any private four-year college or university with an enrollment of at least one thousand students, with its primary campus in Missouri, and with an approved teacher preparation program;

(5) Any two-year private vocational or technical school designated as a 501(c)(3) nonprofit organization under the Internal Revenue Code of 1986, as amended, [which is a member of the North Central Association] and accredited by the Higher Learning Commission, with its primary campus in Missouri; [or]

(6) The Missouri charter public school commission created in section 160.425.

4. Changes in a school district's accreditation status that affect charter schools shall be addressed as follows, except for the districts described in subdivisions (1) and (2) of subsection 2 of this section:

(1) As a district transitions from unaccredited to provisionally accredited, the district shall continue to fall under the requirements for an unaccredited district until it achieves three consecutive full school years of provisional accreditation;

(2) As a district transitions from provisionally accredited to full accreditation, the district shall continue to fall under the requirements for a provisionally accredited district until it achieves three consecutive full school years of full accreditation;

(3) In any school district classified as unaccredited or provisionally accredited where a charter school is operating and is sponsored by an entity other than the local school board, when the school district becomes classified as accredited without provisions, a charter school may continue to be sponsored by the entity sponsoring it prior to the classification of accredited without provisions and shall not be limited to the local school board as a sponsor.

A charter school operating in a school district identified in subdivision (1) or (2) of subsection 2 of this section may be sponsored by any of the entities identified in subsection 3 of this section, irrespective of the accreditation classification of the district in which it is located. A charter school in a district described in this subsection whose charter provides for the addition of grade levels in subsequent years may continue to add levels until the planned expansion is complete to the extent of grade levels in comparable schools of the district in which the charter school is operated.

5. The mayor of a city not within a county may request a sponsor under subdivision (2), (3), (4), (5), or (6) of subsection 3 of this section to consider sponsoring a "workplace charter school", which is defined for purposes of sections 160.400 to 160.425 as a charter school with the ability to target prospective students whose parent or parents are employed in a business district, as defined in the charter, which is located in the city.

6. No sponsor shall receive from an applicant for a charter school any fee of any type for the consideration of a charter, nor may a sponsor condition its consideration of a charter on the promise of future payment of any kind.

7. The charter school shall be organized as a Missouri nonprofit corporation incorporated pursuant to chapter 355. The charter provided for herein shall constitute a contract between the sponsor and the charter school.

8. As a nonprofit corporation incorporated pursuant to chapter 355, the charter school shall select the method for election of officers pursuant to section 355.326 based on the class of corporation selected. Meetings of the governing board of the charter school shall be subject to the provisions of sections 610.010 to 610.030.

9. A sponsor of a charter school, its agents and employees are not liable for any acts or omissions of a charter school that it sponsors, including acts or omissions relating to the charter submitted by the charter school, the operation of the charter school and the performance of the charter school.

10. A charter school may affiliate with a four-year college or university, including a private college or university, or a community college as otherwise specified in subsection 3 of this

section when its charter is granted by a sponsor other than such college, university or community college. Affiliation status recognizes a relationship between the charter school and the college or university for purposes of teacher training and staff development, curriculum and assessment development, use of physical facilities owned by or rented on behalf of the college or university, and other similar purposes. A university, college or community college may not charge or accept a fee for affiliation status.

11. The expenses associated with sponsorship of charter schools shall be defrayed by the department of elementary and secondary education retaining one and five-tenths percent of the amount of state and local funding allocated to the charter school under section 160.415, not to exceed one hundred twenty-five thousand dollars, adjusted for inflation. The department of elementary and secondary education shall remit the retained funds for each charter school to the school's sponsor, provided the sponsor remains in good standing by fulfilling its sponsorship obligations under sections 160.400 to 160.425 and 167.349 with regard to each charter school it sponsors, including appropriate demonstration of the following:

(1) Expends no less than ninety percent of its charter school sponsorship funds in support of its charter school sponsorship program, or as a direct investment in the sponsored schools;

(2) Maintains a comprehensive application process that follows fair procedures and rigorous criteria and grants charters only to those developers who demonstrate strong capacity for establishing and operating a quality charter school;

(3) Negotiates contracts with charter schools that clearly articulate the rights and responsibilities of each party regarding school autonomy, expected outcomes, measures for evaluating success or failure, performance consequences **based on the annual performance report**, and other material terms;

(4) Conducts contract oversight that evaluates performance, monitors compliance, informs intervention and renewal decisions, and ensures autonomy provided under applicable law; and

(5) Designs and implements a transparent and rigorous process that uses comprehensive data to make merit-based renewal decisions.

12. Sponsors receiving funds under subsection 11 of this section shall be required to submit annual reports to the joint committee on education demonstrating they are in compliance with subsection 17 of this section.

13. No university, college or community college shall grant a charter to a nonprofit corporation if an employee of the university, college or community college is a member of the corporation's board of directors.

14. No sponsor shall grant a charter under sections 160.400 to 160.425 and 167.349 without ensuring that a criminal background check and family care safety registry check are conducted for all members of the governing board of the charter schools or the incorporators of the charter school if initial directors are not named in the articles of incorporation, nor shall a sponsor renew a charter without ensuring a criminal background check and family care **safety** registry check are conducted for each member of the governing board of the charter school.

15. No member of the governing board of a charter school shall hold any office or employment from the board or the charter school while serving as a member, nor shall the member have any substantial interest, as defined in section 105.450, in any entity employed by or contracting with the board. No board member shall be an employee of a company that provides substantial services to the charter school. All members of the governing board of the charter school shall be considered decision-making public servants as defined in section 105.450 for the purposes of the financial disclosure requirements contained in sections 105.483, 105.485, 105.487, and 105.489.

16. A sponsor shall develop the policies and procedures for:

(1) The review of a charter school proposal including an application that provides sufficient information for rigorous evaluation of the proposed charter and provides clear documentation that the education program and academic program are aligned with the state standards and grade-level expectations, and provides clear documentation of effective governance and management structures, and a sustainable operational plan;

- (2) The granting of a charter;
- (3) The performance [framework] **contract** that the sponsor will use to evaluate the performance of charter schools. **Charter schools shall meet current state academic performance standards as well as other standards agreed upon by the sponsor and the charter school in the performance contract;**
- (4) The sponsor's intervention, renewal, and revocation policies, including the conditions under which the charter sponsor may intervene in the operation of the charter school, along with actions and consequences that may ensue, and the conditions for renewal of the charter at the end of the term, consistent with subsections 8 and 9 of section 160.405;
- (5) Additional criteria that the sponsor will use for ongoing oversight of the charter; and
- (6) Procedures to be implemented if a charter school should close, consistent with the provisions of subdivision (15) of subsection 1 of section 160.405.

The department shall provide guidance to sponsors in developing such policies and procedures.

17. (1) A sponsor shall provide timely submission to the state board of education of all data necessary to demonstrate that the sponsor is in material compliance with all requirements of sections 160.400 to 160.425 and section 167.349. The state board of education shall ensure each sponsor is in compliance with all requirements under sections 160.400 to 160.425 and 167.349 for each charter school sponsored by any sponsor. The state board shall notify each sponsor of the standards for sponsorship of charter schools, delineating both what is mandated by statute and what best practices dictate. The state board shall evaluate sponsors to determine compliance with these standards every three years. The evaluation shall include a sponsor's policies and procedures in the areas of charter application approval; required charter agreement terms and content; sponsor performance evaluation and compliance monitoring; and charter renewal, intervention, and revocation decisions. Nothing shall preclude the department from undertaking an evaluation at any time for cause.

(2) If the department determines that a sponsor is in material noncompliance with its sponsorship duties, the sponsor shall be notified and given reasonable time for remediation. If remediation does not address the compliance issues identified by the department, the commissioner of education shall conduct a public hearing and thereafter provide notice to the charter sponsor of corrective action that will be recommended to the state board of education. Corrective action by the department may include withholding the sponsor's funding and suspending the sponsor's authority to sponsor a school that it currently sponsors or to sponsor any additional school until the sponsor is reauthorized by the state board of education under section 160.403.

(3) The charter sponsor may, within thirty days of receipt of the notice of the commissioner's recommendation, provide a written statement and other documentation to show cause as to why that action should not be taken. Final determination of corrective action shall be determined by the state board of education based upon a review of the documentation submitted to the department and the charter sponsor.

(4) If the state board removes the authority to sponsor a currently operating charter school under any provision of law, the Missouri charter public school commission shall become the sponsor of the school.

18. If a sponsor notifies a charter school of closure under subsection 8 of section 160.405, the department of elementary and secondary education shall exercise its financial withholding authority under subsection 12 of section 160.415 to assure all obligations of the charter school shall be met. The state, charter sponsor, or resident district shall not be liable for any outstanding liability or obligations of the charter school.

160.403. SPONSORING A CHARTER SCHOOL, ANNUAL APPLICATION AND APPROVAL, CONTENTS OF APPLICATION, APPROVAL REQUIREMENTS. — 1. The department of elementary and secondary education shall establish an annual application and approval process for all entities eligible to sponsor charters as set forth in section 160.400 which are not sponsoring a charter

school as of August 28, 2012, **except that the Missouri charter public school commission shall not be required to undergo the application and approval process.** No later than November 1, 2012, the department shall make available information and guidelines for all eligible sponsors concerning the opportunity to apply for sponsoring authority under this section.

2. The application process for sponsorship shall require each interested eligible sponsor, **except for the Missouri charter public school commission,** to submit an application by February first that includes the following:

(1) Written notification of intent to serve as a charter school sponsor in accordance with sections 160.400 to 160.425 and section 167.349;

(2) Evidence of the applicant sponsor's budget and personnel capacity;

(3) An outline of the request for proposal that the applicant sponsor would, if approved as a charter sponsor, issue to solicit charter school applicants consistent with sections 160.400 to 160.425 **and section 167.349;**

(4) The performance [framework] **contract** that the applicant sponsor would, if approved as a charter sponsor, use to [guide the establishment of a charter contract and for ongoing oversight and a description of how it would] evaluate the charter schools it sponsors; and

(5) The applicant sponsor's renewal, revocation, and nonrenewal processes consistent with section 160.405.

3. By April first of each year, the department shall decide whether to grant or deny a sponsoring authority to a sponsor applicant. This decision shall be made based on the applicant [charter's] **sponsor's** compliance with sections 160.400 to 160.425 **and section 167.349** and properly promulgated rules of the department.

4. Within thirty days of the department's decision, the department shall execute a renewable sponsoring contract with each entity it has approved as a sponsor. The term of each authorizing contract shall be six years and renewable. [No eligible sponsor which is not currently sponsoring a charter school as of August 28, 2012, shall commence charter sponsorship without approval from the state board of education and a sponsor contract with the state board of education in effect.]

160.405. PROPOSED CHARTER, HOW SUBMITTED, REQUIREMENTS, SUBMISSION TO STATE BOARD, POWERS AND DUTIES — APPROVAL, REVOCATION, TERMINATION — DEFINITIONS — LEASE OF PUBLIC SCHOOL FACILITIES, WHEN — UNLAWFUL REPRISAL, DEFINED, PROHIBITED — PERFORMANCE REPORT. — 1. A person, group or organization seeking to establish a charter school shall submit the proposed charter, as provided in this section, to a sponsor. If the sponsor is not a school board, the applicant shall give a copy of its application to the school board of the district in which the charter school is to be located and to the state board of education, within five business days of the date the application is filed with the proposed sponsor. The school board may file objections with the proposed sponsor, and, if a charter is granted, the school board may file objections with the state board of education. The charter shall [be] **include** a legally binding performance contract that describes the obligations and responsibilities of the school and the sponsor as outlined in sections 160.400 to 160.425 and section 167.349 and shall [also include] **address the following:**

(1) A mission and vision statement for the charter school;

(2) A description of the charter school's organizational structure and bylaws of the governing body, which will be responsible for the policy, financial management, and operational decisions of the charter school, including the nature and extent of parental, professional educator, and community involvement in the governance and operation of the charter school;

(3) A financial plan for the first three years of operation of the charter school including provisions for annual audits;

(4) A description of the charter school's policy for securing personnel services, its personnel policies, personnel qualifications, and professional development plan;

(5) A description of the grades or ages of students being served;

(6) The school's calendar of operation, which shall include at least the equivalent of a full school term as defined in section 160.011;

(7) A description of the charter school's pupil performance standards and academic program performance standards, which shall meet the requirements of subdivision (6) of subsection 4 of this section. The charter school program shall be designed to enable each pupil to achieve such standards and shall contain a complete set of indicators, measures, metrics, and targets for academic program performance, including specific goals on graduation rates and standardized test performance and academic growth;

(8) A description of the charter school's educational program and curriculum;

(9) The term of the charter, which shall be five years and [shall] **may** be [renewable] **renewed**;

(10) Procedures, consistent with the Missouri financial accounting manual, for monitoring the financial accountability of the charter, which shall meet the requirements of subdivision (4) of subsection 4 of this section;

(11) Preopening requirements for applications that require that charter schools meet all health, safety, and other legal requirements prior to opening;

(12) A description of the charter school's policies on student discipline and student admission, which shall include a statement, where applicable, of the validity of attendance of students who do not reside in the district but who may be eligible to attend under the terms of judicial settlements and procedures that ensure admission of students with disabilities in a nondiscriminatory manner;

(13) A description of the charter school's grievance procedure for parents or guardians;

(14) A description of the agreement **and time frame for implementation** between the charter school and the sponsor as to when a sponsor shall intervene in a charter school, when a sponsor shall revoke a charter for failure to comply with subsection 8 of this section, and when a sponsor will not renew a charter under subsection 9 of this section;

(15) Procedures to be implemented if the charter school should close, as provided in subdivision (6) of subsection 16 of section 160.400 including:

(a) Orderly transition of student records to new schools and archival of student records;

(b) Archival of business operation and transfer or repository of personnel records;

(c) Submission of final financial reports;

(d) Resolution of any remaining financial obligations; [and]

(e) Disposition of the charter school's assets upon closure; **and**

(f) A notification plan to inform parents or guardians of students, the local school district, the retirement system in which the charter school's employees participate, and the state board of education within thirty days of the decision to close;

(16) A description of the special education and related services that shall be available to meet the needs of students with disabilities; and

(17) For all new or revised charters, procedures to be used upon closure of the charter school requiring that unobligated assets of the charter school be returned to the department of elementary and secondary education for their disposition, which upon receipt of such assets shall return them to the local school district in which the school was located, the state, or any other entity to which they would belong.

Charter schools operating on August 27, 2012, shall have until August 28, 2015, to meet the requirements of this subsection.

2. Proposed charters shall be subject to the following requirements:

(1) A charter shall be submitted to the sponsor, and follow the sponsor's policies and procedures for review and granting of a charter approval, and be approved by the state board of education by [December first of the year] **January thirty-first** prior to **the school year of** the proposed opening date of the charter school;

(2) A charter may be approved when the sponsor determines that the requirements of this section are met, determines that the applicant is sufficiently qualified to operate a charter school,

and that the proposed charter is consistent with the sponsor's charter sponsorship goals and capacity. The sponsor's decision of approval or denial shall be made within ninety days of the filing of the proposed charter;

(3) If the charter is denied, the proposed sponsor shall notify the applicant in writing as to the reasons for its denial and forward a copy to the state board of education within five business days following the denial;

(4) If a proposed charter is denied by a sponsor, the proposed charter may be submitted to the state board of education, along with the sponsor's written reasons for its denial. If the state board determines that the applicant meets the requirements of this section, that the applicant is sufficiently qualified to operate the charter school, and that granting a charter to the applicant would be likely to provide educational benefit to the children of the district, the state board may grant a charter and act as sponsor of the charter school. The state board shall review the proposed charter and make a determination of whether to deny or grant the proposed charter within sixty days of receipt of the proposed charter, provided that any charter to be considered by the state board of education under this subdivision shall be submitted no later than March first prior to the school year in which the charter school intends to begin operations. The state board of education shall notify the applicant in writing as the reasons for its denial, if applicable; and

(5) The sponsor of a charter school shall give priority to charter school applicants that propose a school oriented to high-risk students and to the reentry of dropouts into the school system. If a sponsor grants three or more charters, at least one-third of the charters granted by the sponsor shall be to schools that actively recruit dropouts or high-risk students as their student body and address the needs of dropouts or high-risk students through their proposed mission, curriculum, teaching methods, and services. For purposes of this subsection, a "high-risk" student is one who is at least one year behind in satisfactory completion of course work or obtaining high school credits for graduation, has dropped out of school, is at risk of dropping out of school, needs drug and alcohol treatment, has severe behavioral problems, has been suspended from school three or more times, has a history of severe truancy, is a pregnant or parenting teen, has been referred for enrollment by the judicial system, is exiting incarceration, is a refugee, is homeless or has been homeless sometime within the preceding six months, has been referred by an area school district for enrollment in an alternative program, or qualifies as high risk under department of elementary and secondary education guidelines. "Dropout" shall be defined through the guidelines of the school core data report. The provisions of this subsection do not apply to charters sponsored by the state board of education.

3. If a charter is approved by a sponsor, the charter application shall be submitted to the state board of education, along with a statement of finding **by the sponsor** that the application meets the requirements of sections 160.400 to 160.425 and section 167.349 and a monitoring plan under which the charter sponsor shall evaluate the academic performance, **including annual performance reports**, of students enrolled in the charter school. The state board of education [may, within sixty days, disapprove the granting of the charter] **shall approve or deny a charter application within sixty days of receipt of the application**. The state board of education may [disapprove] **deny** a charter on grounds that the application fails to meet the requirements of sections 160.400 to 160.425 and section 167.349 or that a charter sponsor previously failed to meet the statutory responsibilities of a charter sponsor. **Any denial of a charter application made by the state board of education shall be in writing and shall identify the specific failures of the application to meet the requirements of sections 160.400 to 160.425 and section 167.349, and the written denial shall be provided within ten business days to the sponsor.**

4. A charter school shall, as provided in its charter:

(1) Be nonsectarian in its programs, admission policies, employment practices, and all other operations;

(2) Comply with laws and regulations of the state, county, or city relating to health, safety, and state minimum educational standards, as specified by the state board of education, including

the requirements relating to student discipline under sections 160.261, 167.161, 167.164, and 167.171, notification of criminal conduct to law enforcement authorities under sections 167.115 to 167.117, academic assessment under section 160.518, transmittal of school records under section 167.020, the minimum [number of school days and hours] **amount of school time** required under section [160.041] **171.031**, and the employee criminal history background check and the family care safety registry check under section 168.133;

(3) Except as provided in sections 160.400 to 160.425 **and as specifically provided in other sections**, be exempt from all laws and rules relating to schools, governing boards and school districts;

(4) Be financially accountable, use practices consistent with the Missouri financial accounting manual, provide for an annual audit by a certified public accountant, publish audit reports and annual financial reports as provided in chapter 165, provided that the annual financial report may be published on the department of elementary and secondary education's internet website in addition to other publishing requirements, and provide liability insurance to indemnify the school, its board, staff and teachers against tort claims. A charter school that receives local educational agency status under subsection 6 of this section shall meet the requirements imposed by the Elementary and Secondary Education Act for audits of such agencies and comply with all federal audit requirements for charters with local [education] **educational** agency status. For purposes of an audit by petition under section 29.230, a charter school shall be treated as a political subdivision on the same terms and conditions as the school district in which it is located. For the purposes of securing such insurance, a charter school shall be eligible for the Missouri public entity risk management fund pursuant to section 537.700. A charter school that incurs debt shall include a repayment plan in its financial plan;

(5) Provide a comprehensive program of instruction for at least one grade or age group from [kindergarten] **early childhood** through grade twelve, [which may include early childhood education if funding for such programs is established by statute,] as specified in its charter;

(6) (a) Design a method to measure pupil progress toward the pupil academic standards adopted by the state board of education pursuant to section 160.514, establish baseline student performance in accordance with the performance contract during the first year of operation, collect student performance data as defined by the annual performance report throughout the duration of the charter to annually monitor student academic performance, and to the extent applicable based upon grade levels offered by the charter school, participate in the statewide system of assessments, comprised of the essential skills tests and the nationally standardized norm-referenced achievement tests, as designated by the state board pursuant to section 160.518, complete and distribute an annual report card as prescribed in section 160.522, which shall also include a statement that background checks have been completed on the charter school's board members, **and** report to its sponsor, the local school district, and the state board of education as to its teaching methods and any educational innovations and the results thereof [, and provide data required for the study of charter schools pursuant to subsection 4 of section 160.410]. No charter school shall be considered in the Missouri school improvement program review of the district in which it is located for the resource or process standards of the program.

(b) For proposed [high risk] **high-risk** or alternative charter schools, sponsors shall approve performance measures based on mission, curriculum, teaching methods, and services. Sponsors shall also approve comprehensive academic and behavioral measures to determine whether students are meeting performance standards on a different time frame as specified in that school's charter. Student performance shall be assessed comprehensively to determine whether a [high risk] **high-risk** or alternative charter school has documented adequate student progress. Student performance shall be based on sponsor-approved comprehensive measures as well as standardized public school measures. Annual presentation of charter school report card data to the department of elementary and secondary education, the state board, and the public shall include comprehensive measures of student progress.

(c) Nothing in this subdivision shall be construed as permitting a charter school to be held to lower performance standards than other public schools within a district; however, the charter of a charter school may permit students to meet performance standards on a different time frame as specified in its charter. The performance standards for alternative and special purpose charter schools that target high-risk students as defined in subdivision (5) of subsection 2 of this section shall be based on measures defined in the school's performance contract with its sponsors;

(7) Comply with all applicable federal and state laws and regulations regarding students with disabilities, including sections 162.670 to 162.710, the Individuals with Disabilities Education Act (20 U.S.C. Section 1400) and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Section 794) or successor legislation;

(8) Provide along with any request for review by the state board of education the following:

(a) Documentation that the applicant has provided a copy of the application to the school board of the district in which the charter school is to be located, except in those circumstances where the school district is the sponsor of the charter school; and

(b) A statement outlining the reasons for approval or [disapproval] **denial** by the sponsor, specifically addressing the requirements of sections 160.400 to 160.425 and 167.349.

5. (1) Proposed or existing high-risk or alternative charter schools may include alternative arrangements for students to obtain credit for satisfying graduation requirements in the school's charter application and charter. Alternative arrangements may include, but not be limited to, credit for off-campus instruction, embedded credit, work experience through an internship arranged through the school, and independent studies. When the state board of education approves the charter, any such alternative arrangements shall be approved at such time.

(2) The department of elementary and secondary education shall conduct a study of any charter school granted alternative arrangements for students to obtain credit under this subsection after three years of operation to assess student performance, graduation rates, educational outcomes, and entry into the workforce or higher education.

6. The charter of a charter school may be amended at the request of the governing body of the charter school and on the approval of the sponsor. The sponsor and the governing board and staff of the charter school shall jointly review the school's performance, management and operations during the first year of operation and then every other year after the most recent review or at any point where the operation or management of the charter school is changed or transferred to another entity, either public or private. The governing board of a charter school may amend the charter, if the sponsor approves such amendment, or the sponsor and the governing board may reach an agreement in writing to reflect the charter school's decision to become a local educational agency. In such case the sponsor shall give the department of elementary and secondary education written notice no later than March first of any year, with the agreement to become effective July first. The department may waive the March first notice date in its discretion. The department shall identify and furnish a list of its regulations that pertain to local educational agencies to such schools within thirty days of receiving such notice.

7. Sponsors shall annually review the charter school's compliance with statutory standards including:

(1) Participation in the statewide system of assessments, as designated by the state board of education under section 160.518;

(2) Assurances for the completion and distribution of an annual report card as prescribed in section 160.522;

(3) The collection of baseline data during the first three years of operation to determine the longitudinal success of the charter school;

(4) A method to measure pupil progress toward the pupil academic standards adopted by the state board of education under section 160.514; and

(5) Publication of each charter school's annual performance report.

8. (1) (a) A sponsor's [intervention] policies shall give schools clear, adequate, evidence-based, and timely notice of contract violations or performance deficiencies and mandate intervention based upon findings of the state board of education of the following:

a. The charter school provides a high school program which fails to maintain a graduation rate of at least seventy percent in three of the last four school years unless the school has dropout recovery as its mission;

b. The charter school's annual performance report results are below the district's annual performance report results based on the performance standards that are applicable to the grade level configuration of both the charter school and the district in which the charter school is located in three of the last four school years; and

c. The charter school is identified as a persistently lowest achieving school by the department of elementary and secondary education.

(b) A sponsor shall have a policy to revoke a charter during the charter term if there is:

a. Clear evidence of underperformance as demonstrated in the charter school's annual performance report in three of the last four school years; or

b. A violation of the law or the public trust that imperils students or public funds.

(c) A sponsor shall revoke a charter or take other appropriate remedial action, which may include placing the charter school on probationary status for no more than [twelve] **twenty-four** months, provided that no more than one designation of probationary status shall be allowed for the duration of the charter contract, at any time if the charter school commits a serious breach of one or more provisions of its charter or on any of the following grounds: failure to meet the performance contract as set forth in its charter, failure to meet generally accepted standards of fiscal management, failure to provide information necessary to confirm compliance with all provisions of the charter and sections 160.400 to 160.425 and 167.349 within forty-five days following receipt of written notice requesting such information, or violation of law.

(2) The sponsor may place the charter school on probationary status to allow the implementation of a remedial plan, which may require a change of methodology, a change in leadership, or both, after which, if such plan is unsuccessful, the charter may be revoked.

(3) At least sixty days before acting to revoke a charter, the sponsor shall notify the governing board of the charter school of the proposed action in writing. The notice shall state the grounds for the proposed action. The school's governing board may request in writing a hearing before the sponsor within two weeks of receiving the notice.

(4) The sponsor of a charter school shall establish procedures to conduct administrative hearings upon determination by the sponsor that grounds exist to revoke a charter. Final decisions of a sponsor from hearings conducted pursuant to this subsection are subject to an appeal to the state board of education, which shall determine whether the charter shall be revoked.

(5) A termination shall be effective only at the conclusion of the school year, unless the sponsor determines that continued operation of the school presents a clear and immediate threat to the health and safety of the children.

(6) A charter sponsor shall make available the school accountability report card information as provided under section 160.522 and the results of the academic monitoring required under subsection 3 of this section.

9. (1) A sponsor shall take all reasonable steps necessary to confirm that each charter school sponsored by such sponsor is in material compliance and remains in material compliance with all material provisions of the charter and sections 160.400 to 160.425 and 167.349. Every charter school shall provide all information necessary to confirm ongoing compliance with all provisions of its charter and sections 160.400 to 160.425 and 167.349 in a timely manner to its sponsor.

(2) The sponsor's renewal process of the charter school shall be based on the thorough analysis of a comprehensive body of objective evidence and consider if:

(a) The charter school has maintained results on its annual performance report that meet or exceed the district in which the charter school is located based on the performance standards that are applicable to the grade-level configuration of both the charter school and the district in which the charter school is located in three of the last four school years;

(b) The charter school is organizationally and fiscally viable determining at a minimum that the school does not have:

- a. A negative balance in its operating funds;
 - b. A combined balance of less than three percent of the amount expended for such funds during the previous fiscal year; or
 - c. Expenditures that exceed receipts for the most recently completed fiscal year;
- (c) The charter is in compliance with its legally binding performance contract and sections 160.400 to 160.425 and section 167.349; **and**

(d) The charter school has an annual performance report consistent with a classification of accredited for three of the last four years and is fiscally viable as described in paragraph (b) of this subdivision. If such is the case, the charter school may have an expedited renewal process as defined by rule of the department of elementary and secondary education.

(3) (a) Beginning August first during the year in which a charter is considered for renewal, a charter school sponsor shall demonstrate to the state board of education that the charter school is in compliance with federal and state law as provided in sections 160.400 to 160.425 and section 167.349 and the school's performance contract including but not limited to those requirements specific to academic performance.

(b) Along with data reflecting the academic performance standards indicated in paragraph (a) of this subdivision, the sponsor shall submit a revised charter application to the state board of education for review.

(c) Using the data requested and the revised charter application under paragraphs (a) and (b) of this subdivision, the state board of education shall determine if compliance with all standards enumerated in this subdivision has been achieved. The state board of education at its next regularly scheduled meeting shall vote on the revised charter application.

(d) If a charter school sponsor demonstrates the objectives identified in this subdivision, the state board of education shall renew the school's charter.

10. A school district may enter into a lease with a charter school for physical facilities.

11. A governing board or a school district employee who has control over personnel actions shall not take unlawful reprisal against another employee at the school district because the employee is directly or indirectly involved in an application to establish a charter school. A governing board or a school district employee shall not take unlawful reprisal against an educational program of the school or the school district because an application to establish a charter school proposes the conversion of all or a portion of the educational program to a charter school. As used in this subsection, "unlawful reprisal" means an action that is taken by a governing board or a school district employee as a direct result of a lawful application to establish a charter school and that is adverse to another employee or an educational program.

12. Charter school board members shall be subject to the same liability for acts while in office as if they were regularly and duly elected members of school boards in any other public school district in this state. The governing board of a charter school may participate, to the same extent as a school board, in the Missouri public entity risk management fund in the manner provided under sections 537.700 to 537.756.

13. Any entity, either public or private, operating, administering, or otherwise managing a charter school shall be considered a quasi-public governmental body and subject to the provisions of sections 610.010 to 610.035.

14. The chief financial officer of a charter school shall maintain:

(1) A surety bond in an amount determined by the sponsor to be adequate based on the cash flow of the school; or

(2) An insurance policy issued by an insurance company licensed to do business in Missouri on all employees in the amount of five hundred thousand dollars or more that provides coverage in the event of employee theft.

15. The department of elementary and secondary education shall calculate an annual performance report for each charter school and shall publish it in the same manner as annual performance reports are calculated and published for districts and attendance centers.

16. The joint committee on education shall create a committee to investigate facility access and affordability for charter schools. The committee shall be comprised of equal numbers of the charter school sector and the public school sector and shall report its findings to the general assembly by December 31, 2016.

160.408. HIGH-QUALITY SCHOOL, DEFINED, REPLICATION IN UNACCREDITED DISTRICTS. — 1. For purposes of this section, "high-quality charter school" means a charter school operating in the state of Missouri that meets the following requirements:

(1) Receives eighty-five percent or more of the total points on the annual performance report for three out of the last four school years by comparing points earned to the points possible on the annual performance report for three of the last four school years;

(2) Maintains a graduation rate of at least eighty percent for three of the last four school years, if the charter school provides a high school program;

(3) Is in material compliance with its legally binding performance contract and sections 160.400 to 160.425 and section 167.349; and

(4) Is organizationally and fiscally viable as described in paragraph (b) of subdivision (2) of subsection 9 of section 160.405.

2. Notwithstanding any other provision of law, high-quality charter schools shall be provided expedited opportunities to replicate and expand into unaccredited districts, a metropolitan district, or an urban school district containing most or all of a home rule city with more than four hundred thousand inhabitants and located in more than one county. Such replication and expansion shall be subject to the following:

(1) The school seeking to replicate or expand shall submit its proposed charter to a proposed sponsor. The charter shall include a legally binding performance contract that meets the requirements of sections 160.400 to 160.425 and section 167.349;

(2) The sponsor's decision to approve or deny shall be made within sixty days of the filing of the proposed charter with the proposed sponsor;

(3) If a charter is approved by a sponsor, the charter application shall be filed with the state board of education with a statement of finding from the sponsor that the application meets the requirements of sections 160.400 to 160.425 and section 167.349 and a monitoring plan under which the sponsor shall evaluate the academic performance of students enrolled in the charter school. Such filing shall be made by January thirty-first prior to the school year in which the charter school intends to begin operations.

3. The term of the charter for schools operating under this section shall be five years, and the charter may be renewed for terms of up to ten years. Renewal shall be subject to the provisions of paragraphs (a) to (d) of subdivision (3) of subsection 9 of section 160.405.

160.410. ADMISSION, PREFERENCES FOR ADMISSION PERMITTED, WHEN — INFORMATION TO BE MADE PUBLICLY AVAILABLE — MOVE OUT OF SCHOOL DISTRICT, EFFECT OF. — 1. A charter school shall enroll:

(1) All pupils resident in the district in which it operates;

(2) Nonresident pupils eligible to attend a district's school under an urban voluntary transfer program;

(3) Nonresident pupils who transfer from an unaccredited district under section 167.131, provided that the charter school is an approved charter school, as defined in section 167.131, and subject to all other provisions of section 167.131;

(4) In the case of a charter school whose mission includes student drop-out prevention or recovery, any nonresident pupil from the same or an adjacent county who

resides in a residential care facility, a transitional living group home, or an independent living program whose last school of enrollment is in the school district where the charter school is established, who submits a timely application; and

[4)] (5) In the case of a workplace charter school, any student eligible to attend under subdivision (1) or (2) of this subsection whose parent is employed in the business district, who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level or building. The configuration of a business district shall be set forth in the charter and shall not be construed to create an undue advantage for a single employer or small number of employers.

2. If capacity is insufficient to enroll all pupils who submit a timely application, the charter school shall have an admissions process that assures all applicants of an equal chance of gaining admission **and does not discriminate based on parents' ability to pay fees or tuition** except that:

(1) A charter school may establish a geographical area around the school whose residents will receive a preference for enrolling in the school, provided that such preferences do not result in the establishment of racially or socioeconomically isolated schools and provided such preferences conform to policies and guidelines established by the state board of education;

(2) A charter school may also give a preference for admission of children whose siblings attend the school or whose parents are employed at the school or in the case of a workplace charter school, a child whose parent is employed in the business district or at the business site of such school; and

(3) Charter alternative and special purpose schools may also give a preference for admission to high-risk students, as defined in subdivision (5) of subsection 2 of section 160.405, when the school targets these students through its proposed mission, curriculum, teaching methods, and services.

3. A charter school shall not limit admission based on race, ethnicity, national origin, disability, income level, proficiency in the English language or athletic ability, but may limit admission to pupils within a given age group or grade level. Charter schools may limit admission based on gender only when the school is a single-gender school. Students of a charter school [that are present for the January membership count as defined in section 163.011] **who have been enrolled for a full academic year** shall be counted in the performance of the charter school on the statewide assessments in that calendar year, unless otherwise exempted as English language learners. **For purposes of this subsection, "full academic year" means the last Wednesday in September through the administration of the Missouri assessment program test without transferring out of the school and re-enrolling.**

[4. The department of elementary and secondary education shall commission a study of the performance of students at each charter school in comparison with an equivalent group of district students representing an equivalent demographic and geographic population and a study of the impact of charter schools upon the constituents they serve in the districts in which they are located, to be conducted by the joint committee on education. The charter school study shall include analysis of the administrative and instructional practices of each charter school and shall include findings on innovative programs that illustrate best practices and lend themselves to replication or incorporation in other schools. The joint committee on education shall coordinate with individuals representing charter schools and the districts in which charter schools are located in conducting the study. The study of a charter school's student performance in relation to a comparable group shall be designed to provide information that would allow parents and educators to make valid comparisons of academic performance between the charter school's students and an equivalent group of district students representing an equivalent demographic and geographic population. The student performance assessment and comparison shall include, but may not be limited to:

(1) Missouri assessment program test performance and aggregate growth over several years;

- (2) Student reenrollment rates;
- (3) Educator, parent, and student satisfaction data;
- (4) Graduation rates in secondary programs; and
- (5) Performance of students enrolled in the same public school for three or more

consecutive years. The impact study shall be undertaken every two years to determine the impact of charter schools on the constituents they serve in the districts where charter schools are operated. The impact study shall include, but is not limited to, determining if changes have been made in district policy or procedures attributable to the charter school and to perceived changes in attitudes and expectations on the part of district personnel, school board members, parents, students, the business community and other education stakeholders. The department of elementary and secondary education shall make the results of the studies public and shall deliver copies to the governing boards of the charter schools, the sponsors of the charter schools, the school board and superintendent of the districts in which the charter schools are operated.]

[5.] 4. A charter school shall make available for public inspection, and provide upon request, to the parent, guardian, or other custodian of any school-age pupil resident in the district in which the school is located the following information:

- (1) The school's charter;
- (2) The school's most recent annual report card published according to section 160.522;
- (3) The results of background checks on the charter school's board members; and
- (4) If a charter school is operated by a management company, a copy of the written contract

between the governing board of the charter school and the educational management organization or the charter management organization for services. The charter school may charge reasonable fees, not to exceed the rate specified in section 610.026 for furnishing copies of documents under this subsection.

[6.] 5. When a student attending a charter school who is a resident of the school district in which the charter school is located moves out of the boundaries of such school district, the student may complete the current semester and shall be considered a resident student. The student's parent or legal guardian shall be responsible for the student's transportation to and from the charter school.

[7.] 6. If a change in school district boundary lines occurs under section 162.223, 162.431, 162.441, or 162.451, or by action of the state board of education under section 162.081, including attachment of a school district's territory to another district or dissolution, such that a student attending a charter school prior to such change no longer resides in a school district in which the charter school is located, then the student may complete the current academic year at the charter school. The student shall be considered a resident student. The student's parent or legal guardian shall be responsible for the student's transportation to and from the charter school.

[8.] 7. The provisions of sections 167.018 and 167.019 concerning foster children's educational rights are applicable to charter schools.

160.415. DISTRIBUTION OF STATE SCHOOL AID FOR CHARTER SCHOOLS — POWERS AND DUTIES OF GOVERNING BODY OF CHARTER SCHOOLS. — 1. For the purposes of calculation and distribution of state school aid under section 163.031, pupils enrolled in a charter school shall be included in the pupil enrollment of the school district within which each pupil resides. Each charter school shall report the names, addresses, and eligibility for free and reduced **price** lunch, special education, or limited English proficiency status, as well as eligibility for categorical aid, of pupils resident in a school district who are enrolled in the charter school to the school district in which those pupils reside. The charter school shall report the average daily attendance data, free and reduced **price** lunch count, special education pupil count, and limited English proficiency pupil count to the state department of elementary and secondary education. Each charter school shall promptly notify the state department of elementary and secondary education and the pupil's school district when a student discontinues enrollment at a charter school.

2. Except as provided in subsections 3 and 4 of this section, the aid payments for charter schools shall be as described in this subsection.

(1) A school district having one or more resident pupils attending a charter school shall pay to the charter school an annual amount equal to the product of the charter school's weighted average daily attendance and the state adequacy target, multiplied by the dollar value modifier for the district, plus local tax revenues per weighted average daily attendance from the incidental and teachers' funds in excess of the performance levy as defined in section 163.011 plus all other state aid attributable to such pupils.

(2) The district of residence of a pupil attending a charter school shall also pay to the charter school any other federal or state aid that the district receives on account of such child.

(3) If the department overpays or underpays the amount due to the charter school, such overpayment or underpayment shall be repaid by the public charter school or credited to the public charter school in twelve equal payments in the next fiscal year.

(4) The amounts provided pursuant to this subsection shall be prorated for partial year enrollment for a pupil.

(5) A school district shall pay the amounts due pursuant to this subsection as the disbursal agent and no later than twenty days following the receipt of any such funds. The department of elementary and secondary education shall pay the amounts due when it acts as the disbursal agent within five days of the required due date.

3. A workplace charter school shall receive payment for each eligible pupil as provided under subsection 2 of this section, except that if the student is not a resident of the district and is participating in a voluntary interdistrict transfer program, the payment for such pupils shall be the same as provided under section 162.1060.

4. A charter school that has declared itself as a local educational agency shall receive from the department of elementary and secondary education an annual amount equal to the product of the charter school's weighted average daily attendance and the state adequacy target, multiplied by the dollar value modifier for the district, plus local tax revenues per weighted average daily attendance from the incidental and teachers funds in excess of the performance levy as defined in section 163.011 plus all other state aid attributable to such pupils. If a charter school declares itself as a local [education] **educational** agency, the department of elementary and secondary education shall, upon notice of the declaration, reduce the payment made to the school district by the amount specified in this subsection and pay directly to the charter school the annual amount reduced from the school district's payment.

5. If a school district fails to make timely payments of any amount for which it is the disbursal agent, the state department of elementary and secondary education shall authorize payment to the charter school of the amount due pursuant to subsection 2 of this section and shall deduct the same amount from the next state school aid apportionment to the owing school district. If a charter school is paid more or less than the amounts due pursuant to this section, the amount of overpayment or underpayment shall be adjusted equally in the next twelve payments by the school district or the department of elementary and secondary education, as appropriate. Any dispute between the school district and a charter school as to the amount owing to the charter school shall be resolved by the department of elementary and secondary education, and the department's decision shall be the final administrative action for the purposes of review pursuant to chapter 536. During the period of dispute, the department of elementary and secondary education shall make every administrative and statutory effort to allow the continued education of children in their current public charter school setting.

6. The charter school and a local school board may agree by contract for services to be provided by the school district to the charter school. The charter school may contract with any other entity for services. Such services may include but are not limited to food service, custodial service, maintenance, management assistance, curriculum assistance, media services and libraries and shall be subject to negotiation between the charter school and the local school board or other entity. Documented actual costs of such services shall be paid for by the charter school.

7. In the case of a proposed charter school that intends to contract with an education service provider for substantial educational services[,] or management services, the request for proposals shall additionally require the charter school applicant to:

(1) Provide evidence of the education service provider's success in serving student populations similar to the targeted population, including demonstrated academic achievement as well as successful management of nonacademic school functions, if applicable;

(2) Provide a term sheet setting forth the proposed duration of the service contract; roles and responsibilities of the governing board, the school staff, and the service provider; scope of services and resources to be provided by the service provider; performance evaluation measures and time lines; compensation structure, including clear identification of all fees to be paid to the service provider; methods of contract oversight and enforcement; investment disclosure; and conditions for renewal and termination of the contract;

(3) Disclose any known conflicts of interest between the school governing board and proposed service provider or any affiliated business entities;

(4) Disclose and explain any termination or nonrenewal of contracts for equivalent services for any other charter school in the United States within the past five years;

(5) Ensure that the legal counsel for the charter school shall report directly to the charter school's governing board; and

(6) Provide a process to ensure that the expenditures that the [educational] **education** service provider intends to bill to the charter school shall receive prior approval of the governing board or its designee.

8. A charter school may enter into contracts with community partnerships and state agencies acting in collaboration with such partnerships that provide services to children and their families linked to the school.

9. A charter school shall be eligible for transportation state aid pursuant to section 163.161 and shall be free to contract with the local district, or any other entity, for the provision of transportation to the students of the charter school.

10. (1) The proportionate share of state and federal resources generated by students with disabilities or staff serving them shall be paid in full to charter schools enrolling those students by their school district where such enrollment is through a contract for services described in this section. The proportionate share of money generated under other federal or state categorical aid programs shall be directed to charter schools serving such students eligible for that aid.

(2) A charter school shall provide the special services provided pursuant to section 162.705 and may provide the special services pursuant to a contract with a school district or any provider of such services.

11. A charter school may not charge tuition[, nor may it] or impose fees that a school district is prohibited from **charging or imposing, except that a charter school may receive tuition payments from districts in the same or an adjoining county for nonresident students who transfer to an approved charter school, as defined in section 167.131, from an unaccredited district.**

12. A charter school is authorized to incur debt in anticipation of receipt of funds. A charter school may also borrow to finance facilities and other capital items. A school district may incur bonded indebtedness or take other measures to provide for physical facilities and other capital items for charter schools that it sponsors or contracts with. **Except as otherwise specifically provided in sections 160.400 to 160.425,** upon the dissolution of a charter school, any liabilities of the corporation will be satisfied through the procedures of chapter 355. **A charter school shall satisfy all its financial obligations within twelve months of notice from the sponsor of the charter school's closure under subsection 8 of section 160.405. After satisfaction of all its financial obligations, a charter school shall return any remaining state and federal funds to the department of elementary and secondary education for disposition as stated in subdivision (17) of subsection 1 of section 160.405.** The department of elementary and secondary education may withhold funding at a level the department

determines to be adequate during a school's last year of operation until the department determines that school records, liabilities, and reporting requirements, including a full audit, are satisfied.

13. Charter schools shall not have the power to acquire property by eminent domain.

14. The governing body of a charter school is authorized to accept grants, gifts or donations of any kind and to expend or use such grants, gifts or donations. A grant, gift or donation may not be accepted by the governing body if it is subject to any condition contrary to law applicable to the charter school or other public schools, or contrary to the terms of the charter.

160.417. FINANCIAL STRESS, REVIEW OF REPORT INFORMATION BY CHARTER SCHOOL SPONSOR, WHEN — CRITERIA FOR FINANCIAL STRESS. — 1. By October 1, 2012, and by each October first thereafter, the sponsor of each charter school shall review the information submitted on the report required by section 162.821 to identify charter schools experiencing financial stress. The department of elementary and secondary education shall be authorized to obtain such additional information from a charter school as may be necessary to determine the financial condition of the charter school. Annually, a listing of charter schools identified as experiencing financial stress according to the provisions of this section shall be provided to the governor, speaker of the house of representatives, and president pro tempore of the senate by the department of elementary and secondary education.

2. For the purposes of this section, a charter school shall be identified as experiencing financial stress if it:

(1) At the end of its most recently completed fiscal year:

(a) Has a negative balance in its operating funds; or

(b) Has a combined balance of less than three percent of the amount expended from such funds during the previous fiscal year; [or]

(2) For the most recently completed fiscal year expenditures, exceeded receipts for any of its funds because of recurring costs; or

(3) Due to insufficient fund balances or reserves, incurred debt after January thirty-first and before July first during the most recently completed fiscal year in order to meet expenditures of the charter school.

3. The sponsor shall notify by November first the governing board of the charter school identified as experiencing financial stress. Upon receiving the notification, the governing board shall develop, or cause to have developed, and shall approve a budget and education plan on forms provided by the sponsor. The budget and education plan shall be submitted to the sponsor, signed by the officers of the charter school, within forty-five calendar days of notification that the charter school has been identified as experiencing financial stress. Minimally, the budget and education plan shall:

(1) Give assurances that adequate educational services to students of the charter school shall continue uninterrupted for the remainder of the current school year and that the charter school can provide the minimum [number of school days and hours] **amount of school time** required by section [160.041] **171.031**;

(2) Outline a procedure to be followed by the charter school to report to charter school patrons about the financial condition of the charter school; and

(3) Detail the expenditure reduction measures, revenue increases, or other actions to be taken by the charter school to address its condition of financial stress.

4. Upon receipt and following review of any budget and education plan, the sponsor may make suggestions to improve the plan. Nothing in sections 160.400 to 160.425 or section 167.349 shall exempt a charter school from submitting a budget and education plan to the sponsor according to the provisions of this section following each such notification that a charter school has been identified as experiencing financial stress, except that the sponsor may permit a charter school's governing board to make amendments to or update a budget and education plan previously submitted to the sponsor.

5. The department may withhold any payment of financial aid otherwise due to the charter school until such time as the sponsor and the charter school have fully complied with this section.

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. **Any nonpublic school in this state may apply to the state board of education for certification that it meets the requirements of this section subject to the same criteria as public high schools. Every nonpublic school that applies and has met the requirements of this section shall have its students eligible for reimbursement of postsecondary education under subsection 8 of this section on an equal basis to students who graduate from public schools that meet the requirements of this section. Any nonpublic school that applies shall not be eligible for any grants under this section. Students of certified nonpublic schools shall be eligible for reimbursement of postsecondary education under subsection 8 of this section so long as they meet the other requirements of such subsection. For purposes of subdivision (5) of subsection 2 of this section, the nonpublic school shall be included in the partnership plan developed by the public school district in which the nonpublic school is located. For purposes of subdivision (1) of subsection 2 of this section, the nonpublic school shall establish measurable performance standards for the goals of the program for every school and grade level over which the nonpublic school maintains control.**

4. 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.] 5. 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.] 6. 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.] 7. For any school year, grants authorized by subsections 1, 2, and [4] 5 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] 8 of this section.

[7.] 8. 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] 10 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 the department; and

(4) Who is a citizen or permanent resident of the United States.

[8.] 9. 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.] 10. For a two-year private vocational or technical school to obtain reimbursements under subsection [7] 8 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.

161.217. EARLY LEARNING QUALITY ASSURANCE REPORT — SUNSET PROVISION. — 1. The department of elementary and secondary education, in collaboration with the Missouri Head Start State Collaboration Office and the departments of health and senior services, mental health, and social services, shall develop, as a three-year pilot program, a voluntary early learning quality assurance report. The early learning quality assurance report shall be developed based on evidence-based practices.

2. Participation in the early learning quality assurance report pilot program shall be voluntary for any licensed or license-exempt early learning providers that are center-based or home-based and are providing services for children from any ages from birth up to kindergarten.

3. The early learning quality assurance report may include, but is not limited to, information regarding staff qualifications, instructional quality, professional development, health and safety standards, parent engagement, and community engagement.

4. The early learning quality assurance report shall not be used for enforcement of compliance with any law or for any punitive purposes.

5. The department of elementary and secondary education 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 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, 2016, shall be invalid and void.

6. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset three years after the effective date of this section 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 three 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.

161.1050. INITIATIVE ESTABLISHED, DEPARTMENT DUTIES — DEFINITIONS. — 1. There is hereby established within the department of elementary and secondary education the "Trauma-Informed Schools Initiative".

2. The department of elementary and secondary education shall consult the department of mental health and the department of social services for assistance in fulfilling the requirements of this section.

3. The department of elementary and secondary education shall:

(1) Provide information regarding the trauma-informed approach to all school districts;

(2) Offer training on the trauma-informed approach to all school districts, which shall include information on how schools can become trauma-informed schools; and

(3) Develop a website about the trauma-informed schools initiative that includes information for schools and parents regarding the trauma-informed approach and a guide for schools on how to become trauma-informed schools.

4. Each school district shall provide the address of the website described under subdivision (3) of subsection 3 of this section to all parents of the students in its district before October first of each school year.

5. For purposes of this section, the following terms mean:

(1) "Trauma-informed approach", an approach that involves understanding and responding to the symptoms of chronic interpersonal trauma and traumatic stress across the lifespan;

(2) "Trauma-informed school", a school that:

(a) Realizes the widespread impact of trauma and understands potential paths for recovery;

(b) Recognizes the signs and symptoms of trauma in students, teachers, and staff;

(c) Responds by fully integrating knowledge about trauma into its policies, procedures, and practices; and

(d) Seeks to actively resist re-traumatization.

161.1055. PILOT PROGRAM ESTABLISHED, SELECTION OF SCHOOLS — FUND CREATED — DEFINITIONS. — 1. Subject to appropriations, the department of elementary and secondary education shall establish the "Trauma-Informed Schools Pilot Program".

2. Under the trauma-informed schools pilot program, the department of elementary and secondary education shall choose five schools to receive intensive training on the trauma-informed approach.

3. The five schools chosen for the pilot program shall be located in the following areas:

(1) One public school located in a metropolitan school district;

(2) One public school located in a home rule city with more than four hundred thousand inhabitants and located in more than one county;

(3) One public school located in a school district that has most or all of its land area located in a county with a charter form of government and with more than nine hundred fifty thousand inhabitants;

(4) One public school located in a school district that has most or all of its land area located in a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants; and

(5) One public school located in any one of the following counties:

(a) A county of the third classification without a township form of government and with more than forty-one thousand but fewer than forty-five thousand inhabitants;

(b) A county of the third classification without a township form of government and with more than six thousand but fewer than seven thousand inhabitants and with a city of the fourth classification with more than eight hundred but fewer than nine hundred inhabitants as the county seat;

(c) A county of the third classification with a township form of government and with more than thirty-one thousand but fewer than thirty-five thousand inhabitants;

(d) A county of the third classification without a township form of government and with more than fourteen thousand but fewer than sixteen 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;

(e) A county of the third classification without a township form of government and with more than eighteen thousand but fewer than twenty thousand inhabitants and with a city of the fourth classification with more than three thousand but fewer than three thousand seven hundred inhabitants as the county seat;

(f) A county of the third classification without a township form of government and with more than eighteen thousand but fewer than twenty thousand inhabitants and with a city of the third classification with more than six thousand but fewer than seven thousand inhabitants as the county seat;

(g) A county of the third classification without a township form of government and with more than fourteen thousand but fewer than sixteen thousand inhabitants and with a city of the fourth classification with more than one thousand nine hundred but fewer than two thousand one hundred inhabitants as the county seat;

(h) A county of the third classification without a township form of government and with more than thirty-seven thousand but fewer than forty-one thousand inhabitants and with a city of the fourth classification with more than eight hundred but fewer than nine hundred inhabitants as the county seat;

(i) A county of the third classification with a township form of government and with more than twenty-eight thousand but fewer than thirty-one thousand inhabitants; or

(j) A county of the third classification without a township form of government and with more than twelve thousand but fewer than fourteen thousand inhabitants and with a city of the fourth classification with more than five hundred but fewer than five hundred fifty inhabitants as the county seat.

4. The department of elementary and secondary education shall:

(1) Train the teachers and administrators of the five schools chosen for the pilot program regarding the trauma-informed approach and how to become trauma-informed schools;

(2) Provide the five schools with funds to implement the trauma-informed approach; and

(3) Closely monitor the progress of the five schools in becoming trauma-informed schools and provide further assistance if necessary.

5. The department of elementary and secondary education shall terminate the trauma-informed schools pilot program on August 28, 2019. Before December 31, 2019, the department of elementary and secondary education shall submit a report to the general assembly that contains the results of the pilot program, including any benefits experienced by the five schools chosen for the program.

6. (1) There is hereby created in the state treasury the "Trauma-Informed Schools Pilot Program Fund". The fund shall consist of any appropriations to such 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 public moneys in accordance with distribution requirements and procedures developed by the department of elementary and secondary education. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the administration of this section.

(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) 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.

7. For purposes of this section, the following terms mean:

(1) "Trauma-informed approach", an approach that involves understanding and responding to the symptoms of chronic interpersonal trauma and traumatic stress across the lifespan;

- (2) "Trauma-informed school", a school that:
- (a) Realizes the widespread impact of trauma and understands potential paths for recovery;
 - (b) Recognizes the signs and symptoms of trauma in students, teachers, and staff;
 - (c) Responds by fully integrating knowledge about trauma into its policies, procedures, and practices; and
 - (d) Seeks to actively resist re-traumatization.
8. The provisions of this section shall expire December 31, 2019.

162.073. DEFINITIONS. — For the purposes of sections 162.071, 162.073, 162.152, 162.171, 162.181, 162.191, 162.201, 162.241, [162.261,] 162.301, 162.311, 162.821 and 167.121, in those counties without a county commission, the following words shall have the following meaning:

- (1) "County clerk" shall mean the vice-chairman of the county legislature or county council;
- (2) "County commission" shall mean the county legislature or county council;
- (3) "Presiding commissioner of the county commission" shall mean the chairman of the county legislature or county council.

162.261. SEVEN-DIRECTOR DISTRICT, BOARD OF, TERMS — VACANCIES — PROHIBITION ON HIRING SPOUSE OF BOARD MEMBER, WHEN — CONSTITUTIONAL PROHIBITION ON NEPOTISM APPLIES TO DISTRICTS. — 1. The government and control of a seven-director school district, other than an urban district, is vested in a board of education of seven members, who hold their office for three years, except as provided in section 162.241, and until their successors are duly elected and qualified. Any vacancy occurring in the board shall be filled by the remaining members of the board; except that if there are more than two vacancies at any one time, the county commission upon receiving written notice of the vacancies shall fill the vacancies by appointment. **If there are more than two vacancies at any one time in a county without a county commission, the county executive upon receiving written notice of the vacancies shall fill the vacancies, with the advice and consent of the county council, by appointment.** The person appointed shall hold office until the next municipal election, when a director shall be elected for the unexpired term.

2. No seven-director, urban, or metropolitan school district board of education shall hire a spouse of any member of such board for a vacant or newly created position unless the position has been advertised pursuant to board policy and the superintendent of schools submits a written recommendation for the employment of the spouse to the board of education. The names of all applicants as well as the name of the applicant hired for the position are to be included in the board minutes.

3. The provisions of article VII, section 6 of the Missouri Constitution apply to school districts.

162.531. DUTIES OF THE SECRETARY — BOND. — The secretary of the board of each urban district shall keep a record of the proceedings of the board; he shall also keep a record of all warrants drawn upon the treasurer, showing the date and amount of each, in whose favor and upon what account it was drawn, and shall also keep a register of the bonded indebtedness of the school district; he shall also perform other duties required of him by the board, and shall safely keep all bonds or other papers entrusted to his care. He shall, before entering upon his duties, execute a bond to the school district in the penal sum of not less than five thousand dollars, the amount thereof to be fixed by the board, with at least [two sureties] **one surety**, to be approved by the board.

162.541. BOND OF TREASURER. — The treasurer of each urban district, before entering upon the discharge of his duties as such, shall enter into a bond to the state of Missouri with

[two] **one** or more sureties, approved by the board, conditioned that he will render a faithful and just account of all moneys that come into his hands as treasurer, and otherwise perform the duties of his office according to law and shall file the bond with the secretary of the board. On breach of any of the conditions of the bond, the board, or the president or the secretary thereof, or any resident of the school district, may cause suit to be brought thereon, in the name of the state of Missouri, at the relation and to the use of the school district.

162.720. GIFTED CHILDREN, DISTRICT MAY ESTABLISH PROGRAMS FOR — STATE BOARD TO APPROVE. — 1. Where a sufficient number of children are determined to be gifted and their development requires programs or services beyond the level of those ordinarily provided in regular public school programs, districts may establish special programs for such gifted children.

2. The state board of education shall determine standards for such programs. Approval of such programs shall be made by the state department of elementary and secondary education based upon project applications submitted by July fifteenth of each year.

3. No district shall make a determination as to whether a child is gifted based on the child's participation in an advanced placement course or international baccalaureate course. Districts shall determine a child is gifted only if the child meets the definition of "gifted children" as provided in section 162.675.

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 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 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;

(b) For each year subsequent to the 2008-09 school year, the amount shall be no less than that computed in paragraph (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 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;

(b) For each year subsequent to the 2008-09 school year, the amount shall be no less than that computed in paragraph (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. 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.

5. (1) No less than seventy-five percent of the state revenue received under the provisions of subsections 1 and 2 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 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 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.

6. (1) If a school district's annual audit discloses that students were inappropriately identified as eligible for free and reduced **price** 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 **price** 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.

(2) In the 2017-18 school year and in each subsequent school year, if a district experiences a decrease in its gifted program enrollment of twenty percent or more from the previous school year, an amount equal to the product of the difference between the number of students enrolled in the gifted program in the current school year and the number of students enrolled in the gifted program in the previous school year multiplied by six hundred eighty dollars shall be subtracted from the district's current year payment amount. The provisions of this subdivision shall apply to districts entitled to receive state aid payments under both subsections 1 and 2 of this section but shall not apply to any school district with an average daily attendance of three hundred fifty or less.

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.

167.131. DISTRICT NOT ACCREDITED SHALL PAY TUITION AND TRANSPORTATION, WHEN — AMOUNT CHARGED. — 1. The board of education of each district in this state that does not maintain an accredited school pursuant to the authority of the state board of education to classify schools as established in section 161.092 shall pay the tuition of and provide transportation consistent with the provisions of section 167.241 for each pupil resident therein who attends an accredited school in another district of the same or an adjoining county or who attends an approved charter school in the same or an adjoining county.

2. The rate of tuition to be charged by the district attended and paid by the sending district is the per pupil cost of maintaining the district's grade level grouping which includes the school attended. **The rate of tuition to be charged by the approved charter school attended and paid by the sending district is the per pupil cost of maintaining the approved charter school's grade level grouping. For a district,** the cost of maintaining a grade level grouping shall be determined by the board of education of the district but in no case shall it exceed all amounts spent for teachers' wages, incidental purposes, debt service, maintenance and replacements. **For an approved charter school, the cost of maintaining a grade level grouping shall be determined by the approved charter school but in no case shall it exceed all amounts spent by the district in which the approved charter school is located for teachers' wages, incidental purposes, debt service, maintenance, and replacements.** The term "debt service", as used in this section, means expenditures for the retirement of bonded indebtedness and expenditures for interest on bonded indebtedness. Per pupil cost of the grade level grouping shall be determined by dividing the cost of maintaining the grade level grouping by the average daily pupil attendance. If there is disagreement as to the amount of tuition to be paid, the facts shall be submitted to the state board of education, and its decision in the matter shall be final. Subject to the limitations of this section, each pupil shall be free to attend the public school of his or her choice.

3. For purposes of this section, "approved charter school" means a charter school that has existed for less than three years or a charter school with a three-year average score of seventy percent or higher on its annual performance report.

167.241. TRANSPORTATION OF PUPILS TO ANOTHER DISTRICT. — Transportation for pupils whose tuition the district of residence is required to pay by section 167.131 or who are assigned as provided in section 167.121 shall be provided by the district of residence; however, in the case of pupils covered by section 167.131, the district of residence shall be required to provide transportation only to **approved charter schools as defined in section 167.131**, school districts accredited by the state board of education pursuant to the authority of the state board of education to classify schools as established in section 161.092, and those school districts designated by the board of education of the district of residence.

167.903. PERSONAL PLAN OF STUDY FOR CERTAIN STUDENTS, CONTENTS — WAIVER.

— 1. Each student prior to his or her ninth grade year at a public school, including a charter school, may develop with help from the school's guidance counselors a personal plan of study, which shall be reviewed regularly, as needed by school personnel and the student's parent or guardian and updated based upon the needs of the student. Each plan shall present a sequence of courses and experiences that conclude with the student reaching his or her postsecondary goals, with implementation of the plan of study transferring to the program of postsecondary education or training upon the student's high school graduation. The plan shall include, but not be limited to:

- (1) Requirements for graduation from the school district or charter school;
- (2) Career or postsecondary goals;
- (3) Coursework or program of study related to career and postsecondary goals, which shall include, if relevant, opportunities that the district or school may not directly offer;
- (4) Grade-appropriate and career-related experiences, as outlined in the grade-level expectations of the Missouri comprehensive guidance program; and
- (5) Student assessments, interest inventories, or academic results needed to develop, review, and revise the personal plan of study, which shall include, if relevant, assessments, inventories, or academic results that the school district or charter school may not offer.

2. Each school district shall adopt a policy to permit the waiver of the requirements of this section for any student with a disability if recommended by the student's IEP committee. For purposes of this subsection, "IEP" means individualized education program.

167.905. AT-RISK STUDENTS TO BE IDENTIFIED, DISTRICT POLICY REQUIRED. — 1. By July 1, 2018, each school district shall develop a policy and implement a measurable system for identifying students in their ninth grade year, or students who transfer into the school subsequent to their ninth grade year, who are at risk of not being ready for college-level work or for entry-level career positions. Districts shall include, but are not limited to, the following sources of information:

- (1) A student's performance on the Missouri assessment program test in eighth grade in English language arts and mathematics;
- (2) A student's comparable statewide assessment performance if such student transferred from another state;
- (3) The district's overall reported remediation rate under section 173.750; and
- (4) A student's attendance rate.

2. The district policy shall require academic and career counseling to take place prior to graduation so that the school may attempt to provide sufficient opportunities to the student to graduate college-ready or career-ready and on time.

3. Each school district shall adopt a policy to permit the waiver of the requirements of this section for any student with a disability if recommended by the student's IEP committee. For purposes of this subsection, "IEP" means individualized education program.

167.950. DYSLEXIA SCREENING GUIDELINES — SCREENINGS REQUIRED, WHEN — DEFINITIONS — RULEMAKING AUTHORITY. — 1. (1) By December 31, 2017, the department of elementary and secondary education shall develop guidelines for the appropriate screening of students for dyslexia and related disorders and the necessary classroom support for students with dyslexia and related disorders. Such guidelines shall be consistent with the findings and recommendations of the task force created under section 633.420.

(2) In the 2018-19 school year and subsequent years, each public school, including each charter school, shall conduct dyslexia screenings for students in the appropriate year

consistent with the guidelines developed by the Department of Elementary and Secondary Education.

(3) In the 2018-19 school year and subsequent years, the school board of each district and the governing board of each charter school shall provide reasonable classroom support consistent with the guidelines developed by the Department of Elementary and Secondary Education.

2. In the 2018-19 school year and subsequent years, the practicing teacher assistance programs established under section 168.400 shall include two hours of in-service training provided by each local school district for all practicing teachers in such district regarding dyslexia and related disorders. Each charter school shall also offer all of its teachers two hours of training on dyslexia and related disorders. Districts and charter schools may seek assistance from the department of elementary and secondary education in developing and providing such training. Completion of such training shall count as two contact hours of professional development under section 168.021.

3. For purposes of this section, the following terms mean:

(1) "Dyslexia", a disorder that is neurological in origin, characterized by difficulties with accurate and fluent word recognition and poor spelling and decoding abilities that typically result from a deficit in the phonological component of language, often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction, and of which secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge. Nothing in this definition shall require a student with dyslexia to obtain an individualized education program (IEP) unless the student has otherwise met the federal conditions necessary;

(2) "Dyslexia screening", a short test conducted by a teacher or school counselor to determine whether a student likely has dyslexia or a related disorder in which a positive result does not represent a medical diagnosis but indicates that the student could benefit from approved support;

(3) "Related disorders", disorders similar to or related to dyslexia, such as developmental auditory imperception, dysphasia, specific developmental dyslexia, developmental dysgraphia, and developmental spelling disability;

(4) "Support", low-cost and effective best practices, such as oral examinations and extended test-taking periods, used to support students who have dyslexia or any related disorder.

4. The state board of education shall promulgate rules and regulations for each public school to screen students for dyslexia and related disorders and to provide the necessary classroom support for students with dyslexia and related disorders. 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, 2016, shall be invalid and void.

5. Nothing in this section shall require the MO HealthNet program to expand the services that it provides.

170.011. COURSES IN THE CONSTITUTIONS, AMERICAN HISTORY AND MISSOURI GOVERNMENT, REQUIRED, PENALTY — WAIVER, WHEN — STUDENT AWARDS — REQUIREMENTS NOT APPLICABLE TO FOREIGN EXCHANGE STUDENTS. — 1. Regular courses of instruction in the Constitution of the United States and of the state of Missouri and in American history and institutions shall be given in all public and private schools in the state of

Missouri, except [privately operated trade] **proprietary** schools, and shall begin not later than the seventh grade and continue in high school to an extent determined by the state commissioner of education, and shall continue in college and university courses to an extent determined by the state commissioner of higher education. In the 1990-91 school year and each year thereafter, local school districts maintaining high schools shall comply with the provisions of this section by offering in grade nine, ten, eleven, or twelve a course of instruction in the institutions, branches and functions of the government of the state of Missouri, including local governments, and of the government of the United States, and in the electoral process. A local school district maintaining such a high school shall require that prior to the completion of the twelfth grade each pupil who receives a high school diploma or certificate of graduation on or after January 1, 1994, shall satisfactorily complete such a course of study. Such course shall be of at least one semester in length and may be two semesters in length. The department of elementary and secondary education may provide assistance in developing such a course if the district requests assistance. A school district may elect to waive the requirements of this subsection for any student who transfers from outside the state to a Missouri high school if the student can furnish documentation deemed acceptable by the school district of the student's successful completion in any year from the ninth through the twelfth grade of a course of instruction in the institutions, branches, and functions of state government, including local governments, and of the government of the United States, and in the electoral process.

2. American history courses at the elementary and secondary levels shall include in their proper time-line sequence specific referrals to the details and events of the racial equality movement that have caused major changes in United States and Missouri laws and attitudes.

3. No pupil shall receive a certificate of graduation from any public or private school other than private trade schools unless he has satisfactorily passed an examination on the provisions and principles of the Constitution of the United States and of the state of Missouri, and in American history [and], American institutions, **and American civics**. A school district may elect to waive the requirements of this subsection for any student who transfers from outside the state to a Missouri high school if the student can furnish documentation deemed acceptable by the school district of the student's successful completion in any year from the ninth through the twelfth grade of a course of instruction in the institutions, branches, and functions of state government, including local governments, and of the government of the United States, and in the electoral process. A student of a college or university, who, after having completed a course of instruction prescribed in this section and successfully passed an examination on the United States Constitution, and in American history and American institutions required hereby, transfers to another college or university, is not required to complete another such course or pass another such examination as a condition precedent to his graduation from the college or university.

4. In the 1990-91 school year and each year thereafter, each school district maintaining a high school may annually nominate to the state board of education a student who has demonstrated knowledge of the principles of government and citizenship through academic achievement, participation in extracurricular activities, and service to the community. Annually, the state board of education shall select fifteen students from those nominated by the local school districts and shall recognize and award them for their academic achievement, participation and service.

5. The provisions of this section shall not apply to students from foreign countries who are enrolled in public or private high schools in Missouri, if such students are foreign exchange students sponsored by a national organization recognized by the department of elementary and secondary education.

170.310. CARDIOPULMONARY RESUSCITATION INSTRUCTION AND TRAINING, GRADES NINE THROUGH TWELVE, REQUIREMENTS — RULEMAKING AUTHORITY. — 1. For school year 2017-18 and each school year thereafter, upon graduation from high school, pupils in public schools and charter schools shall have received thirty minutes of

cardiopulmonary resuscitation instruction and training in the proper performance of the Heimlich maneuver or other first aid for choking given any time during a pupil's four years of high school.

2. Beginning in school year 2017-18, any public school or charter school serving grades nine through twelve [may] **shall** provide enrolled students instruction in cardiopulmonary resuscitation. Students with disabilities may participate to the extent appropriate as determined by the provisions of the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act. [Instruction may be embedded in any health education course] **Instruction shall be included in the district's existing health or physical education curriculum.** Instruction shall be based on a program established by the American Heart Association or the American Red Cross, or through a nationally recognized program based on the most current national evidence-based emergency cardiovascular care guidelines, and psychomotor skills development shall be incorporated into the instruction. For purposes of this section, "psychomotor skills" means the use of hands-on practicing and skills testing to support cognitive learning.

[2.] **3.** The teacher of the cardiopulmonary resuscitation course or unit shall not be required to be a certified trainer of cardiopulmonary resuscitation if the instruction is not designed to result in certification of students. Instruction that is designed to result in certification being earned shall be required to be taught by an authorized cardiopulmonary instructor. Schools may develop agreements with any local chapter of a voluntary organization of first responders to provide the required hands-on practice and skills testing.

[3.] **4.** The department of elementary and secondary education may promulgate rules 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, 2012, shall be invalid and void.

170.345. MISSOURI CIVICS EDUCATION INITIATIVE — EXAMINATION REQUIRED — WAIVER, WHEN. — 1. This section shall be known as the "Missouri Civics Education Initiative".

2. Any student entering ninth grade after July 1, 2017, who is attending any public, charter, or private school, except private trade schools, as a condition of high school graduation shall pass an examination on the provisions and principles of American civics.

3. The examination shall consist of one hundred questions similar to the one hundred questions used by the United States Citizenship and Immigration Services that are administered to applicants for United States citizenship.

4. The examination required under this section may be included in any other examination that is administered on the provisions and principles of the Constitution of the United States and of the state of Missouri, and in American history and American institutions, as required in subsection 3 of section 170.011.

5. School districts may use any online test to comply with the provisions of this section.

6. Each school district shall adopt a policy to permit the waiver of the requirements of this section for any student with a disability if recommended by the student's IEP committee. For purposes of this subsection, "IEP" means individualized education program.

170.350. CONSTITUTION PROJECT OF THE MISSOURI SUPREME COURT, PARTICIPATION IN, EFFECT OF. — A school district may develop a policy that allows student participation in the Constitution Project of the Missouri Supreme Court to be recognized by:

- (1) **The granting of credit for some portion of, or in collaboration with:**
 - (a) **Inclusion in the student's record of good citizenship as required by the A+ tuition reimbursement program under section 160.545; or**
 - (b) **The Missouri and United States Constitution course required under section 170.011; or**
 - (c) **Any relevant course or instructional unit in American government or a similar subject; or**
- (2) **District or school-level awards including, but not limited to, certificates or assemblies.**

171.021. SCHOOLS RECEIVING PUBLIC MONEYS TO DISPLAY UNITED STATES FLAG — REQUIREMENT TO RECITE PLEDGE OF ALLEGIANCE ONCE PER SCHOOL DAY — STUDENTS NOT REQUIRED TO RECITE. — 1. Every school in this state which is supported in whole or in part by public moneys, during the hours while school is in session, shall display in some prominent place either upon the outside of the school building or upon a pole erected in the school yard the flag of the United States of America.

2. Every school in this state which is supported in whole or in part by public moneys shall ensure that the Pledge of Allegiance to the flag of the United States of America is recited in at least one scheduled class of every pupil enrolled in that school no less often than once per [week] **school day. Flags for display in individual classrooms may be provided by voluntary donation by any person.** No student shall be required to recite the Pledge of Allegiance.

173.750. ANNUAL REPORTING OF PERFORMANCE OF GRADUATES, FURNISHING OF REPORT — PROCEDURE — DATA INCLUDED — REVIEW OF POLICIES. — 1. By July 1, 1995, the coordinating board for higher education, within existing resources provided to the department of higher education and by rule and regulation, shall have established and implemented a procedure for annually reporting the performance of graduates of public high schools in the state during the student's initial year in the public colleges and universities of the state. The purpose of such reports shall be to assist in determining how high schools are preparing students for successful college and university performance. The report produced pursuant to this subsection shall annually be furnished to the state board of education for reporting pursuant to subsection 4 of section 161.610 and shall not be used for any other purpose **until such time that a standard process and consistent, specific criteria for determining a student's need for remedial coursework is agreed upon by the coordinating board for higher education, higher education institutions, and the state board of education.**

2. The procedures shall be designed so that the reporting is made by the name of each high school in the state, with individual student data to be grouped according to the high school from which the students graduated. The data in the reports shall be disaggregated by race and sex. The procedures shall not be designed so that the reporting contains the name of any student. No grade point average shall be disclosed under subsection 3 of this section in any case where three or fewer students from a particular high school attend a particular college or university.

3. The data reported shall include grade point averages after the initial college year, calculated on, or adjusted to, a four point grade scale; the percentage of students returning to college after the first and second half of the initial college year, or after each trimester of the initial college year; the percentage of students taking noncollege level classes in basic academic courses during the first college year, or remedial courses in basic academic subjects of English, mathematics, or reading; and other such data as determined by rule and regulation of the coordinating board for higher education.

4. **The department of elementary and secondary education shall conduct a review of its policies and procedures relating to remedial education in light of the best practices in remediation identified as required by subdivision (6) of subsection 2 of section 173.005 to ensure that school districts are informed about best practices to reduce the need for**

remediation. The department shall present its results to the joint committee on education by October 31, 2017.

633.420. DYSLEXIA DEFINED — TASK FORCE CREATED, MEMBERS, DUTIES, RECOMMENDATIONS—EXPIRATION DATE. — 1. For the purposes of this section, the term "dyslexia" means a disorder that is neurological in origin, characterized by difficulties with accurate and fluent word recognition, and poor spelling and decoding abilities that typically result from a deficit in the phonological component of language, often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction, and of which secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge. Nothing in this section shall prohibit a district from assessing students for dyslexia and offering students specialized reading instruction if a determination is made that a student suffers from dyslexia. Unless required by federal law, nothing in this definition shall require a student with dyslexia to be automatically determined eligible as a student with a disability.

2. There is hereby created the "Legislative Task Force on Dyslexia". The joint committee on education shall provide technical and administrative support as required by the task force to fulfill its duties; any such support involving monetary expenses shall first be approved by the chairman of the joint committee on education. The task force shall meet at least quarterly and may hold meetings by telephone or video conference. The task force shall advise and make recommendations to the governor, joint committee on education, and relevant state agencies regarding matters concerning individuals with dyslexia, including education and other adult and adolescent services.

3. The task force shall be comprised of twenty members consisting of the following:

(1) Two members of the senate appointed by the president pro tempore of the senate, with one member appointed from the minority party and one member appointed from the majority party;

(2) Two members of the house of representatives appointed by the speaker of the house of representatives, with one member appointed from the minority party and one member appointed from the majority party;

(3) The commissioner of education, or his or her designee;

(4) One representative from an institution of higher education located in this state with specialized expertise in dyslexia and reading instruction;

(5) A representative from a state teachers association or the Missouri National Education Association;

(6) A representative from the International Dyslexia Association of Missouri;

(7) A representative from Decoding Dyslexia of Missouri;

(8) A representative from the Missouri Association of Elementary School Principals;

(9) A representative from the Missouri Council of Administrators of Special Education;

(10) A professional licensed in the state of Missouri with experience diagnosing dyslexia including, but not limited to, a licensed psychologist, school psychologist, or neuropsychologist;

(11) A speech-language pathologist with training and experience in early literacy development and effective research-based intervention techniques for dyslexia, including an Orton-Gillingham remediation program recommended by the Missouri Speech-Language Hearing Association;

(12) A certified academic language therapist recommended by the Academic Language Therapists Association who is a resident of this state;

(13) A representative from an independent private provider or nonprofit organization serving individuals with dyslexia;

(14) An assistive technology specialist with expertise in accessible print materials and assistive technology used by individuals with dyslexia recommended by the Missouri assistive technology council;

(15) One private citizen who has a child who has been diagnosed with dyslexia;

(16) One private citizen who has been diagnosed with dyslexia;

(17) A representative of the Missouri State Council of the International Reading Association; and

(18) A pediatrician with knowledge of dyslexia.

4. The members of the task force, other than the members from the general assembly and ex officio members, shall be appointed by the president pro tempore of the senate or the speaker of the house of representatives by September 1, 2016, by alternating appointments beginning with the president pro tempore of the senate. A chairperson shall be selected by the members of the task force. Any vacancy on the task force shall be filled in the same manner as the original appointment. Members shall serve on the task force without compensation.

5. The task force shall make recommendations for a statewide system for identification, intervention, and delivery of supports for students with dyslexia, including the development of resource materials and professional development activities. These recommendations shall be included in a report to the governor and joint committee on education and shall include findings and proposed legislation and shall be made available no longer than twelve months from the task force's first meeting.

6. The recommendations and resource materials developed by the task force shall:

(1) Identify valid and reliable screening and evaluation assessments and protocols that can be used and the appropriate personnel to administer such assessments in order to identify children with dyslexia or the characteristics of dyslexia as part of an ongoing reading progress monitoring system, multi-tiered system of supports, and special education eligibility determinations in schools;

(2) Recommend an evidence-based reading instruction, with consideration of the National Reading Panel Report and Orton-Gillingham methodology principles for use in all Missouri schools, and intervention system, including a list of effective dyslexia intervention programs, to address dyslexia or characteristics of dyslexia for use by schools in multi-tiered systems of support and for services as appropriate for special education eligible students;

(3) Develop and implement preservice and inservice professional development activities to address dyslexia identification and intervention, including utilization of accessible print materials and assistive technology, within degree programs such as education, reading, special education, speech-language pathology, and psychology;

(4) Review teacher certification and professional development requirements as they relate to the needs of students with dyslexia;

(5) Examine the barriers to accurate information on the prevalence of students with dyslexia across the state and recommend a process for accurate reporting of demographic data; and

(6) Study and evaluate current practices for diagnosing, treating, and educating children in this state and examine how current laws and regulations affect students with dyslexia in order to present recommendations to the governor and joint committee on education.

7. The task force shall hire or contract for hire specialist services to support the work of the task force as necessary with appropriations made by the general assembly for that purpose or from other available funding.

8. The task force authorized under this section shall expire on August 31, 2018.

[161.216. QUALITY RATING SYSTEM FOR EARLY CHILDHOOD EDUCATION, PROHIBITION ON CERTAIN INCENTIVES AND MANDATES TO PARTICIPATE WITHOUT STATUTORY AUTHORITY — TAXPAYER STANDING, WHEN — DEFINITIONS. — 1. No public institution of higher education, political subdivision, governmental entity, or quasi-governmental entity receiving state funds shall operate, establish, or maintain, offer incentives to participate in, or mandate participation in a quality rating system for early childhood education, a training quality assurance system, any successor system, or any substantially similar system for early childhood education, unless the authority to operate, establish, or maintain such a system is enacted into law through:

(1) A bill as prescribed by Article III of the Missouri Constitution;

(2) An initiative petition as prescribed by Section 50 of Article III of the Missouri Constitution; or

(3) A referendum as prescribed by Section 52(a) of Article III of the Missouri Constitution.

2. No public institution of higher education, political subdivision, governmental entity or quasi-governmental entity receiving state funds shall promulgate any rule or establish any program, policy, guideline, or plan or change any rule, program, policy, guideline, or plan to operate, establish, or maintain a quality rating system for early childhood education, a training quality assurance system, any successor system, or any substantially similar system for early childhood education unless such public institution of higher education, political subdivision, governmental entity or quasi-governmental entity receiving state funds has received statutory authority to do so in a manner consistent with subsection 1 of this section.

3. Any taxpayer of this state or any member of the general assembly shall have standing to bring suit against any public institution of higher education, political subdivision, governmental entity or quasi-governmental entity which is in violation of this section in any court with jurisdiction to enforce the provisions of this section.

4. This section shall not be construed to limit the content of early childhood education courses, research, or training carried out by any public institution of higher education. A course on quality rating systems or training quality assurance systems shall not be a requirement for certification by the state as an individual child care provider or any licensing requirement that may be established for an individual child care provider.

5. For purposes of this section:

(1) "Early childhood education" shall mean education programs that are both centered and home-based and providing services for children from birth to kindergarten;

(2) "Quality rating system" or "training quality assurance system" shall include the model from the Missouri quality rating system pilots developed by the University of Missouri center for family policy and research, any successor model, or substantially similar model. "Quality rating system" or "training quality assurance system" shall also include but not be limited to a tiered rating system that provides a number of tiers or levels to set benchmarks for quality that build upon each other, leading to a top tier that includes program accreditation. "Quality rating system" or "training quality assurance system" may also include a tiered reimbursement system that may be tied to a tiered rating system;

(3) "Tiered reimbursement system" or "training quality assurance system" shall include but not be limited to a system that links funding to a quality rating system, a system to award higher child care subsidy payments to programs that attain higher quality levels, or a system that offers other incentives through tax policy or professional development opportunities for child care providers.]

SECTION B. DELAYED EFFECTIVE DATE. — The repeal and reenactment of section 161.1050 of this act shall become effective July 1, 2017.

Approved June 22, 2016

SB 655 [SB 655]

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

Repeals the Advisory Council to the Director of the Missouri Agriculture Experiment Station and establishes the Fertilizer Control Board

AN ACT to repeal sections 266.301, 266.311, 266.331, 266.336, 266.341, 266.343, and 266.347, RSMo, and to enact in lieu thereof six new sections relating to the establishment of the fertilizer control board, with existing penalty provisions.

SECTION

- A. Enacting clause.
- 266.301. Permit required to sell fertilizer — application.
- 266.311. Sale of misbranded fertilizer prohibited.
- 266.331. Sales to be reported — fees.
- 266.336. Fertilizer control board created — appointment, qualifications — meetings — duties — authorized agents, duties — terms — expenses, how paid.
- 266.343. Penalties for deficiency in fertilizer.
- 266.347. Penalties payable to purchaser or director, collection procedure.
- 266.341. Powers of director in administering law — rules, procedure.

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

SECTION A. ENACTING CLAUSE. — Sections 266.301, 266.311, 266.331, 266.336, 266.341, 266.343, and 266.347, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 266.301, 266.311, 266.331, 266.336, 266.343, and 266.347, to read as follows:

266.301. PERMIT REQUIRED TO SELL FERTILIZER — APPLICATION. — It shall be unlawful for any distributor to sell, offer for sale or expose for sale for consumption or use in this state any fertilizer without first securing a permit from the [director] **fertilizer control board**. Such permit shall expire on the thirtieth day of June of each year. Application for such permit shall be on forms furnished by the [director] **fertilizer control board**.

266.311. SALE OF MISBRANDED FERTILIZER PROHIBITED. — It shall be unlawful for any person to sell, offer for sale or expose for sale any fertilizer for use or consumption in this state which is misbranded. Any fertilizer shall be deemed to be misbranded if it fails to carry the printed statement required under section 266.321, or if the chemical composition of such fertilizer does not meet the guarantee expressed on said statement within allowable tolerances fixed by the [director] **fertilizer control board**, or if the container for such fertilizer or any statement accompanying the same carries any false or misleading statement, or if false or misleading statements concerning its agricultural value are made on any advertising matter accompanying or associated with such fertilizer.

266.331. SALES TO BE REPORTED — FEES. — Every distributor shall, within thirty days after each six-months' period ending June thirtieth and December thirty-first, file with the

[director] **fertilizer control board** on forms supplied by [him] **the fertilizer control board** a sworn certificate setting forth the information required [by the director] by rule. At the time of filing said certificate, each distributor of fertilizer, excluding manipulated animal or vegetable manure, shall pay to the director the fee prescribed [by the director] by rule, which fee shall not exceed one dollar per ton and one dollar ten cents per metric ton; except that, sales to fertilizer manufacturers or exchanges between them are hereby exempted. Each distributor of fertilizer consisting of manipulated animal or vegetable manure shall pay to the director a fee paid for each ton of manure as prescribed [by the director] by rule, which fee shall not exceed two cents for each percent nitrogen for manure containing less than five percent nitrogen; or which fee shall not exceed four cents for each percent nitrogen for manure containing at least five but less than ten percent nitrogen; or which fee shall not exceed six cents for each percent nitrogen for manure containing ten or more percent nitrogen. In the event that the [director] **fertilizer control board** has not prescribed a fee under this section, each distributor required to pay a fee under this section shall pay a fee of one and one-half cents for each one hundred pounds of fertilizer sold [by him] during the period covered by the certificate filed under this section. [The fees so paid to the director shall be used for defraying the expenses in administering sections 266.291 to 266.351 and the rules promulgated under sections 266.291 to 266.351, and for practical and scientific experiments by the Missouri agricultural experiment station in the value and proper use of fertilizers. Such fees may also be used to support such related research and methodology, publications, and educational programs extending the results of the fertilizer experiments as may be of practical use to the farmers of this state.] **The director is hereby authorized to collect fees and hold all fees in a separate fund that shall be utilized by the fertilizer control board to administer sections 266.291 to 266.351.**

266.336. FERTILIZER CONTROL BOARD CREATED — APPOINTMENT, QUALIFICATIONS — MEETINGS — DUTIES — AUTHORIZED AGENTS, DUTIES — TERMS — EXPENSES, HOW PAID. — 1. There is hereby created [an advisory council to the director, which] a "**Fertilizer Control Board**". **The fertilizer control board** shall be composed of [fifteen] **thirteen** members [appointed by the director pursuant to this section]. Of the [fifteen] **thirteen** members [so appointed], five shall be actively employed as fertilizer manufacturers or distributors[,] **and** five shall be actively engaged in the business of farming[, and five shall be chosen from the residents at large of this state. The five members chosen from the residents at large of this state]. **The nonprofit corporation organized under Missouri law to promote the interests of the fertilizer industry shall nominate persons employed as fertilizer manufacturers or distributors, and Missouri not-for-profit organizations that represent farmers shall nominate persons engaged in the business of farming. Such nominations shall be submitted to the director, and the director shall select members from these nominations. Three at large members shall be selected by the director with the approval of a majority of the other ten members of the [advisory council] fertilizer control board.**

2. The [advisory council] **fertilizer control board** shall:

- (1) Meet at least [once] **twice** each year **with meetings conducted according to bylaws;**
- (2) [Annually] Review [with the director] **and approve** the income received and expenditures made under sections 266.291 to 266.351;
- (3) [Review and approve all rules, and revisions or rescissions thereof, to be promulgated by the director] **In accordance with this section and chapter 536, adopt, amend, promulgate, or repeal after due notice and hearing rules and regulations to enforce, implement, and effectuate the powers and duties of sections 266.291 to 266.351. 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, 2016, shall be invalid and void;

(4) [Consider all information and advise the director in determining] **Revoke or suspend a permit, or refuse to issue a permit, to any distributor who has knowingly violated any of the provisions of sections 266.291 to 266.351, or has failed or neglected to pay the fees or penalties provided for in sections 266.291 to 266.351. The board shall conduct a hearing if requested by the distributor to review all penalties assessed and permit decisions made by the board. Upon completion of a hearing, the board shall determine if penalty modifications are warranted giving consideration to the history of previous violations, the seriousness of the violation, any overage in any other ingredients, demonstrated good faith of the distributor, and any other factors deemed appropriate. Any penalty modification must comply with section 266.343;**

(5) **Determine the method and amount of fees to be assessed. In performing its duties under this subdivision, the [advisory council] fertilizer control board shall represent the best interests of the Missouri farmers and Missouri agribusinesses;**

[5) Serve in an advisory capacity in all matters pertaining to the administration of sections 266.291 to 266.351]

(6) **Secure access to a laboratory with necessary equipment, and employees as may be necessary, to aid in the administration of sections 266.291 to 266.351;**

(7) **Pursue nutrient research, educational, and outreach programs to ensure the adoption and implementation of practices that optimize nutrient use efficiency, ensure soil fertility, and address environmental concerns with regard to fertilizer use extending the results of the fertilizer experiments that may be of practical use to the farmers and agribusinesses of this state;**

(8) **Exercise general supervision of the administration and enforcement of sections 266.291 to 266.351, and all rules and regulations and orders promulgated under such sections;**

(9) **Institute and prosecute through the attorney general of the state suits to collect any fees due under sections 266.301 to 266.347 which are not promptly paid.**

3. **Authorized agents of the fertilizer control board are hereby authorized and empowered to:**

(1) **Only to the extent necessary to determine general compliance, collect samples, inspect, and make analysis of fertilizer sold, offered, or exposed for sale within this state; except that, samples taken of fertilizer sold in bulk shall be taken from the bulk container immediately after mixing on the premises of the mixing facility or, when not possible, to be sampled from the bulk container wherever found. All samples shall have a preliminary analysis completed within five business days of the sample being obtained. If requested, a portion of any sample found subject to penalty or other legal action shall be provided to the distributor liable for the penalty;**

(2) **Only to the extent necessary to determine general compliance, inspect and audit the books of every distributor who sells, offers for sale, or exposes for sale fertilizer for consumption or use in this state to determine whether or not the provisions of sections 266.291 to 266.351 are being fully complied with;**

(3) **Require every distributor to file documentation as prescribed by rules promulgated under sections 266.291 to 266.351. Such documents shall not be required more often than six-month intervals, and all such documents shall be returned to the distributor upon request;**

(4) **Enter upon any public or private premises during regular business hours in order to have access to fertilizer subject to sections 266.291 to 266.351 and the rules and regulations promulgated under sections 266.291 to 266.351, and to take samples and inspect such fertilizer;**

(5) Issue and enforce a written or printed "stop-sale, use, or removal" order to the owner or custodian of any fertilizer that is found to be in violation of any of the provisions of sections 266.291 to 266.351, which such order prohibiting the further sale of such fertilizer until sections 266.291 to 266.351 have been complied with or otherwise disposed of;

(6) Publish each year the full and detailed report giving the names and addresses of all distributors registered under sections 266.291 to 266.351, the analytical results of all samples collected, and a statement of all fees and penalties received and expenditures made under sections 266.291 to 266.351;

(7) Establish from information secured from manufacturers and other reliable sources, the market value of fertilizer and fertilizer materials for the purpose of determining the amount of damages due when the official analysis shows an excessive deficiency from the guaranteed analysis;

(8) Retain, employ, provide for, and compensate such consultants, assistants, and other employees on a full- or part-time basis and contract for goods and services as may be necessary to carry out the provisions of sections 266.291 to 266.351, and prescribe the times at which they shall be appointed and their powers and duties.

[3.] 4. The filling of vacancies, the selection of officers, the conduct of its meetings, and all other matters concerning the fertilizer control board shall be outlined in the bylaws established by the fertilizer control board. All members of the [advisory council] **fertilizer control board** shall serve for terms of three years and until their successors are duly appointed and qualified; except that, of the members first appointed:

(1) Two members who are actively employed as fertilizer manufacturers or distributors, two members actively engaged in the business of farming, and [two members chosen from the residents of this state] **one** at large **member** shall serve for terms of three years;

(2) Two members who are actively employed as fertilizer manufacturers or distributors, two members actively engaged in the business of farming, and [two members chosen from the residents of this state] **one** at large **member** shall serve for terms of two years; and

(3) The remaining three members shall serve for terms of one year.

[4.] 5. All members shall be residents of this state. No member may serve more than two consecutive terms on the [advisory council] **fertilizer control board**, but any member may be reappointed after he has not been a member of the advisory council for a period of at least three years.

[5.] 6. All members shall be reimbursed for reasonable expenses incurred in the performance of their official duties in accordance with the reimbursement policy set by the [director] **fertilizer control board bylaws**. All reimbursements paid under this section shall be paid from fees collected under sections 266.291 to 266.351.

[6. Every vacancy on the advisory council shall be filled by the director with the approval of a majority of the remaining members of the council. The person selected to fill any such vacancy shall possess the same qualifications required by this section as the member he replaces and shall serve until the end of the unexpired term of his predecessor.]

266.343. PENALTIES FOR DEFICIENCY IN FERTILIZER. — If any fertilizer offered for sale in this state shall upon official analysis prove deficient from its guarantee as stated on the bag or other container, penalties shall be assessed as follows:

(1) For a single ingredient fertilizer containing nitrogen or available phosphate or soluble potash:

(a) When the value of this ingredient is found to be deficient from the guarantee to the extent of three percent and not over five percent, the distributor shall be liable for the actual deficiency;

(b) When the deficiency exceeds five percent of the total value, the penalty shall be three times the actual value of the shortage;

(2) For multiple ingredient fertilizers containing two or more of the single ingredients: Nitrogen or available phosphate or soluble potash, penalties shall be assessed according to (a), (b) or (c) as herein stated. When a multiple ingredient fertilizer is subject to a penalty under (a), (b) and (c) only the larger penalty shall be assessed.

(a) When the total combined values of the nitrogen or available phosphate or soluble potash is found to be deficient to the extent of three percent and not over five percent, the distributor shall be liable for the actual deficiency in total value.

(b) When the deficiency exceeds five percent of the total value, the penalty shall be three times the actual value of the shortage.

(c) When either the nitrogen, available phosphate or soluble potash value is found deficient from the guarantee to the extent of ten percent up to the maximum of two units (two percent plant food), the distributors shall be liable for the value of such shortages;

(3) Total penalties assessed upon a distributor shall not exceed five thousand dollars per calendar year or the amount of the current value of the plant food deficiency, whichever is greater. A distributor who knowingly violates the provisions of sections 266.291 to 266.351 shall be assessed a penalty of not more than twenty-five thousand dollars for each offense.

266.347. PENALTIES PAYABLE TO PURCHASER OR DIRECTOR, COLLECTION PROCEDURE. — 1. The penalties assessed [by the director] under section 266.343 shall be paid by the distributor to the purchaser of such fertilizer, and in the event such purchaser cannot be ascertained, then said penalty shall be paid [to the director and used for the purposes specified in section 266.321, except the maximum paid the purchaser will approximate the actual value of the deficiency] **to the director under section 266.331 and shall be used in accordance with the provisions of such section.**

2. [The director shall prepare] **Where the preliminary analysis shows that a fertilizer has a potential plant food deficiency, the distributor shall be provided preliminary notification within two business days by telephone or email in addition to a notification letter delivered by mail. Once the analysis is certified,** a written certification of penalties assessed under section 266.343 [addressed to the distributor. A copy of such certification of assessment] shall be mailed to the distributor liable for the penalty.

3. Any decision, finding, order or ruling of the [director] **fertilizer control board** made pursuant to the provisions of sections 266.291 through 266.351 shall be subject to judicial review in the manner provided by chapter 536.

4. If any distributor shall fail to pay any penalty assessed [by the director] after the time for judicial review has expired, or after any judgment or decree approving such assessment has become final, the person entitled to such penalty under the provisions of subsection 1 shall be entitled to bring a civil action to recover the same, and in such civil action such persons shall be entitled to recover from the distributor the amount of the penalty, a reasonable attorney's fee and costs of the action.

[266.341. POWERS OF DIRECTOR IN ADMINISTERING LAW — RULES, PROCEDURE. — 1. The duty of enforcing and administering sections 266.291 to 266.351 shall be vested in the director. The director shall, in accordance with this section and chapter 536, promulgate all rules necessary to provide for the efficient administration and enforcement of sections 266.291 to 266.351; except that, no rule, nor revision or rescission thereof, may be filed with the secretary of state until it has been approved by a majority of the members of the advisory council created in section 266.336. 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.

2. The director or his authorized agents are hereby authorized and empowered to:

(1) Collect samples, inspect, and make analysis of fertilizer sold, offered or exposed for sale within this state; except that, samples taken of fertilizer sold in bulk shall be taken from the bulk container immediately after mixing on the premises of the mixing facility or, when not possible, to be sampled from the bulk container wherever found;

(2) Inspect and audit the books of every distributor who sells, offers for sale, or exposes for sale fertilizer for consumption or use in this state, to determine whether or not the provisions of sections 266.291 to 266.351 are being fully complied with;

(3) Require every distributor to file with the director documentation as prescribed by rules promulgated under sections 266.291 to 266.351. Such documents shall not be required more often than two-week intervals, and all such documents shall be returned to the distributor upon his request;

(4) Enter upon any public or private premises during the regular business hours in order to have access to fertilizer subject to sections 266.291 to 266.351 and the rules and regulations promulgated under sections 266.291 to 266.351, and to take samples and inspect such fertilizer;

(5) Issue and enforce a written or printed "stop-sale, use, or removal" order to the owner or custodian of any fertilizer which is found to be in violation of any of the provisions of sections 266.291 to 266.351, which order shall prohibit the further sale of such fertilizer until sections 266.291 to 266.351 have been complied with or such violation has been otherwise legally disposed of by written authority of the director;

(6) Maintain a laboratory with necessary equipment and employ such employees as may be necessary to aid in the administration of sections 266.291 to 266.351;

(7) Publish each year the full and detailed report giving the names and addresses of all distributors registered under sections 266.291 to 266.351, the analytical results of all samples collected, and a statement of all fees and penalties received and expenditures made under sections 266.291 to 266.351;

(8) Revoke or suspend the permit, or refuse to issue a permit, to any distributor who has willfully violated any of the provisions of sections 266.291 to 266.351 or failed or neglected to pay the fees or penalties provided for in sections 266.291 to 266.351;

(9) Institute and prosecute through the attorney general of this state suits to collect any fees due under the provisions of sections 266.291 to 266.351 which are not promptly paid;

(10) Establish from information secured from manufacturers and other reliable sources the market value of fertilizer and fertilizer materials for the purpose of determining the amount of damages due when the official analysis shows an excessive deficiency from the guaranteed analysis.]

Approved June 24, 2016

SB 657 [HCS SS SCS SB 657]

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 vehicles

AN ACT to repeal sections 302.440, 319.114, 414.036, 414.082, and 414.255, RSMo, and to enact in lieu thereof six new sections relating to motor vehicles.

SECTION

- A. Enacting clause.
- 302.440. Beginning January 1, 2017 — Devices, use of, when.
- 302.441. Employment exemption variance, permitted when — restrictions.
- 319.114. Evidence of financial responsibility required to cover certain damages — rules to be established by department.
- 414.036. Financial responsibility to be maintained, when — aboveground storage tank defined — rules.
- 414.082. Inspection fees, rate determined by director of revenue — petroleum inspection fund created, fees deposited, uses, investment of moneys.
- 414.255. Definitions — ethanol-blended gasoline required, when — exemptions — rulemaking authority — immunity from liability, when.

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

SECTION A. ENACTING CLAUSE. — Sections 302.440, 319.114, 414.036, 414.082, and 414.255, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 302.440, 302.441, 319.114, 414.036, 414.082, and 414.255, to read as follows:

302.440. BEGINNING JANUARY 1, 2017 — DEVICES, USE OF, WHEN. — In addition to any other provisions of law, a court may require that any person who is found guilty of a first intoxication-related traffic offense, as defined in section 577.001, and a court shall require that any person who is found guilty of a second or subsequent intoxication-related traffic offense, as defined in section 577.001, shall not operate any motor vehicle unless that vehicle is equipped with a functioning, certified ignition interlock device for a period of not less than six months from the date of reinstatement of the person's driver's license. In addition, any court authorized to grant a limited driving privilege under section 302.309 to any person who is found guilty of a second or subsequent intoxication-related traffic offense shall require the use of an ignition interlock device on all vehicles operated by the person as a required condition of the limited driving privilege, **except as provided in section 302.441.** These requirements shall be in addition to any other provisions of this chapter or chapter 577 requiring installation and maintenance of an ignition interlock device. Any person required to use an ignition interlock device shall comply with such requirement subject to the penalties provided by section 577.599.

302.441. EMPLOYMENT EXEMPTION VARIANCE, PERMITTED WHEN — RESTRICTIONS.
— **1. If a person is required to have an ignition interlock device installed on such person's vehicle, he or she may apply to the court for an employment exemption variance to allow him or her to drive an employer-owned vehicle not equipped with an ignition interlock device for employment purposes only. Such exemption shall not be granted to a person who is self-employed or who wholly or partially owns an entity that owns an employer-owned vehicle.**

2. A person who is granted an employment exemption variance under subsection 1 of this section shall not drive, operate, or be in physical control of an employer-owned vehicle used for transporting children under eighteen years of age or vulnerable persons, as defined in section 630.005, or an employer-owned vehicle for personal use.

319.114. EVIDENCE OF FINANCIAL RESPONSIBILITY REQUIRED TO COVER CERTAIN DAMAGES — RULES TO BE ESTABLISHED BY DEPARTMENT. — **1. The department shall establish rules requiring the owner or operator to maintain evidence of financial responsibility in an amount and form sufficient for taking corrective action and compensating third parties for bodily injury and property damage caused by sudden and nonsudden accidental releases arising from the operation of an underground storage tank.**

2. The form of the evidence of financial responsibility required by this section may be by any one, or any combination, of the following methods: cash trust fund, guarantee, insurance, surety or performance bond, letter of credit, qualification as a self-insurer, or any other method satisfactory to the department. In adopting requirements under this section, the department may

specify policy or other contractual terms, conditions, or defenses which are necessary or are unacceptable in establishing the evidence of financial responsibility.

3. The amount of financial responsibility required shall not exceed the amount required for compliance with section 9003 of subtitle I of the federal Resource Conservation and Recovery Act of 1976 (P.L. 94-580), as amended.

4. The total liability of a guarantor shall be limited to the aggregate amount which the guarantor has provided as evidence of financial responsibility to the owner or operator under this section. Nothing in this subsection shall be construed to limit any other state or federal statutory, contractual, or common law liability of a guarantor to its owner or operator, including, but not limited to, the liability of such guarantor for bad faith either in negotiating or in failing to negotiate the settlement of any claim. Nothing in this subsection shall be construed to diminish the liability of any person under section 107 or 111 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (P.L. 96-510), as amended, or other applicable law.

5. Except in cases of fraud or misrepresentation on the application for coverage, no owner or operator shall be denied benefits by the petroleum storage tank insurance fund or other provider of financial responsibility required by this section solely because the owner or operator's claim arises from a release of a regulated petroleum substance deemed incompatible with the underground storage tank system.

414.036. FINANCIAL RESPONSIBILITY TO BE MAINTAINED, WHEN — ABOVEGROUND STORAGE TANK DEFINED — RULES. — 1. After December 31, 2010, the owner or operator of an aboveground storage tank defined in subsection 2 of this section shall maintain evidence of financial responsibility in an amount equal to or greater than one million dollars per occurrence and two million dollars annual aggregate for the costs of taking corrective action and compensating third parties for bodily injury and property damage caused by sudden and nonsudden accidental releases arising from the operation of the tank.

2. For the purposes of this section, "aboveground storage tank" is defined as any one or a combination of tanks, including pipes connected thereto, used to contain an accumulation of petroleum and the volume of which, including the volume of the aboveground pipes connected thereto, is ninety percent or more above the surface of the ground, which is utilized for the sale of products regulated by this chapter. The term does not include those tanks described in paragraphs (a) to (k) of subdivision (16) of section 319.100, nor does it include aboveground storage tanks at refineries, petroleum pipeline terminals, or marine terminals.

3. Owners and operators may meet the requirements of this section by participating in the petroleum storage tank insurance fund created in section 319.129 or by any other method approved by the department.

4. 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, 2008, shall be invalid and void.

5. Except in cases of fraud or misrepresentation on the application for coverage, no owner or operator shall be denied benefits by the petroleum storage tank insurance fund or other provider of financial responsibility required by this section solely because the owner or operator's claim arises from a release of motor fuel deemed incompatible with the aboveground storage tank system.

414.082. INSPECTION FEES, RATE DETERMINED BY DIRECTOR OF REVENUE — PETROLEUM INSPECTION FUND CREATED, FEES DEPOSITED, USES, INVESTMENT OF MONEYS.

— 1. The fee for the inspection of gasoline, gasoline-alcohol blends, kerosene, diesel fuel, heating oil, aviation turbine fuel, and other motor fuels under this chapter shall be fixed by the director of revenue at a rate per barrel which will approximately yield revenue equal to the expenses of administering this chapter; except that, until December 31, [1993, the rate shall be one and one-half cents per barrel and beginning January 1, 1994, the fee shall not be less than one and one-half cents per barrel nor exceed two and one-half] **2016, the rate shall not exceed two and one-half cents per barrel, from January 1, 2017, through December 31, 2021, the rate shall not exceed four cents per barrel, and after January 1, 2022, the rate shall not exceed five cents per barrel.**

2. Annually the director of the department of agriculture shall ascertain the total expenses for administering sections 414.012 to 414.152 during the preceding year, and shall forward a copy of such expenses to the director of revenue. The director of revenue shall fix the inspection fee for the ensuing calendar year at such rate per barrel, within the limits established by subsection 1 of this section, as will approximately yield revenue equal to the expenses of administering sections 414.012 to 414.152 during the preceding calendar year and shall collect the fees and deposit them in the state treasury to the credit of the "Petroleum Inspection Fund" which is hereby created. Beginning July 1, 1988, all expenses of administering sections 414.012 to 414.152 shall be paid from appropriations made out of the petroleum inspection fund.

3. The unexpended balance in the fund at the end of each fiscal year shall not be transferred to the general revenue fund of the state, and the provisions of section 33.080 relating to the transfer of funds to the general revenue fund of the state by the state treasurer shall not apply to this fund.

4. The state treasurer shall invest all sums in the petroleum inspection fund not needed for current operating expenses in interest-bearing banking accounts or United States government obligations in the manner provided by law. All yield, increment, gain, interest or income derived from the investment of these sums shall accrue to the benefit of, and be deposited within the state treasury to the credit of, the petroleum inspection fund.

414.255. DEFINITIONS — ETHANOL-BLENDED GASOLINE REQUIRED, WHEN — EXEMPTIONS — RULEMAKING AUTHORITY — IMMUNITY FROM LIABILITY, WHEN. — 1. This section shall be known and may be cited as the "Missouri Renewable Fuel Standard Act".

2. For purposes of this section, the following terms shall mean:

(1) "Aviation fuel", any motor fuel specifically compounded for use in reciprocating aircraft engines;

(2) "Distributor", a person who either produces, refines, blends, compounds or manufactures motor fuel, imports motor fuel into a state or exports motor fuel out of a state, or who is engaged in distribution of motor fuel;

(3) "Fuel ethanol-blended gasoline", a mixture of ninety percent gasoline and ten percent fuel ethanol in which the fuel ethanol meets ASTM International Specification D4806, as amended. The ten percent fuel ethanol portion may be derived from any agricultural source;

(4) "Position holder", the person who holds the inventory position in motor fuel in a terminal, as reflected on the records of the terminal operator. A person holds the inventory position in motor fuel when that person has a contract with the terminal operator for the use of storage facilities and terminating services for motor fuel at the terminal. The term includes a terminal operator who owns motor fuel in the terminal;

(5) "Premium gasoline", gasoline with an antiknock index number of ninety-one or greater;

(6) "Price", the cost of the fuel ethanol plus fuel taxes and transportation expenses less tax credits, if any; or the cost of the fuel ethanol-blended gasoline plus fuel taxes and transportation expenses less tax credits, if any; or the cost of the unblended gasoline plus fuel taxes and transportation expenses less tax credits, if any;

(7) "Qualified terminal", a terminal that has been assigned a terminal control number (tcn) by the Internal Revenue Service;

(8) "Supplier", a person that is:

(a) Registered or required to be registered pursuant to 26 U.S.C., Section 4101, for transactions in motor fuels in the bulk transfer/terminal distribution system; and

(b) One or more of the following:

a. The position holder in a terminal or refinery in this state;

b. Imports motor fuel into this state from a foreign country;

c. Acquires motor fuel from a terminal or refinery in this state from a position holder pursuant to either a two-party exchange or a qualified buy-sell arrangement which is treated as an exchange and appears on the records of the terminal operator; or

d. The position holder in a terminal or refinery outside this state with respect to motor fuel which that person imports into this state. A terminal operator shall not be considered a supplier based solely on the fact that the terminal operator handles motor fuel consigned to it within a terminal. "Supplier" also means a person that produces fuel grade alcohol or alcohol-derivative substances in this state, produces fuel grade alcohol or alcohol-derivative substances for import to this state into a terminal, or acquires upon import by truck, rail car or barge into a terminal, fuel grade alcohol or alcohol-derivative substances. "Supplier" includes a permissive supplier unless specifically provided otherwise;

(9) "Terminal", a bulk storage and distribution facility which includes:

(a) For the purposes of motor fuel, is a qualified terminal;

(b) For the purposes of fuel grade alcohol, is supplied by truck, rail car, boat, barge or pipeline and the products are removed at a rack; and

(10) "Unblended gasoline", gasoline that has not been blended with fuel ethanol.

3. Except as otherwise provided under subsections 4 and 5 of this section, on and after January 1, 2008, all gasoline sold or offered for sale in Missouri at retail shall be fuel ethanol-blended gasoline.

4. If a distributor is unable to obtain fuel ethanol or fuel ethanol-blended gasoline from a position holder or supplier at the terminal at the same or lower price as unblended gasoline, then the purchase of unblended gasoline by the distributor and the sale of the unblended gasoline at retail shall not be deemed a violation of this section. The position holder, supplier, distributor, and ultimate vendor shall, upon request, provide the required documentation regarding the sales transaction and price of fuel ethanol, fuel ethanol-blended gasoline, and unblended gasoline to the department of agriculture and the department of revenue. All information obtained by the departments from such sources shall be confidential and not disclosed except by court order or as otherwise provided by law.

5. The following shall be exempt from the provisions of this section:

(1) Aviation fuel and automotive gasoline used in aircraft;

(2) Premium gasoline;

(3) E75-E85 fuel ethanol;

(4) Any specific exemptions declared by the United States Environmental Protection Agency; and

(5) Bulk transfers between terminals. The director of the department of agriculture may by rule exempt or rescind additional gasoline uses from the requirements of this section. The governor may by executive order waive the requirements of this section or any part thereof in part or in whole for all or any portion of this state for reasons related to air quality. Any regional waiver shall be issued and implemented in such a way as to minimize putting any region of the state at a competitive advantage or disadvantage with any other region of the state.

6. The provisions of section 414.152 shall apply for purposes of enforcement of this section.

7. The department of agriculture is hereby authorized to promulgate rules to ensure implementation of, and compliance and consistency with, 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. All terminals in Missouri that sell gasoline shall offer for sale, in cooperation with position holders and suppliers, fuel ethanol-blended gasoline, fuel ethanol, and unblended gasoline. Terminals that only offer for sale federal reformulated gasolines, in cooperation with position holders and suppliers, shall not be required to offer for sale unblended gasoline.

9. Notwithstanding any other law to the contrary, all fuel retailers, wholesalers, distributors, and marketers shall be allowed to purchase fuel ethanol from any terminal, position holder, fuel ethanol producer, fuel ethanol wholesaler, or supplier. In the event a court of competent jurisdiction finds that this subsection does not apply to or improperly impairs existing contractual relationships, then this subsection shall only apply to and impact future contractual relationships.

10. No refiner, supplier, terminal, wholesaler, distributor, retailer, or other vendor of motor fuel that contains or is blended with any amount of ethanol, biodiesel, or other renewable fuel or biofuel and that complies with labeling and motor fuel quality laws shall be liable for any property damages related to a customer's purchase of such motor fuel from the vendor so long as the selection of the motor fuel was made by the customer and not the vendor. No motor fuel that contains or is blended with any amount of ethanol, biodiesel, or other renewable fuel or biofuel shall be considered a defective product for the purposes of a claim for property damage if such motor fuel complies with motor fuel quality laws.

11. No motor vehicle manufacturer or motor vehicle dealer, including all dealers required to be licensed under sections 301.550 to 301.580, and no manufacturer or dealer of internal combustion engines or a product powered by an internal combustion engine except in cases of fraud or misrepresentation, shall be liable for any property damages related to a customer's purchase of a motor fuel containing or blended with any amount of ethanol, biodiesel, or other renewable fuel or biofuel from the fuel refiner, supplier, terminal, wholesaler, distributor, retailer, or other vendor of motor fuel if the selection and purchase of the motor fuel was made by the customer and does not comply with specific fuel recommendations found in the vehicle or products owner manual.

Approved June 24, 2016

SB 660 [SB 660]

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 bidding procedures for county depositaries

AN ACT to repeal section 110.140, RSMo, and to enact in lieu thereof one new section relating to bidding procedures for county depositaries, with a penalty provision.

SECTION

A. Enacting clause.

110.140. Procedure for bidders — disclosure of bids a misdemeanor.

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

SECTION A. ENACTING CLAUSE. — Section 110.140, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 110.140, to read as follows:

110.140. PROCEDURE FOR BIDDERS — DISCLOSURE OF BIDS A MISDEMEANOR. — 1. Any banking corporation or association in the county desiring to bid shall deliver to the clerk of the commission, on or before the first Monday of July at which the selection of depositaries is to be made, a sealed proposal, stating the rate of interest that the banking corporation, or association offers to pay on the funds of the county for the term of two or four years next ensuing the date of the bid, or, if the selection is made for a less term than two or four years, as provided in sections 110.180 and 110.190, then for the time between the date of the bid and the next regular time for the selection of depositaries as fixed by section 110.130.

2. Each bid shall be accompanied by a certified check for not less than [the proportion of one and one-half percent of the county general revenue of the preceding year as the sum of the part or parts of funds bid for bears to the whole number of the parts] **two thousand five hundred dollars**, as a guaranty of good faith on the part of the bidder, that if his or her bid should be the highest he or she will provide the security required by section 110.010. Upon his or her failure to give the security required by law, the amount of the certified check shall go to the county as liquidated damages, and the commission may order the county clerk to readvertise for bids.

3. It shall be a misdemeanor, and punishable as such, for the clerk of the commission, or any deputy of the clerk, to directly or indirectly disclose the amount of any bid before the selection of depositaries.

Approved June 6, 2016

SB 664 [SB 664]

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

Modifies corporate registration report requirements for authorized farm corporations and family farm corporations

AN ACT to repeal section 351.120, RSMo, and to enact in lieu thereof one new section relating to corporate registration reports for farm corporations.

SECTION

A. Enacting clause.
 351.120. Corporate registration report required, when — change in registered office or agent to be filed with report — waiver, when.

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

SECTION A. ENACTING CLAUSE. — Section 351.120, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 351.120, to read as follows:

351.120. CORPORATE REGISTRATION REPORT REQUIRED, WHEN — CHANGE IN REGISTERED OFFICE OR AGENT TO BE FILED WITH REPORT — WAIVER, WHEN. — 1. Every corporation organized pursuant to the laws of this state, including corporations organized pursuant to or subject to this chapter, and every foreign corporation licensed to do business in this state, whether such license shall have been issued pursuant to this chapter or not, other than corporations exempted from taxation by the laws of this state, shall file a corporate registration report.

2. The corporate registration report shall state the corporate name, the name of its registered agent and such agent's Missouri physical address, giving street and number, or building and number, or both, as the case may require, the name and correct business or residence address of its officers and directors, and the mailing address of the corporation's principal place of business or corporate headquarters.

3. The corporate registration report shall be filed annually, except as provided in section 351.122, and shall be due the month that the corporation incorporated or qualified, unless changed by the corporation under subsection 8 of this section. Corporations existing prior to July 1, 2003, shall file the corporate registration report on the month indicated on the corporation's last corporate registration report. Corporations formed on or after July 1, 2003, shall file a corporate registration report within thirty days of the date of incorporation or qualification and every year thereafter, except as provided in section 351.122, in the month that they were incorporated or qualified, unless such month is changed by the corporation under subsection 8 of this section.

4. The corporate registration report shall be signed by an officer or authorized person.

5. In the event of any error in the names and addresses of the officers and directors set forth in a corporate registration report, the corporation may correct such information by filing a certificate of correction pursuant to section 351.049.

6. A corporation may change the corporation's registered office or registered agent with the filing of the corporation's corporate registration report. To change the corporation's registered agent with the filing of the corporate registration report, the corporation must include the new registered agent's written consent to the appointment as registered agent and a written consent stating that such change in registered agents was authorized by resolution duly adopted by the board of directors. The written consent must be signed by the new registered agent and must include such agent's address. If the corporate registration report is not completed correctly, the secretary of state may reject the filing of such report.

7. A corporation's corporate registration report must be filed in a format as prescribed by the secretary of state.

8. A corporation may change the month of its corporate registration report in the corporation's initial corporate registration report or a subsequent report.

To change its filing month, a corporation shall designate the desired month in its corporate registration report and include with that report an additional fee of twenty dollars. After a corporation registration report designating a new filing month is filed by the secretary of state, the corporation's next corporate registration report shall be filed in the newly designated month in the next year in which a report is due under subsection 3 of this section or under section 351.122. This subsection shall become effective January 1, 2010.

9. The requirement to file a corporate registration report pursuant to this section shall be waived for authorized farm corporations and family farm corporations as defined by subdivision (2) of section 350.010 and subdivision (5) of section 350.010, respectively, when the information required by subsection 2 of this section has not changed since the filing of the corporation's original articles of incorporation or most recent corporate registration report, whichever is applicable.

Approved June 24, 2016

SB 665 [HCS SB 665]

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 135.679, 261.235, 262.960, 262.962, 348.407, 348.430, 348.432, 348.436, and 414.082, RSMo, and to enact in lieu thereof ten new sections relating to agriculture.

SECTION

- A. Enacting clause.
- 135.679. Citation — definitions — tax credit, amount, claim procedure — rulemaking authority.
- 135.686. Citation — definitions — tax credit, amount, claim procedure — rulemaking authority.
- 261.235. AgriMissouri fund, created, purposes, lapse of fund into general revenue prohibited — advisory commission, created, purposes, duties, membership — trademark fees.
- 262.960. Citation of law — program created, purpose — agencies to make staff available — duties of department.
- 262.962. Definitions — task force created, mission, duties, report — expiration date.
- 348.407. Development and implementation of grants and loans — fee authority's powers — assistance to businesses — rules.
- 348.430. Agricultural product utilization contributor tax credit — definitions — requirements — limitations — report.
- 348.432. New generation cooperative incentive tax credit — definitions — requirements — limitations — report.
- 348.436. Expiration date.
- 414.082. Inspection fees, rate determined by director of revenue — petroleum inspection fund created, fees deposited, uses, investment of moneys.

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

SECTION A. ENACTING CLAUSE. — Sections 135.679, 261.235, 262.960, 262.962, 348.407, 348.430, 348.432, 348.436, and 414.082, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 135.679, 135.686, 261.235, 262.960, 262.962, 348.407, 348.430, 348.432, 348.436, and 414.082, to read as follows:

135.679. CITATION — DEFINITIONS — TAX CREDIT, AMOUNT, CLAIM PROCEDURE — RULEMAKING AUTHORITY. — 1. This section shall be known and may be cited as the "Qualified Beef Tax Credit Act".

2. As used in this section, the following terms mean:

(1) "Agricultural property", any real and personal property, including but not limited to buildings, structures, improvements, equipment, and livestock, that is used in or is to be used in this state by residents of this state for:

(a) The operation of a farm or ranch; and

(b) Grazing, feeding, or the care of livestock;

(2) "Authority", the agricultural and small business development authority established in chapter 348;

(3) "Backgrounded", any additional weight at the time of the first qualifying sale, before being finished, above the established baseline weight;

(4) "Baseline weight", the average weight in the immediate past [three] **two** years of all beef animals sold that are thirty months of age or younger, categorized by sex. Baseline weight for qualified beef animals that are physically out-of-state but whose ownership is retained by a resident of this state shall be established by the average transfer weight in the immediate past [three] **two** years of all beef animals that are thirty months of age or younger and that are transferred out-of-state but whose ownership is retained by a resident of this state, categorized by sex. The established baseline weight shall be effective for a period of three years. If the taxpayer is a qualifying beef animal producer with fewer than [three] **two** years of production, the baseline weight shall be established by the available average weight in the immediate past year of all beef animals sold that are thirty months of age or younger, categorized by sex. If the qualifying beef animal producer has no previous production, the baseline weight shall be established by the authority;

(5) "Finished", the period from backgrounded to harvest;

(6) "Qualifying beef animal", any beef animal that is certified by the authority, that was born in this state after August 28, 2008, that was raised and backgrounded or finished in this state

by the taxpayer, excluding any beef animal more than thirty months of age as verified by certified written birth records;

(7) "Qualifying sale", the first time a qualifying beef animal is sold in this state after the qualifying beef animal is backgrounded, and a subsequent sale if the weight of the qualifying beef animal at the time of the subsequent sale is greater than the weight of the qualifying beef animal at the time of the first qualifying sale of such beef animal;

(8) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or otherwise due under chapter 147;

(9) "Taxpayer", any individual or entity who:

(a) Is subject to the tax imposed in chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or the tax imposed in chapter 147;

(b) In the case of an individual, is a resident of this state as verified by a 911 address or in the absence of a 911 system, a physical address; and

(c) Owns or rents agricultural property and principal place of business is located in this state.

3. For all [taxable] tax years beginning on or after January 1, 2009, but ending on or before December 31, [2016] **2021**, a taxpayer shall be allowed a tax credit for the first qualifying sale and for a subsequent qualifying sale of all qualifying beef animals.

(1) The tax credit amount for the first qualifying sale shall be ten cents per pound **for qualifying sale weights under six hundred pounds and twenty-five cents per pound for qualifying sale weights of six hundred pounds or greater**, shall be based on the backgrounded weight of all qualifying beef animals at the time of the first qualifying sale, and shall be calculated as follows:

(a) **If the qualifying sale weight is under six hundred pounds**, the qualifying sale weight minus the baseline weight multiplied by ten cents, as long as the qualifying sale weight is equal to or greater than [two] **one** hundred pounds above the baseline weight; **or**

(b) **If the qualifying sale weight is six hundred pounds or greater**, the qualifying sale weight minus the baseline weight multiplied by twenty-five cents, as long as the qualifying sale weight is equal to or greater than **one hundred pounds above the baseline weight**.

(2) The tax credit amount for each subsequent qualifying sale shall be ten cents per pound **for qualifying sale weights under six hundred pounds and twenty-five cents per pound for qualifying sale weights of six hundred pounds or greater**, shall be based on the backgrounded weight of all qualifying beef animals at the time of the subsequent qualifying sale, and shall be calculated as follows:

(a) **If the qualifying sale weight is under six hundred pounds**, the qualifying sale weight minus the baseline weight multiplied by ten cents, as long as the qualifying sale weight is equal to or greater than [two] **one** hundred pounds above the baseline weight; **or**

(b) **If the qualifying sale weight is six hundred pounds or greater**, the qualifying sale weight minus the baseline weight multiplied by twenty-five cents, as long as the qualifying sale weight is equal to or greater than **one hundred pounds above the baseline weight**.

The authority may waive no more than twenty-five percent of the [two hundred pound] **one-hundred-pound** weight gain requirement, but any such waiver shall be based on a disaster declaration issued by the U. S. Department of Agriculture.

4. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the [taxable] tax year for which the credit is claimed. No tax credit claimed under this section shall be refundable. The tax credit shall be claimed in the [taxable] tax year in which the qualifying sale of the qualifying beef occurred, but any amount of credit that the taxpayer is prohibited by this section from claiming in a [taxable] tax year may be carried forward to any of the taxpayer's [five] **four** subsequent [taxable] tax years [and carried backward to any of the taxpayer's three previous taxable years]. **The total amount of tax credits that any taxpayer may claim shall not exceed fifteen thousand dollars per year. No taxpayer shall be allowed to claim tax credits under this section for more than three years.** The amount of tax credits

that may be issued to all eligible applicants claiming tax credits authorized in this section **and section 135.686** in a [fiscal] **calendar** year shall not exceed [three] **two** million dollars. Tax credits shall be issued on an as-received application basis until the [fiscal] **calendar** year limit is reached. Any credits not issued in any [fiscal] **calendar** year shall expire and shall not be issued in any subsequent years.

5. To claim the tax credit allowed under this section, the taxpayer shall submit to the authority an application for the tax credit on a form provided by the authority and any application fee imposed by the authority. The application shall be filed with the authority at the end of each calendar year in which a qualified sale was made and for which a tax credit is claimed under this section. The application shall include any certified documentation and information required by the authority. All required information obtained by the authority shall be confidential and not disclosed except by court order, subpoena, or as otherwise provided by law. If the taxpayer and the qualified sale meet all criteria required by this section and approval is granted by the authority, the authority shall issue a tax credit certificate in the appropriate amount. Tax credit certificates issued under this section may be assigned, transferred, sold, or otherwise conveyed, and the new owner of the tax credit certificate shall have the same rights in the tax credit as the original taxpayer. Whenever a tax credit certificate is assigned, transferred, sold or otherwise conveyed, a notarized endorsement shall be filed with the authority specifying the name and address of the new owner of the tax credit certificate or the value of the tax credit.

6. Any information provided under this section shall be confidential information, to be shared with no one except state and federal animal health officials, except as provided in subsection 5 of this section.

7. **The authority shall, at least annually, submit a report to the Missouri general assembly reviewing the costs and benefits of the program established under this section.**

8. The authority may 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, 2007, shall be invalid and void.

[8.] 9. This section shall not be subject to the Missouri sunset act, sections 23.250 to 23.298.

135.686. CITATION — DEFINITIONS — TAX CREDIT, AMOUNT, CLAIM PROCEDURE — RULEMAKING AUTHORITY. — 1. This section shall be known and may be cited as the "Meat Processing Facility Investment Tax Credit Act".

2. As used in this section, the following terms mean:

(1) "Authority", the agricultural and small business development authority established in chapter 348;

(2) "Meat processing facility", any commercial plant, as defined under section 265.300, at which livestock are slaughtered or at which meat or meat products are processed for sale commercially and for human consumption;

(3) "Meat processing modernization or expansion", constructing, improving, or acquiring buildings or facilities, or acquiring equipment for meat processing including the following, if used exclusively for meat processing and if acquired and placed in service in this state during tax years beginning on or after January 1, 2017, but ending on or before December 31, 2021:

(a) Building construction including livestock handling, product intake, storage, and warehouse facilities;

(b) Building additions;

(c) Upgrades to utilities including water, electric, heat, refrigeration, freezing, and waste facilities;

(d) Livestock intake and storage equipment;

(e) Processing and manufacturing equipment including cutting equipment, mixers, grinders, sausage stuffers, meat smokers, curing equipment, cooking equipment, pipes, motors, pumps, and valves;

(f) Packaging and handling equipment including sealing, bagging, boxing, labeling, conveying, and product movement equipment;

(g) Warehouse equipment including storage and curing racks;

(h) Waste treatment and waste management equipment including tanks, blowers, separators, dryers, digesters, and equipment that uses waste to produce energy, fuel, or industrial products;

(i) Computer software and hardware used for managing the claimant's meat processing operation including software and hardware related to logistics, inventory management, production plant controls, and temperature monitoring controls; and

(j) Construction or expansion of retail facilities or the purchase or upgrade of retail equipment for the commercial sale of meat products if the retail facility is located at the same location as the meat processing facility.

(4) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265, or otherwise due under chapter 147;

(5) "Taxpayer", any individual or entity who:

(a) Is subject to the tax imposed under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265, or the tax imposed under chapter 147;

(b) In the case of an individual, is a resident of this state as verified by a 911 address or, in the absence of a 911 system, a physical address; and

(c) Owns a meat processing facility located in this state;

(6) "Used exclusively", used to the exclusion of all other uses except for use not exceeding five percent of total use.

3. For all tax years beginning on or after January 1, 2017, but ending on or before December 31, 2021, a taxpayer shall be allowed a tax credit for meat processing modernization or expansion related to the taxpayer's meat processing facility. The tax credit amount shall be equal to twenty-five percent of the amount the taxpayer paid in the tax year for meat processing modernization or expansion.

4. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the tax year for which the credit is claimed. No tax credit claimed under this section shall be refundable. The tax credit shall be claimed in the tax year in which the meat processing modernization or expansion expenses were paid, but any amount of credit that the taxpayer is prohibited by this section from claiming in a tax year may be carried forward to any of the taxpayer's four subsequent tax years. The total amount of tax credits that any taxpayer may claim shall not exceed seventy-five thousand dollars per year. If two or more persons own and operate the meat processing facility, each person may claim a credit under this section in proportion to his or her ownership interest; except that, the aggregate amount of the credits claimed by all persons who own and operate the meat processing facility shall not exceed seventy-five thousand dollars per year. The amount of tax credits authorized in this section and section 135.679 in a calendar year shall not exceed two million dollars. Tax credits shall be issued on an as-received application basis until the calendar year limit is reached. Any credits not issued in any calendar year shall expire and shall not be issued in any subsequent year.

5. To claim the tax credit allowed under this section, the taxpayer shall submit to the authority an application for the tax credit on a form provided by the authority and any application fee imposed by the authority. The application shall be filed with the authority at the end of each calendar year in which a meat processing modernization or expansion

project was completed and for which a tax credit is claimed under this section. The application shall include any certified documentation, proof of meat processing modernization or expansion, and any other information required by the authority. All required information obtained by the authority shall be confidential and not disclosed except by court order, subpoena, or as otherwise provided by law. If the taxpayer and the meat processing modernization or expansion meet all criteria required by this section and approval is granted by the authority, the authority shall issue a tax credit certificate in the appropriate amount. Tax credit certificates issued under this section may be assigned, transferred, sold, or otherwise conveyed, and the new owner of the tax credit certificate shall have the same rights in the tax credit as the original taxpayer. If a tax credit certificate is assigned, transferred, sold, or otherwise conveyed, a notarized endorsement shall be filed with the authority specifying the name and address of the new owner of the tax credit certificate and the value of the tax credit.

6. Any information provided under this section shall be confidential information, to be shared with no one except state and federal animal health officials, except as provided in subsection 5 of this section.

7. The authority shall promulgate rules establishing a process for verifying that a facility's modernization or expansion for which tax credits were allowed under this section has in fact expanded the facility's production within three years of the issuance of the tax credit and if not, the authority shall promulgate through rulemaking a process by which the taxpayer shall repay the authority an amount equal to that of the tax credit allowed.

8. The authority shall, at least annually, submit a report to the Missouri general assembly reviewing the costs and benefits of the program established under this section.

9. The authority may 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, 2016, shall be invalid and void.

10. This section shall not be subject to the Missouri sunset act, sections 23.250 to 23.298.

261.235. AGRIMISSOURI FUND, CREATED, PURPOSES, LAPSE OF FUND INTO GENERAL REVENUE PROHIBITED — ADVISORY COMMISSION, CREATED, PURPOSES, DUTIES, MEMBERSHIP — TRADEMARK FEES. — 1. There is hereby created in the state treasury for the use of the agriculture business development division of the state department of agriculture a fund to be known as "The AgriMissouri Fund". All moneys received by the state department of agriculture for Missouri agricultural products marketing development from any source, including trademark fees, shall be deposited in the fund. Moneys deposited in the fund shall, upon appropriation by the general assembly to the state department of agriculture, be expended by the agriculture business development division of the state department of agriculture for promotion of Missouri agricultural products under the AgriMissouri program. The unexpended balance in the AgriMissouri fund at the end of the biennium shall not be transferred to the general revenue fund of the state treasury and accordingly shall be exempt from the provisions of section 33.080 relating to transfer of funds to the ordinary revenue funds of the state by the state treasurer.

2. There is hereby created within the department of agriculture the "AgriMissouri Advisory Commission for Marketing Missouri Agricultural Products". The commission shall establish guidelines, and make recommendations to the director of agriculture, for the use of funds appropriated by the general assembly for the agriculture business development division of the

department of agriculture, and for all funds collected or appropriated to the AgriMissouri fund created pursuant to subsection 1 of this section. The guidelines shall focus on the promotion of the AgriMissouri trademark associated with Missouri agricultural products that have been approved by the general assembly, and shall advance the following objectives:

(1) Increasing the impact and fostering the effectiveness of local efforts to promote Missouri agricultural products;

(2) Enabling and encouraging expanded advertising efforts for Missouri agricultural products;

(3) Encouraging effective, high-quality advertising projects, innovative marketing strategies, and the coordination of local, regional and statewide marketing efforts;

(4) Providing training and technical assistance to cooperative-marketing partners of Missouri agricultural products.

3. The commission may establish a fee structure for sellers electing to use the AgriMissouri trademark associated with Missouri agricultural products, **so long as the fees established and collected under this subsection do not yield revenue greater than the total cost of administering this section during the ensuing year.** [Under the fee structure:

(1) A seller having gross annual sales greater than two million dollars per fiscal year of Missouri agricultural products which constitute the final product of a series of processes or activities shall remit to the agriculture business development division of the department of agriculture, at such times and in such manner as may be prescribed, a trademark fee of one-half of one percent of the aggregate amount of all of such seller's wholesale sales of products carrying the AgriMissouri trademark; and

(2) All sellers having gross annual sales less than or equal to two million dollars per fiscal year of Missouri agricultural products which constitute the final product of a series of processes or activities shall, after three years of selling Missouri agricultural products carrying the AgriMissouri trademark, remit to the agriculture business development division of the department of agriculture, at such times and in such manner as may be prescribed, a trademark fee of one-half of one percent of the aggregate amount of all of such seller's wholesale sales of products carrying the AgriMissouri trademark.] All trademark fees shall be deposited to the credit of the AgriMissouri fund, created pursuant to this section.

4. [The agriculture business development division of the department of agriculture is authorized to promulgate rules consistent with the guidelines and fee structure established by the commission. No rule or portion of a rule shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

5.] The commission shall consist of nine members appointed by the governor with the advice and consent of the senate. One member shall be the director of the agriculture business development division of the department of agriculture, or his or her representative. At least one member shall be a specialist in advertising; at least one member shall be a specialist in agribusiness; at least one member shall be a specialist in the retail grocery business; at least one member shall be a specialist in communications; at least one member shall be a specialist in product distribution; at least one member shall be a family farmer with expertise in livestock farming; at least one member shall be a family farmer with expertise in grain farming and at least one member shall be a family farmer with expertise in organic farming. Members shall serve for four-year terms, except in the first appointments three members shall be appointed for terms of four years, three members shall be appointed for terms of three years and three members shall be appointed for terms of two years each. Any member appointed to fill a vacancy of an unexpired term shall be appointed for the remainder of the term of the member causing the vacancy. The governor shall appoint a chairperson of the commission, subject to ratification by the commission.

[6.] 5. Commission members shall receive no compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties on the commission. The division of agriculture business development of the department of agriculture

shall provide all necessary staff and support services as required by the commission to hold commission meetings, to maintain records of official acts and to conduct all other business of the commission. The commission shall meet quarterly and at any such time that it deems necessary. Meetings may be called by the chairperson or by a petition signed by a majority of the members of the commission. Ten days' notice shall be given in writing to such members prior to the meeting date. A simple majority of the members of the commission shall be present to constitute a quorum. Proxy voting shall not be permitted.

6. If the commission does establish a fee structure as permitted under subsection 3 of this section, the agriculture business development division of the department of agriculture shall promulgate rules establishing the commission's fee structure. The department of agriculture shall also promulgate rules and regulations for the implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void.

262.960. CITATION OF LAW — PROGRAM CREATED, PURPOSE — AGENCIES TO MAKE STAFF AVAILABLE — DUTIES OF DEPARTMENT. — 1. This section shall be known and may be cited as the "[Farm-to-School] **Farm-to-Table Act**".

2. There is hereby created within the department of agriculture the "[Farm-to-School] **Farm-to-Table Program**" to connect Missouri farmers and [schools] **institutions** in order to provide [schools] **institutions** with locally grown agricultural products for inclusion in [school] meals and snacks and to strengthen local farming economies. **The department shall establish guidelines for voluntary participation and parameters for program goals, which shall include, but not be limited to, participating institutions purchasing at least ten percent of their food products locally by December 31, 2019.** The department shall designate an employee to administer and monitor the [farm-to-school] **farm-to-table** program and to serve as liaison between Missouri farmers and [schools] **institutions**. **Nothing in this section, nor the guidelines developed by the department, shall require an institution to participate in the farm-to-table program.**

3. The following agencies shall make staff available to the Missouri [farm-to-school] **farm-to-table** program for the purpose of providing professional consultation and staff support to assist the implementation of this section:

- (1) The department of health and senior services;
- (2) The department of elementary and secondary education; [and]
- (3) The office of administration; **and**
- (4) **The department of corrections .**

4. The duties of the department employee coordinating the [farm-to-school] farm-to-table program shall include, but not be limited to:

- (1) Establishing and maintaining a website database to allow farmers and [schools] **institutions** to connect whereby farmers can enter the locally grown agricultural products they produce along with pricing information, the times such products are available, and where they are willing to distribute such products;
- (2) Providing leadership at the state level to encourage [schools] **institutions** to procure and use locally grown agricultural products;
- (3) Conducting workshops and training sessions and providing technical assistance to [school] **institution** food service directors, personnel, farmers, and produce distributors and processors regarding the [farm-to-school] **farm-to-table** program; and

(4) Seeking grants, private donations, or other funding sources to support the [farm-to-school] **farm-to-table** program.

262.962. DEFINITIONS — TASK FORCE CREATED, MISSION, DUTIES, REPORT — EXPIRATION DATE. — 1. As used in this section, section 262.960, and subsection 5 of section 348.407, the following terms shall mean:

(1) **"Institutions", facilities including, but not limited to, schools, correctional facilities, hospitals, nursing homes, long-term care facilities, and military bases;**

(2) **"Locally grown agricultural products", food or fiber produced or processed by a small agribusiness or small farm;**

[2)] (3) **"Participating institutions", institutions that voluntarily elect to participate in the farm-to-table program;**

(4) **"Schools", includes any school in this state that maintains a food service program under the United States Department of Agriculture and administered by the school;**

[(3)] (5) **"Small agribusiness", a qualifying agribusiness as defined in section 348.400, and located in Missouri with gross annual sales of less than five million dollars;**

[(4)] (6) **"Small farm", a family-owned farm or family farm corporation as defined in section 350.010, and located in Missouri with less than two hundred fifty thousand dollars in gross sales per year.**

2. There is hereby created a taskforce under the AgriMissouri **marketing** program established in section 261.230, which shall be known as the "[Farm-to-School] **Farm-to-Table** Taskforce". The taskforce shall be made up of at least one representative from each of the following [agencies]: the University of Missouri extension service, the department of agriculture, **the department of corrections, the department of health and senior services**, the department of elementary and secondary education, [and] the office of administration, **and a representative from one of the military bases in the state**. In addition, the director of the department of agriculture shall appoint [two persons] **one person** actively engaged in the practice of small agribusiness. In addition, the [director of the department of elementary and secondary] **commissioner of education** shall appoint [two persons] **one person** from [schools] **a school** within the state who [direct] **directs** a food service program. **The director of the department of corrections shall appoint one person employed as a correctional facility food service director. The director of the department of health and senior services shall appoint one person employed as a hospital or nursing home food service director. The director of the department of agriculture shall appoint one person who is a registered dietician under section 324.200.** One representative for the department of agriculture shall serve as the chairperson for the taskforce and shall coordinate the taskforce meetings. The taskforce shall hold at least two meetings, but may hold more as it deems necessary to fulfill its requirements under this section. Staff of the department of agriculture may provide administrative assistance to the taskforce if such assistance is required.

3. The mission of the taskforce is to provide recommendations for strategies that:

(1) Allow [schools] **institutions** to more easily incorporate locally grown agricultural products into their cafeteria offerings, salad bars, and vending machines; and

(2) Allow [schools] **institutions** to work with food service providers to ensure greater use of locally grown agricultural products by developing standardized language for food service contracts.

4. In fulfilling its mission under this section, the taskforce shall review various food service contracts of [schools] **institutions** within the state to identify standardized language that could be included in such contracts to allow [schools] **institutions** to more easily procure and use locally grown agricultural products.

5. The taskforce shall prepare a report containing its findings and recommendations and shall deliver such report to the governor, the general assembly, and to the director of each [agency] **entity** represented on the taskforce [by no later than December 31, 2015] **no later than December thirty-first of each year**.

6. In conducting its work, the taskforce may hold public meetings at which it may invite testimony from experts, or it may solicit information from any party it deems may have information relevant to its duties under this section.

7. **Nothing in this section shall [expire on December 31, 2015] require an institution to participate in the farm-to-table program, and the department shall not establish guidelines or promulgate rules that require institutions to participate in such program.**

348.407. DEVELOPMENT AND IMPLEMENTATION OF GRANTS AND LOANS — FEE AUTHORITY'S POWERS — ASSISTANCE TO BUSINESSES — RULES. — 1. The authority shall develop and implement agricultural products utilization grants as provided in this section.

2. The authority may reject any application for grants pursuant to this section.

3. The authority shall make grants, and may make loans or guaranteed loans from the grant fund to persons for the creation, development and operation, for up to three years from the time of application approval, of rural agricultural businesses whose projects add value to agricultural products and aid the economy of a rural community.

4. The authority may make loan guarantees to qualified agribusinesses for agricultural business development loans for businesses that aid in the economy of a rural community and support production agriculture or add value to agricultural products by providing necessary products and services for production or processing.

5. The authority may make grants, loans, or loan guarantees to Missouri businesses to access resources for accessing and processing locally grown agricultural products for use in [schools] **institutions, as defined in section 262.962**, within the state.

6. The authority may, upon the provision of a fee by the requesting person in an amount to be determined by the authority, provide for a feasibility study of the person's rural agricultural business concept.

7. Upon a determination by the authority that such concept is feasible and upon the provision of a fee by the requesting person, in an amount to be determined by the authority, the authority may then provide for a marketing study. Such marketing study shall be designed to determine whether such concept may be operated profitably.

8. Upon a determination by the authority that the concept may be operated profitably, the authority may provide for legal assistance to set up the business. Such legal assistance shall include, but not be limited to, providing advice and assistance on the form of business entity, the availability of tax credits and other assistance for which the business may qualify as well as helping the person apply for such assistance.

9. The authority may provide or facilitate loans or guaranteed loans for the business including, but not limited to, loans from the United States Department of Agriculture Rural Development Program, subject to availability. Such financial assistance may only be provided to feasible projects, and for an amount that is the least amount necessary to cause the project to occur, as determined by the authority. The authority may structure the financial assistance in a way that facilitates the project, but also provides for a compensatory return on investment or loan payment to the authority, based on the risk of the project.

10. The authority may provide for consulting services in the building of the physical facilities of the business.

11. The authority may provide for consulting services in the operation of the business.

12. The authority may provide for such services through employees of the state or by contracting with private entities.

13. The authority may consider the following in making the decision:

- (1) The applicant's commitment to the project through the applicant's risk;
- (2) Community involvement and support;
- (3) The phase the project is in on an annual basis;
- (4) The leaders and consultants chosen to direct the project;
- (5) The amount needed for the project to achieve the bankable stage; and

(6) The project's planning for long-term success through feasibility studies, marketing plans, and business plans.

14. The department of agriculture, the department of natural resources, the department of economic development and the University of Missouri may provide such assistance as is necessary for the implementation and operation of this section. The authority may consult with other state and federal agencies as is necessary.

15. The authority may charge fees for the provision of any service pursuant to this section.

16. The authority may adopt rules to implement the provisions of this section.

17. 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 348.005 to 348.180 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 are reviewed, 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.

348.430. AGRICULTURAL PRODUCT UTILIZATION CONTRIBUTOR TAX CREDIT — DEFINITIONS — REQUIREMENTS — LIMITATIONS — REPORT. — 1. The tax credit created in this section shall be known as the "Agricultural Product Utilization Contributor Tax Credit".

2. As used in this section, the following terms mean:

(1) "Authority", the agriculture and small business development authority as provided in this chapter;

(2) "Contributor", an individual, partnership, corporation, trust, limited liability company, entity or person that contributes cash funds to the authority;

(3) "Development facility", a facility producing either a good derived from an agricultural commodity or using a process to produce a good derived from an agricultural product;

(4) "Eligible new generation cooperative", a nonprofit cooperative association formed pursuant to chapter 274, or incorporated pursuant to chapter 357, for the purpose of operating within this state a development facility or a renewable fuel production facility;

(5) "Eligible new generation processing entity", a partnership, corporation, cooperative, or limited liability company organized or incorporated pursuant to the laws of this state consisting of not less than twelve members, approved by the authority, for the purpose of owning or operating within this state a development facility or a renewable fuel production facility in which producer members:

(a) Hold a majority of the governance or voting rights of the entity and any governing committee;

(b) Control the hiring and firing of management; and

(c) Deliver agricultural commodities or products to the entity for processing, unless processing is required by multiple entities;

(6) "Renewable fuel production facility", a facility producing an energy source which is derived from a renewable, domestically grown, organic compound capable of powering machinery, including an engine or power plant, and any by-product derived from such energy source.

3. For all tax years beginning on or after January 1, 1999, a contributor who contributes funds to the authority may receive a credit against the tax or estimated quarterly tax otherwise due pursuant to chapter 143, other than taxes withheld pursuant to sections 143.191 to 143.265, chapter 148 chapter 147, in an amount of up to one hundred percent of such contribution. Tax credits claimed in a taxable year may be done so on a quarterly basis and applied to the estimated quarterly tax pursuant to this subsection. If a quarterly tax credit claim or series of claims

contributes to causing an overpayment of taxes for a taxable year, such overpayment shall not be refunded but shall be applied to the next taxable year. The awarding of such credit shall be at the approval of the authority, based on the least amount of credits necessary to provide incentive for the contributions. A contributor that receives tax credits for a contribution to the authority shall receive no other consideration or compensation for such contribution, other than a federal tax deduction, if applicable, and goodwill.

4. A contributor shall submit to the authority an application for the tax credit authorized by this section on a form provided by the authority. If the contributor meets all criteria prescribed by this section and the authority, the authority shall issue a tax credit certificate in the appropriate amount. Tax credits issued pursuant to this section may be claimed in the taxable year in which the contributor contributes funds to the authority. For all fiscal years beginning on or after July 1, 2004, tax credits allowed pursuant to this section [may be carried back to any of the contributor's three prior tax years and] may be carried forward to any of the contributor's [five] **four** subsequent taxable years. Tax credits issued pursuant to this section may be assigned, transferred or sold and the new owner of the tax credit shall have the same rights in the credit as the contributor. Whenever a certificate of tax credit is assigned, transferred, sold or otherwise conveyed, a notarized endorsement shall be filed with the authority specifying the name and address of the new owner of the tax credit or the value of the credit.

5. The funds derived from contributions in this section shall be used for financial assistance or technical assistance for the purposes provided in section 348.407 to rural agricultural business concepts as approved by the authority. The authority may provide or facilitate loans, equity investments, or guaranteed loans for rural agricultural business concepts, but limited to two million dollars per project or the net state economic impact, whichever is less. Loans, equity investments or guaranteed loans may only be provided to feasible projects, and for an amount that is the least amount necessary to cause the project to occur, as determined by the authority. The authority may structure the loans, equity investments or guaranteed loans in a way that facilitates the project, but also provides for a compensatory return on investment or loan payment to the authority, based on the risk of the project.

6. In any given year, at least ten percent of the funds granted to rural agricultural business concepts shall be awarded to grant requests of twenty-five thousand dollars or less. No single rural agricultural business concept shall receive more than two hundred thousand dollars in grant awards from the authority. Agricultural businesses owned by minority members or women shall be given consideration in the allocation of funds.

7. The authority shall, at least annually, submit a report to the Missouri general assembly reviewing the costs and benefits of the program established under this section.

348.432. NEW GENERATION COOPERATIVE INCENTIVE TAX CREDIT — DEFINITIONS — REQUIREMENTS — LIMITATIONS — REPORT. — 1. The tax credit created in this section shall be known as the "New Generation Cooperative Incentive Tax Credit".

2. As used in this section, the following terms mean:

(1) "Authority", the agriculture and small business development authority as provided in this chapter;

(2) "Development facility", a facility producing either a good derived from an agricultural commodity or using a process to produce a good derived from an agricultural product;

(3) "Eligible new generation cooperative", a nonprofit cooperative association formed pursuant to chapter 274 or incorporated pursuant to chapter 357 for the purpose of operating within this state a development facility or a renewable fuel production facility and approved by the authority;

(4) "Eligible new generation processing entity", a partnership, corporation, cooperative, or limited liability company organized or incorporated pursuant to the laws of this state consisting of not less than twelve members, approved by the authority, for the purpose of owning or operating within this state a development facility or a renewable fuel production facility in which producer members:

- (a) Hold a majority of the governance or voting rights of the entity and any governing committee;
- (b) Control the hiring and firing of management; and
- (c) Deliver agricultural commodities or products to the entity for processing, unless processing is required by multiple entities;
- (5) "Employee-qualified capital project", an eligible new generation cooperative with capital costs greater than fifteen million dollars which will employ at least sixty employees;
- (6) "Large capital project", an eligible new generation cooperative with capital costs greater than one million dollars;
- (7) "Producer member", a person, partnership, corporation, trust or limited liability company whose main purpose is agricultural production that invests cash funds to an eligible new generation cooperative or eligible new generation processing entity;
- (8) "Renewable fuel production facility", a facility producing an energy source which is derived from a renewable, domestically grown, organic compound capable of powering machinery, including an engine or power plant, and any by-product derived from such energy source;
- (9) "Small capital project", an eligible new generation cooperative with capital costs of no more than one million dollars.

3. Beginning tax year 1999, and ending December 31, 2002, any producer member who invests cash funds in an eligible new generation cooperative or eligible new generation processing entity may receive a credit against the tax or estimated quarterly tax otherwise due pursuant to chapter 143, other than taxes withheld pursuant to sections 143.191 to 143.265 or chapter 148, chapter 147, in an amount equal to the lesser of fifty percent of such producer member's investment or fifteen thousand dollars.

4. For all tax years beginning on or after January 1, 2003, any producer member who invests cash funds in an eligible new generation cooperative or eligible new generation processing entity may receive a credit against the tax or estimated quarterly tax otherwise due pursuant to chapter 143, other than taxes withheld pursuant to sections 143.191 to 143.265, chapter 147 or chapter 148, in an amount equal to the lesser of fifty percent of such producer member's investment or fifteen thousand dollars. Tax credits claimed in a taxable year may be done so on a quarterly basis and applied to the estimated quarterly tax pursuant to subsection 3 of this section. If a quarterly tax credit claim or series of claims contributes to causing an overpayment of taxes for a taxable year, such overpayment shall not be refunded but shall be applied to the next taxable year.

5. A producer member shall submit to the authority an application for the tax credit authorized by this section on a form provided by the authority. If the producer member meets all criteria prescribed by this section and is approved by the authority, the authority shall issue a tax credit certificate in the appropriate amount. Tax credits issued pursuant to this section may be [carried back to any of the producer member's three prior taxable years and] carried forward to any of the producer member's [five] **four** subsequent taxable years regardless of the type of tax liability to which such credits are applied as authorized pursuant to subsection 3 of this section. Tax credits issued pursuant to 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 producer member. Whenever a certificate of tax credit is assigned, transferred, sold or otherwise conveyed, a notarized endorsement shall be filed with the authority specifying the name and address of the new owner of the tax credit or the value of the credit.

6. Ten percent of the tax credits authorized pursuant to this section initially shall be offered in any fiscal year to small capital projects. If any portion of the ten percent of tax credits offered to small capital costs projects is unused in any calendar year, then the unused portion of tax credits may be offered to employee-qualified capital projects and large capital projects. If the authority receives more applications for tax credits for small capital projects than tax credits are authorized therefor, then the authority, by rule, shall determine the method of distribution of tax credits authorized for small capital projects.

7. Ninety percent of the tax credits authorized pursuant to this section initially shall be offered in any fiscal year to employee-qualified capital projects and large capital projects. If any portion of the ninety percent of tax credits offered to employee-qualified capital projects and large capital costs projects is unused in any fiscal year, then the unused portion of tax credits may be offered to small capital projects. The maximum tax credit allowed per employee-qualified capital project is three million dollars and the maximum tax credit allowed per large capital project is one million five hundred thousand dollars. If the authority approves the maximum tax credit allowed for any employee-qualified capital project or any large capital project, then the authority, by rule, shall determine the method of distribution of such maximum tax credit. In addition, if the authority receives more tax credit applications for employee-qualified capital projects and large capital projects than the amount of tax credits authorized therefor, then the authority, by rule, shall determine the method of distribution of tax credits authorized for employee-qualified capital projects and large capital projects.

8. The authority shall, at least annually, submit a report to the Missouri general assembly reviewing the costs and benefits of the program established under this section.

348.436. EXPIRATION DATE. — The provisions of sections 348.430 to 348.436 shall expire December 31, [2016] **2021**.

414.082. INSPECTION FEES, RATE DETERMINED BY DIRECTOR OF REVENUE — PETROLEUM INSPECTION FUND CREATED, FEES DEPOSITED, USES, INVESTMENT OF MONEYS.

— 1. The fee for the inspection of gasoline, gasoline-alcohol blends, kerosene, diesel fuel, heating oil, aviation turbine fuel, and other motor fuels under this chapter shall be fixed by the director of revenue at a rate per barrel which will approximately yield revenue equal to the expenses of administering this chapter; except that, until December 31, [1993, the rate shall be one and one-half cents per barrel and beginning January 1, 1994, the fee shall not be less than one and one-half cents per barrel nor exceed two and one-half] **2016, the rate shall not exceed two and one-half cents per barrel, from January 1, 2017, through December 31, 2021, the rate shall not exceed four cents per barrel, and after January 1, 2022, the rate shall not exceed five cents per barrel.**

2. Annually the director of the department of agriculture shall ascertain the total expenses for administering sections 414.012 to 414.152 during the preceding year, and shall forward a copy of such expenses to the director of revenue. The director of revenue shall fix the inspection fee for the ensuing calendar year at such rate per barrel, within the limits established by subsection 1 of this section, as will approximately yield revenue equal to the expenses of administering sections 414.012 to 414.152 during the preceding calendar year and shall collect the fees and deposit them in the state treasury to the credit of the "Petroleum Inspection Fund" which is hereby created. Beginning July 1, 1988, all expenses of administering sections 414.012 to 414.152 shall be paid from appropriations made out of the petroleum inspection fund.

3. The unexpended balance in the fund at the end of each fiscal year shall not be transferred to the general revenue fund of the state, and the provisions of section 33.080 relating to the transfer of funds to the general revenue fund of the state by the state treasurer shall not apply to this fund.

4. The state treasurer shall invest all sums in the petroleum inspection fund not needed for current operating expenses in interest-bearing banking accounts or United States government obligations in the manner provided by law. All yield, increment, gain, interest or income derived from the investment of these sums shall accrue to the benefit of, and be deposited within the state treasury to the credit of, the petroleum inspection fund.

Approved June 24, 2016

SB 700 [CCS SB 700]

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 law relating to workers' compensation premium rates

AN ACT to repeal sections 287.090, 287.957, and 287.975, RSMo, and to enact in lieu thereof four new sections relating to workers' compensation.

SECTION

- A. Enacting clause.
- 287.090. Exempt employers and occupations — election to accept — withdrawal — notification required of insurance companies.
- 287.245. Volunteer firefighters, grants for workers' compensation insurance premiums.
- 287.957. Experience rating plan, contents.
- 287.975. Pure premium rate, schedule of rates, filed with director, when — payroll differential, advisory organization to collect data, when, purpose — construction group, submission to advisory organization.

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

SECTION A. ENACTING CLAUSE. — Sections 287.090, 287.957, and 287.975, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 287.090, 287.245, 287.957, and 287.975, to read as follows:

287.090. EXEMPT EMPLOYERS AND OCCUPATIONS — ELECTION TO ACCEPT — WITHDRAWAL — NOTIFICATION REQUIRED OF INSURANCE COMPANIES. — 1. This chapter shall not apply to:

- (1) Employment of farm labor, domestic servants in a private home, including family chauffeurs, or occasional labor performed for and related to a private household;
- (2) Qualified real estate agents and direct sellers as those terms are defined in Section 3508 of Title 26 United States Code;
- (3) Employment where the person employed is an inmate confined in a state prison, penitentiary or county or municipal jail, or a patient or resident in a state mental health facility, and the labor or services of such inmate, patient, or resident are exclusively on behalf of the state, county or municipality having custody of said inmate, patient, or resident. Nothing in this subdivision is intended to exempt employment where the inmate, patient or resident was hired by a state, county or municipal government agency after direct competition with persons who are not inmates, patients or residents and the compensation for the position of employment is not contingent upon or affected by the worker's status as an inmate, patient or resident;
- (4) Except as provided in section 287.243, volunteers of a tax-exempt organization which operates under the standards of Section 501(c)(3) or **Section 501(c)(19)** of the federal Internal Revenue Code, where such volunteers are not paid wages, but provide services purely on a charitable and voluntary basis;
- (5) Persons providing services as adjudicators, sports officials, or contest workers for interscholastic activities programs or similar amateur youth programs who are not otherwise employed by the sponsoring school, association of schools or nonprofit tax-exempt organization sponsoring the amateur youth programs.

2. Any employer exempted from this chapter as to the employer or as to any class of employees of the employer pursuant to the provisions of subdivision (3) of subsection 1 of section 287.030 or pursuant to subsection 1 of this section may elect coverage as to the employer or as to the class of employees of that employer pursuant to this chapter by purchasing and accepting a valid workers' compensation insurance policy or endorsement, or by written notice to the group self-insurer of which the employer is a member. The election shall take effect on

the effective date of the workers' compensation insurance policy or endorsement, or by written notice to the group self-insurer of which the employer is a member, and continue while such policy or endorsement remains in effect or until further written notice to the group self-insurer of which the employer is a member. Any such exempt employer or employer with an exempt class of employees may withdraw such election by the cancellation or nonrenewal of the workers' compensation insurance policy or endorsement, or by written notice to the group self-insurer of which the employer is a member. In the event the employer is electing out of coverage as to the employer, the cancellation shall take effect on the later date of the cancellation of the policy or the filing of notice pursuant to subsection 3 of this section.

3. Any insurance company authorized to write insurance under the provisions of this chapter in this state shall file with the division a memorandum on a form prescribed by the division of any workers' compensation policy issued to any employer and of any renewal or cancellation thereof.

4. The mandatory coverage sections of this chapter shall not apply to the employment of any member of a family owning a family farm corporation as defined in section 350.010 or to the employment of any salaried officer of a family farm corporation organized pursuant to the laws of this state, but such family members and officers of such family farm corporations may be covered under a policy of workers' compensation insurance if approved by a resolution of the board of directors. Nothing in this subsection shall be construed to apply to any other type of corporation other than a family farm corporation.

5. A corporation may withdraw from the provisions of this chapter, when there are no more than two owners of the corporation who are also the only employees of the corporation, by filing with the division notice of election to be withdrawn. The election shall take effect and continue from the date of filing with the division by the corporation of the notice of withdrawal from liability under this chapter. Any corporation making such an election may withdraw its election by filing with the division a notice to withdraw the election, which shall take effect thirty days after the date of the filing, or at such later date as may be specified in the notice of withdrawal.

287.245. VOLUNTEER FIREFIGHTERS, GRANTS FOR WORKERS' COMPENSATION INSURANCE PREMIUMS.—1. As used in this section, the following terms shall mean:

- (1) "Association", volunteer fire protection associations as defined in section 320.300;
- (2) "State fire marshal", the state fire marshal selected under the provisions of sections 320.200 to 320.270;
- (3) "Volunteer firefighter", the same meaning as in section 287.243.

2. Any association may apply to the state fire marshal for a grant for the purpose of funding such association's costs related to workers' compensation insurance premiums for volunteer firefighters.

3. Subject to appropriations, the state fire marshal shall disburse grants to each applying volunteer fire protection association according to the following schedule:

- (1) Associations which had zero to five volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for two thousand dollars in grant money;
- (2) Associations which had six to ten volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for one thousand five hundred dollars in grant money;
- (3) Associations which had eleven to fifteen volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for one thousand dollars in grant money;

(4) Associations which had sixteen to twenty volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for five hundred dollars in grant money.

4. Grant money disbursed under this section shall only be used for the purpose of paying for the workers' compensation insurance premiums of volunteer firefighters.

287.957. EXPERIENCE RATING PLAN, CONTENTS. — The experience rating plan shall contain reasonable eligibility standards, provide adequate incentives for loss prevention, and shall provide for sufficient premium differentials so as to encourage safety. The uniform experience rating plan shall be the exclusive means of providing prospective premium adjustment based upon measurement of the loss-producing characteristics of an individual insured. An insurer may submit a rating plan or plans providing for retrospective premium adjustments based upon an insured's past experience. Such system shall provide for retrospective adjustment of an experience modification and premiums paid pursuant to such experience modification where a prior reserved claim produced an experience modification that varied by greater than fifty percent from the experience modification that would have been established based on the settlement amount of that claim. The rating plan shall prohibit an adjustment to the experience modification of an employer if the total medical cost does not exceed [one thousand dollars] **twenty percent of the current split point of primary and excess losses under the uniform experience rating plan**, and the employer pays all of the total medical costs and there is no lost time from the employment, other than the first three days or less of disability under subsection 1 of section 287.160, and no claim is filed. An employer opting to utilize this provision maintains an obligation to report the injury under subsection 1 of section 287.380.

287.975. PURE PREMIUM RATE, SCHEDULE OF RATES, FILED WITH DIRECTOR, WHEN — PAYROLL DIFFERENTIAL, ADVISORY ORGANIZATION TO COLLECT DATA, WHEN, PURPOSE — CONSTRUCTION GROUP, SUBMISSION TO ADVISORY ORGANIZATION. — 1. The advisory organization shall file with the director every pure premium rate, every manual of rating rules, every rating schedule and every change or amendment, or modification of any of the foregoing, proposed for use in this state no more than thirty days after it is distributed to members, subscribers or others.

2. The advisory organization which makes a uniform classification system for use in setting rates in this state shall collect data for two years after January 1, 1994, on the payroll differential between employers within the construction group of code classifications, including, but not limited to, payroll costs of the employer and number of hours worked by all employees of the employer engaged in construction work. Such data shall be transferred to the department of insurance, financial institutions and professional registration in a form prescribed by the director of the department of insurance, financial institutions and professional registration, and the department shall compile the data and develop a formula to equalize premium rates for employers within the construction group of code classifications based on such payroll differential within three years after the data is submitted by the advisory organization.

3. The formula to equalize premium rates for employers within the construction group of code classifications established under subsection 2 of this section shall be the formula in effect on January 1, 1999. This subsection shall become effective on January 1, 2014.

4. For the purposes of calculating the premium credit under the Missouri contracting classification premium adjustment program, an employer within the construction group of code classifications may submit to the advisory organization the required payroll record information for the first, second, third, or fourth calendar quarter of the year prior to the workers' compensation policy beginning or renewal date, provided that the employer clearly indicates for which quarter the payroll information is being submitted.

Allowed to go into effect pursuant to Article III, Section 31 of the Missouri Constitution

SB 702 [SB 702]

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 law relating to unemployment compensation benefits

AN ACT to repeal sections 288.032, 288.380, and 288.381, RSMo, and to enact in lieu thereof three new sections relating to employment security, with existing penalty provisions.

SECTION

- A. Enacting clause.
- 288.032. Employer defined, exceptions.
- 288.380. Void agreements — offenses, penalties — deductions of support obligations and uncollected overissuance of food stamps — offset for overpayment of benefits by other states, when — definitions.
- 288.381. Collection of benefits paid when claimant later determined ineligible or awarded back pay — violation, damages.

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

SECTION A. ENACTING CLAUSE. — Sections 288.032, 288.380, and 288.381, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 288.032, 288.380, and 288.381, to read as follows:

288.032. EMPLOYER DEFINED, EXCEPTIONS. — 1. After December 31, 1977, "employer" means:

(1) Any employing unit which in any calendar quarter in either the current or preceding calendar year paid for service in employment wages of one thousand five hundred dollars or more except that for the purposes of this definition, wages paid for "agricultural labor" as defined in paragraph (a) of subdivision (1) of subsection 12 of section 288.034 and for "domestic services" as defined in subdivisions (2) and (13) of subsection 12 of section 288.034 shall not be considered;

(2) Any employing unit which for some portion of a day in each of twenty different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, had in employment at least one individual (irrespective of whether the same individual was in employment in each such day); except that for the purposes of this definition, services performed in "agricultural labor" as defined in paragraph (a) of subdivision (1) of subsection 12 of section 288.034 and in "domestic services" as defined in subdivisions (2) and (13) of subsection 12 of section 288.034 shall not be considered;

(3) Any governmental entity for which service in employment as defined in subsection 7 of section 288.034 is performed;

(4) Any employing unit for which service in employment as defined in subsection 8 of section 288.034 is performed during the current or preceding calendar year;

(5) Any employing unit for which service in employment as defined in paragraph (b) of subdivision (1) of subsection 12 of section 288.034 is performed during the current or preceding calendar year;

(6) Any employing unit for which service in employment as defined in subsection 13 of section 288.034 is performed during the current or preceding calendar year;

(7) Any individual, type of organization or employing unit which has been determined to be a successor pursuant to section 288.110;

(8) Any individual, type of organization or employing unit which has elected to become subject to this law pursuant to subdivision (1) of subsection 3 of section 288.080;

(9) Any individual, type of organization or employing unit which, having become an employer, has not pursuant to section 288.080 ceased to be an employer;

(10) Any employing unit subject to the Federal Unemployment Tax Act or which, as a condition for approval of this law for full tax credit against the tax imposed by the Federal Unemployment Tax Act, is required, pursuant to such act, to be an employer pursuant to this law.

2. (1) Notwithstanding any other provisions of this law, any employer, individual, organization, partnership, corporation, other legal entity or employing unit that meets the definition of "lessor employing unit", as defined in subdivision (5) of this subsection, shall be liable for contributions on wages paid by the lessor employing unit to individuals performing services for client lessees of the lessor employing unit. Unless the lessor employing unit has timely complied with the provisions of subdivision (3) of this subsection, any employer, individual, organization, partnership, corporation, other legal entity or employing unit which is leasing individuals from any lessor employing unit shall be jointly and severally liable for any unpaid contributions, interest and penalties due pursuant to this law from any lessor employing unit attributable to wages for services performed for the client lessee entity by individuals leased to the client lessee entity, and the lessor employing unit shall keep separate records and submit separate quarterly contribution and wage reports for each of its client lessee entities. Delinquent contributions, interest and penalties shall be collected in accordance with the provisions of this chapter.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, any governmental entity or nonprofit organization that meets the definition of "lessor employing unit", as defined in subdivision (5) of this subsection, and has elected to become liable for payments in lieu of contributions as provided in subsection 3 of section 288.090, shall pay the division payments in lieu of contributions, interest, penalties and surcharges in accordance with section 288.090 on benefits paid to individuals performing services for the client lessees of the lessor employing unit. If the lessor employing unit has not timely complied with the provisions of subdivision (3) of this subsection, any client lessees with services attributable to and performed for the client lessees shall be jointly and severally liable for any unpaid payments in lieu of contributions, interest, penalties and surcharges due pursuant to this law. The lessor employing unit shall keep separate records and submit separate quarterly contribution and wage reports for each of its client lessees. Delinquent payments in lieu of contributions, interest, penalties and surcharges shall be collected in accordance with subsection 3 of section 288.090. The election to be liable for payments in lieu of contributions made by a governmental entity or nonprofit organization meeting the definition of "lessor employing unit" may be terminated by the division in accordance with subsection 3 of section 288.090.

(3) In order to relieve a client lessees from joint and several liability and the separate reporting requirements imposed pursuant to this subsection, any lessor employing unit may post and maintain a surety bond issued by a corporate surety authorized to do business in Missouri in an amount equivalent to the contributions or payments in lieu of contributions for which the lessor employing unit was liable in the last calendar year in which he or she accrued contributions or payments in lieu of contributions, or one hundred thousand dollars, whichever amount is the greater, to ensure prompt payment of contributions or payments in lieu of contributions, interest, penalties and surcharges for which the lessor employing unit may be, or becomes, liable pursuant to this law. In lieu of a surety bond, the lessor employing unit may deposit in a depository designated by the director, securities with marketable value equivalent to the amount required for a surety bond. The securities so deposited shall include authorization to the director to sell any securities in an amount sufficient to pay any contributions or payments in lieu of contributions, interest, penalties and surcharges which the lessor employing unit fails to promptly pay when due. In lieu of a surety bond or securities as described in this subdivision, any lessor employing unit may provide the director with an irrevocable letter of credit, as defined in section 409.5-103, issued by any state or federally chartered financial institution, in an amount equivalent to the amount required for a surety bond as described in this subdivision. In lieu of a surety bond, securities or an irrevocable letter of credit, a lessor employing unit may obtain a

certificate of deposit issued by any state or federally chartered financial institution, in an amount equivalent to the amount required for a surety bond as described in this subdivision. The certificate of deposit shall be pledged to the director until release by the director. As used in this subdivision, the term "certificate of deposit" means a certificate representing any deposit of funds in a state or federally chartered financial institution for a specified period of time which earns interest at a fixed or variable rate, where such funds cannot be withdrawn prior to a specified time without forfeiture of some or all of the earned interest.

(4) Any lessor employing unit which is currently engaged in the business of leasing individuals to client lessees shall comply with the provisions of subdivision (3) of this subsection by September 28, 1992. Lessor employing units not currently engaged in the business of leasing individuals to client lessees shall comply with subdivision (3) of this subsection before entering into a written lease agreement with client lessees.

(5) As used in this subsection, the term "lessor employing unit" means an independently established business entity, governmental entity as defined in subsection 1 of section 288.030 or nonprofit organization as defined in subsection 3 of section 288.090 which, pursuant to a written lease agreement between the lessor employing unit and the client lessees, engages in the business of providing individuals to any other employer, individual, organization, partnership, corporation, other legal entity or employing unit referred to in this subsection as a client lessee.

(6) The provisions of this subsection shall not be applicable to private employment agencies who provide their employees to employers on a temporary help basis provided the private employment agencies are liable as employers for the payment of contributions on wages paid to temporary workers so employed.

3. After September 30, 1986, notwithstanding any provision of section 288.034, for the purpose of this law, in no event shall a for-hire motor carrier as regulated by the Missouri division of motor carrier and railroad safety or whose operations are confined to a commercial zone be determined to be the employer of a lessor as defined in 49 CFR Section 376.2(f), or of a driver receiving remuneration from a lessor as defined in 49 CFR Section 376.2(f), provided, however, the term "for-hire motor carrier" shall in no event include an organization described in Section 501(c)(3) of the Internal Revenue Code or any governmental entity.

4. The owner or operator of a beauty salon or similar establishment shall not be determined to be the employer of a person who utilizes the facilities of the owner or operator but who receives neither salary, wages or other compensation from the owner or operator and who pays the owner or operator rent or other payments for the use of the facilities.

5. For purposes of this chapter, a taxicab driver shall not be considered to be an employee of the company that leases the taxicab to the driver or that provides dispatching or similar rider referral services unless the driver is shown to be an employee of that company by application of the Internal Revenue Service twenty-factor right-to-control test.

288.380. VOID AGREEMENTS — OFFENSES, PENALTIES — DEDUCTIONS OF SUPPORT OBLIGATIONS AND UNCOLLECTED OVERISSUANCE OF FOOD STAMPS — OFFSET FOR OVERPAYMENT OF BENEFITS BY OTHER STATES, WHEN — DEFINITIONS. — 1. Any agreement by a worker to waive, release, or commute such worker's rights to benefits or any other rights pursuant to this chapter or pursuant to an employment security law of any other state or of the federal government shall be void. Any agreement by a worker to pay all or any portion of any contributions required shall be void. No employer shall directly or indirectly make any deduction from wages to finance the employer's contributions required from him or her, or accept any waiver of any right pursuant to this chapter by any individual in his or her employ.

2. No employing unit or any agent of an employing unit or any other person shall make a false statement or representation knowing it to be false, nor shall knowingly fail to disclose a material fact to prevent or reduce the payment of benefits to any individual, nor to avoid becoming or remaining an employer, nor to avoid or reduce any contribution or other payment

required from any employing unit, nor shall willfully fail or refuse to make any contributions or payments nor to furnish any required reports nor to produce or permit the inspection or copying of required records. Each such requirement shall apply regardless of whether it is a requirement of this chapter, of an employment security law of any other state or of the federal government.

3. No person shall make a false statement or representation knowing it to be false or knowingly fail to disclose a material fact, to obtain or increase any benefit or other payment pursuant to this chapter, or under an employment security law of any other state or of the federal government either for himself or herself or for any other person.

4. No person shall without just cause fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda, and other records, if it is in such person's power so to do in obedience to a subpoena of the director, the commission, an appeals tribunal, or any duly authorized representative of any one of them.

5. No individual claiming benefits shall be charged fees of any kind in any proceeding pursuant to this chapter by the division, or by any court or any officer thereof. Any individual claiming benefits in any proceeding before the division or a court may be represented by counsel or other duly authorized agent; but no such counsel or agents shall either charge or receive for such services more than an amount approved by the division.

6. No employee of the division or any person who has obtained any list of applicants for work or of claimants for or recipients of benefits pursuant to this chapter shall use or permit the use of such lists for any political purpose.

7. Any person who shall willfully violate any provision of this chapter, or of an employment security law of any other state or of the federal government or any rule or regulation, the observance of which is required under the terms of any one of such laws, shall upon conviction be deemed guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars nor more than one thousand dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment, and each such violation or each day such violation continues shall be deemed to be a separate offense.

8. In case of contumacy by, or refusal to obey a subpoena issued to, any person, any court of this state within the jurisdiction of which the inquiry is carried on, or within the jurisdiction of which the person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the director, the commission, an appeals tribunal, or any duly authorized representative of any one of them shall have jurisdiction to issue to such person an order requiring such person to appear before the director, the commission, an appeals tribunal or any duly authorized representative of any one of them, there to produce evidence if so ordered or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by the court as a contempt thereof.

9. (1) Any individual or employer who receives or denies unemployment benefits by intentionally misrepresenting, misstating, or failing to disclose any material fact has committed fraud. After the discovery of facts indicating fraud, a deputy shall make a written determination that the individual obtained or denied unemployment benefits by fraud and that the individual must promptly repay the unemployment benefits to the fund. In addition, the deputy shall assess a penalty equal to twenty-five percent of the amount fraudulently obtained or denied. If division records indicate that the individual or employer had a prior established overpayment or record of denial due to fraud, the deputy shall, on the present overpayment or determination, assess a penalty equal to one hundred percent of the amount fraudulently obtained.

(2) Unless the individual or employer within thirty calendar days after notice of such determination of overpayment by fraud is either delivered in person or mailed to the last known address of such individual or employer files an appeal from such determination, it shall be final. Proceedings on the appeal shall be conducted in accordance with section 288.190.

(3) If the individual or employer fails to repay the unemployment benefits and penalty, assessed as a result of the deputy's determination that the individual or employer obtained or denied unemployment benefits by fraud, such sum shall be collectible in the manner provided

in [sections 288.160 and 288.170 for the collection of past due contributions] **subsection 14 of this section for the recovery of overpaid unemployment compensation benefits.** If the individual or employer fails to repay the unemployment benefits that the individual or employer denied or obtained by fraud, the division may offset from any future unemployment benefits otherwise payable the amount of the overpayment, or may take such steps as are necessary to effect payment from the individual or employer. Future benefits may not be used to offset the penalty due. Money received in repayment of fraudulently obtained or denied unemployment benefits and penalties shall first be applied to the unemployment benefits overpaid, then to the penalty amount due. [Payments made toward the penalty amount due] **Regarding payments made toward the penalty, an amount equal to fifteen percent of the total amount of benefits fraudulently obtained shall be immediately deposited into the state's unemployment compensation fund upon receipt and the remaining penalty amount shall be credited to the special employment security fund.**

(4) If fraud or evasion on the part of any employer is discovered by the division, the employer will be subject to the fraud provisions of subsection 4 of section 288.160.

(5) The provisions of this subsection shall become effective July 1, 2005.

10. An individual who willfully fails to disclose amounts earned during any week with respect to which benefits are claimed by him or her, willfully fails to disclose or has falsified as to any fact which would have disqualified him or her or rendered him or her ineligible for benefits during such week, or willfully fails to disclose a material fact or makes a false statement or representation in order to obtain or increase any benefit pursuant to this chapter shall forfeit all of his or her benefit rights, and all of his or her wage credits accrued prior to the date of such failure to disclose or falsification shall be cancelled, and any benefits which might otherwise have become payable to him or her subsequent to such date based upon such wage credits shall be forfeited; except that, the division may, upon good cause shown, modify such reduction of benefits and cancellation of wage credits. It shall be presumed that such failure or falsification was willful in any case in which an individual signs and certifies a claim for benefits and fails to disclose or falsifies as to any fact relative to such claim.

11. (1) Any assignment, pledge, or encumbrance of any rights to benefits which are or may become due or payable pursuant to this chapter shall be void; and such rights to benefits shall be exempt from levy, execution, attachment, or any other remedy whatsoever provided for the collection of debt; and benefits received by any individual, so long as they are not mingled with other funds of the recipient, shall be exempt from any remedy whatsoever for the collection of all debts except debts incurred for necessities furnished to such individual or the individual's spouse or dependents during the time such individual was unemployed. Any waiver of any exemption provided for in this subsection shall be void; except that this section shall not apply to:

(a) Support obligations, as defined pursuant to paragraph (g) of subdivision (2) of this subsection, which are being enforced by a state or local support enforcement agency against any individual claiming unemployment compensation pursuant to this chapter; or

(b) Uncollected overissuances (as defined in Section 13(c)(1) of the Food Stamp Act of 1977) of food stamp coupons;

(2) (a) An individual filing a new claim for unemployment compensation shall, at the time of filing such claim, disclose whether or not the individual owes support obligations, as defined pursuant to paragraph (g) of this subdivision or owes uncollected overissuances of food stamp coupons (as defined in Section 13(c)(1) of the Food Stamp Act of 1977). If any such individual discloses that he or she owes support obligations or uncollected overissuances of food stamp coupons, and is determined to be eligible for unemployment compensation, the division shall notify the state or local support enforcement agency enforcing the support obligation or the state food stamp agency to which the uncollected food stamp overissuance is owed that such individual has been determined to be eligible for unemployment compensation;

(b) The division shall deduct and withhold from any unemployment compensation payable to an individual who owes support obligations as defined pursuant to paragraph (g) of this subdivision or who owes uncollected food stamp overissuances:

a. The amount specified by the individual to the division to be deducted and withheld pursuant to this paragraph if neither subparagraph b. nor subparagraph c. of this paragraph is applicable; or

b. The amount, if any, determined pursuant to an agreement submitted to the division pursuant to Section 454(20)(B)(i) of the Social Security Act by the state or local support enforcement agency, unless subparagraph c. of this paragraph is applicable; or the amount (if any) determined pursuant to an agreement submitted to the state food stamp agency pursuant to Section 13(c)(3)(a) of the Food Stamp Act of 1977; or

c. Any amount otherwise required to be so deducted and withheld from such unemployment compensation pursuant to properly served legal process, as that term is defined in Section 459(i) of the Social Security Act; or any amount otherwise required to be deducted and withheld from the unemployment compensation pursuant to Section 13(c)(3)(b) of the Food Stamp Act of 1977;

(c) Any amount deducted and withheld pursuant to paragraph (b) of this subdivision shall be paid by the division to the appropriate state or local support enforcement agency or state food stamp agency;

(d) Any amount deducted and withheld pursuant to paragraph (b) of this subdivision shall, for all purposes, be treated as if it were paid to the individual as unemployment compensation and paid by such individual to the state or local support enforcement agency in satisfaction of the individual's support obligations or to the state food stamp agency to which the uncollected overissuance is owed as repayment of the individual's uncollected overissuance;

(e) For purposes of paragraphs (a), (b), (c), and (d) of this subdivision, the term "unemployment compensation" means any compensation payable pursuant to this chapter, including amounts payable by the division pursuant to an agreement pursuant to any federal law providing for compensation, assistance, or allowances with respect to unemployment;

(f) Deductions will be made pursuant to this section only if appropriate arrangements have been made for reimbursement by the state or local support enforcement agency, or the state food stamp agency, for the administrative costs incurred by the division pursuant to this section which are attributable to support obligations being enforced by the state or local support enforcement agency or which are attributable to uncollected overissuances of food stamp coupons;

(g) The term "support obligations" is defined for purposes of this subsection as including only obligations which are being enforced pursuant to a plan described in Section 454 of the Social Security Act which has been approved by the Secretary of Health and Human Services pursuant to Part D of Title IV of the Social Security Act;

(h) The term "state or local support enforcement agency", as used in this subsection, means any agency of a state, or political subdivision thereof, operating pursuant to a plan described in paragraph (g) of this subdivision;

(i) The term "state food stamp agency" as used in this subsection means any agency of a state, or political subdivision thereof, operating pursuant to a plan described in the Food Stamp Act of 1977;

(j) The director may prescribe the procedures to be followed and the form and contents of any documents required in carrying out the provisions of this subsection;

(k) The division shall comply with the following priority when deducting and withholding amounts from any unemployment compensation payable to an individual:

a. Before withholding any amount for child support obligations or uncollected overissuances of food stamp coupons, the division shall first deduct and withhold from any unemployment compensation payable to an individual the amount, as determined by the division, owed pursuant to subsection 12 or 13 of this section;

b. If, after deductions are made pursuant to subparagraph a. of this paragraph, an individual has remaining unemployment compensation amounts due and owing, and the individual owes

support obligations or uncollected overissuances of food stamp coupons, the division shall first deduct and withhold any remaining unemployment compensation amounts for application to child support obligations owed by the individual;

c. If, after deductions are made pursuant to subparagraphs a. and b. of this paragraph, an individual has remaining unemployment compensation amounts due and owing, and the individual owes uncollected overissuances of food stamp coupons, the division shall deduct and withhold any remaining unemployment compensation amounts for application to uncollected overissuances of food stamp coupons owed by the individual.

12. Any person who, by reason of the nondisclosure or misrepresentation by such person or by another of a material fact, has received any sum as benefits pursuant to this chapter while any conditions for the receipt of benefits imposed by this chapter were not fulfilled in such person's case, or while he or she was disqualified from receiving benefits, shall, in the discretion of the division, either be liable to have such sums deducted from any future benefits payable to such person pursuant to this chapter or shall be liable to repay to the division for the unemployment compensation fund a sum equal to the amounts so received by him or her. **The division may recover such sums in accordance with the provisions of subsection 14 of this section.**

13. Any person who, by reason of any error or omission or because of a lack of knowledge of material fact on the part of the division, has received any sum of benefits pursuant to this chapter while any conditions for the receipt of benefits imposed by this chapter were not fulfilled in such person's case, or while such person was disqualified from receiving benefits, shall after an opportunity for a fair hearing pursuant to subsection 2 of section 288.190, **in the discretion of the division, either be liable to have such sums deducted from any further benefits payable to such person pursuant to this chapter, [provided that] or shall be liable to repay to the division for the unemployment compensation fund a sum equal to the amounts so received by him or her. The division may recover such sums in accordance with the provisions of subsection 14 of this section.** However, the division may elect not to process such possible overpayments where the amount of same is not over twenty percent of the maximum state weekly benefit amount in effect at the time the error or omission was discovered.

14. Recovering overpaid unemployment compensation benefits shall be pursued by the division against any person receiving such overpaid unemployment compensation benefits through billing, setoffs against state and federal tax refunds to the extent permitted by federal law, intercepts of lottery winnings under section 313.321, and collection efforts as provided for in sections 288.160, 288.170, and 288.175.

15. Any person who has received any sum as benefits under the laws of another state, or under any unemployment benefit program of the United States administered by another state while any conditions for the receipt of benefits imposed by the law of such other state were not fulfilled in his or her case, shall after an opportunity for a fair hearing pursuant to subsection 2 of section 288.190 have such sums deducted from any further benefits payable to such person pursuant to this chapter, but only if there exists between this state and such other state a reciprocal agreement under which such entity agrees to recover benefit overpayments, in like fashion, on behalf of this state.

288.381. COLLECTION OF BENEFITS PAID WHEN CLAIMANT LATER DETERMINED INELIGIBLE OR AWARDED BACK PAY — VIOLATION, DAMAGES. — 1. The provisions of subsection [6] 8 of section 288.070 notwithstanding, benefits paid to a claimant pursuant to subsection [5] 7 of section 288.070 to which the claimant was not entitled based on a subsequent determination, redetermination or decision which has become final, shall be collectible by the division as provided in subsections 12 and 13 of section 288.380.

2. Notwithstanding any other provision of law to the contrary, when a claimant who has been separated from his employment receives benefits under this chapter and subsequently receives a back pay award pursuant to action by a governmental agency, court of competent

jurisdiction or as a result of arbitration proceedings, for a period of time during which no services were performed, the division shall establish an overpayment equal to the lesser of the amount of the back pay award or the benefits paid to the claimant which were attributable to the period covered by the back pay award. After the claimant has been provided an opportunity for a fair hearing under the provision of section 288.190, the employer shall withhold from the employee's back pay award the amount of benefits so received and shall pay such amount to the division and separately designate such amount.

3. For the purposes of subsection 2 of this section, the division shall provide the employer with the amount of benefits paid to the claimant.

4. Any individual, company, association, corporation, partnership, bureau, agency or the agent or employee of the foregoing who interferes with, obstructs, or otherwise causes an employer to fail to comply with the provisions of subsection 2 of this section shall be liable for damages in the amount of three times the amount owed by the employer to the division. The division shall proceed to collect such damages under the provisions of sections 288.160 and 288.170.

Approved July 14, 2016

SB 711 [SB 711]

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

Modifies laws relating to elementary and secondary education

AN ACT to repeal section 170.310, RSMo, and to enact in lieu thereof one new section relating to cardiopulmonary instruction in schools.

SECTION

A. Enacting clause.

170.310. Cardiopulmonary resuscitation instruction and training, grades nine through twelve, requirements — rulemaking authority.

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

SECTION A. ENACTING CLAUSE. — Section 170.310, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 170.310, to read as follows:

170.310. CARDIOPULMONARY RESUSCITATION INSTRUCTION AND TRAINING, GRADES NINE THROUGH TWELVE, REQUIREMENTS — RULEMAKING AUTHORITY. — 1. **For school year 2017-18 and each school year thereafter, upon graduation from high school pupils in public schools and charter schools shall have received thirty minutes of cardiopulmonary resuscitation instruction and training in the proper performance of the Heimlich maneuver or other first aid for choking given any time during a pupil's four years of high school.**

2. **Beginning in school year 2017-18, any public school or charter school serving grades nine through twelve [may] shall provide enrolled students instruction in cardiopulmonary resuscitation. Students with disabilities may participate to the extent appropriate as determined by the provisions of the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act. Instruction [may be embedded in any health education course] shall be included in the district's existing health or physical education curriculum.** Instruction shall be based on a program established by the American Heart Association or the American Red Cross, or through a nationally recognized program based on the most current national evidence-

based emergency cardiovascular care guidelines, and psychomotor skills development shall be incorporated into the instruction. For purposes of this section, "psychomotor skills" means the use of hands-on practicing and skills testing to support cognitive learning.

[2.] 3. The teacher of the cardiopulmonary resuscitation course or unit shall not be required to be a certified trainer of cardiopulmonary resuscitation if the instruction is not designed to result in certification of students. Instruction that is designed to result in certification being earned shall be required to be taught by an authorized cardiopulmonary instructor. Schools may develop agreements with any local chapter of a voluntary organization of first responders to provide the required hands-on practice and skills testing.

[3.] 4. The department of elementary and secondary education may promulgate rules 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, 2012, shall be invalid and void.

Approved June 14, 2016

SB 732 [CCS HCS SS SB 732]

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

Modifies numerous provisions relating to public safety

AN ACT to repeal sections 43.545, 44.010, 44.023, 44.032, 67.145, 67.281, 70.210, 84.720, 94.902, 190.055, 190.102, 190.103, 190.142, 190.165, 190.241, 190.335, 192.737, 192.2400, 192.2405, 304.022, 307.175, 321.017, 321.130, 321.210, 455.543, 455.545, and 610.100, RSMo, and section 192.2475 as enacted by house revision bill no. 1299 merged with senate bill no. 491, ninety-seventh general assembly, second regular session, section 192.2475 as enacted by house revision bill no. 1299, ninety-seventh general assembly, second regular session, section 575.145 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 575.145 as enacted by house bill no. 1270 and house bill no. 2032, ninety-first general assembly, second regular session, and to enact in lieu thereof thirty-seven new sections relating to public safety, with penalty provisions.

SECTION

- A. Enacting clause.
 - 43.545. Highway patrol to include incidents of domestic violence in reporting system.
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- 190.260. Citation — definitions — training for broadcast engineers and technical personnel — credentialing — access to disaster areas.
- 190.265. Helipads, hospitals not required to have fencing or barriers.
- 190.335. Central dispatch for emergency services, alternative funding by county sales tax, procedure, ballot form, rate of tax — collection, limitations — adoption of alternate tax, telephone tax to expire, when — board appointment and election, qualification, terms — continuation of board in Greene and Stoddard counties — board appointment in Christian, Taney, and St. Francois counties.
- 192.2400. Definitions.
- 192.2405. Beginning January 1, 2017 — Mandatory reporters — penalty for failure to report.
- 192.2475. Beginning January 1, 2017 — Report of abuse or neglect of in-home services or home health agency client, duty — penalty — contents of report — investigation, procedure — confidentiality of report — immunity — retaliation prohibited, penalty — employee disqualification list — safe at home evaluations, procedure.
- 192.2475. Until December 31, 2016 — Report of abuse or neglect of in-home services or home health agency client, duty — penalty — contents of report — investigation, procedure — confidentiality of report — immunity — retaliation prohibited, penalty — employee disqualification list — safe at home evaluations, procedure.
- 208.1030. Supplemental reimbursement for ground emergency medical transportation — amount — voluntary participation.
- 208.1032. Intergovernmental transfer program — increased reimbursement for services, when — participation requirements.
- 287.245. Volunteer firefighters, grants for workers' compensation insurance premiums.
- 304.022. Emergency vehicle defined — use of lights and sirens — right-of-way — stationary vehicles, procedure — penalty.
- 307.175. Sirens and flashing lights emergency use, persons authorized — violation, penalty.
- 321.017. Employee of fire protection district or ambulance district not to be member of board, exception — former board members ineligible for employment by the board for twelve months.
- 321.130. Directors, qualifications — candidate filing fee, oath.
- 321.210. Election and terms of directors — filing fee.
- 455.543. Homicides or suicides, determination of domestic violence, factors to be considered — reports made to highway patrol, forms.
- 455.545. Annual report by highway patrol.
- 575.145. Beginning January 1, 2017 — Signal or direction of law enforcement or firefighter, duty to stop, motor vehicle operators and riders of animals — violation, penalty.
- 575.145. Until December 31, 2016 — Signal or direction of sheriff or deputy sheriff, duty to stop, motor vehicle operators and riders of animals — violation, penalty.
- 610.100. Definitions — arrest and incident records available to public — closed records, when — record redacted, when — access to incident reports, record redacted, when — action for disclosure of investigative report authorized, costs — application to open incident and arrest reports, violations, civil penalty — identity of victim of sexual offense — confidentiality of recording.
- 610.205. Crime scene photographs and video recordings closed records, when — disclosure to next-of-kin or by court order — inapplicability.
- 192.737. Data analysis and needs assessment.

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

SECTION A. ENACTING CLAUSE. — Sections 43.545, 44.010, 44.023, 44.032, 67.145, 67.281, 70.210, 84.720, 94.902, 190.055, 190.102, 190.103, 190.142, 190.165, 190.241, 190.335, 192.737, 192.2400, 192.2405, 304.022, 307.175, 321.017, 321.130, 321.210, 455.543,

455.545, and 610.100, RSMo, and section 192.2475 as enacted by house revision bill no. 1299 merged with senate bill no. 491, ninety-seventh general assembly, second regular session, section 192.2475 as enacted by house revision bill no. 1299, ninety-seventh general assembly, second regular session, section 575.145 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 575.145 as enacted by house bill no. 1270 and house bill no. 2032, ninety-first general assembly, second regular session, are repealed and thirty-seven new sections enacted in lieu thereof, to be known as sections 43.545, 44.010, 44.023, 44.032, 67.145, 67.281, 70.210, 84.720, 94.902, 190.055, 190.102, 190.103, 190.142, 190.144, 190.165, 190.173, 190.240, 190.241, 190.260, 190.265, 190.335, 192.2400, 192.2405, 192.2475, 208.1030, 208.1032, 287.245, 304.022, 307.175, 321.017, 321.130, 321.210, 455.543, 455.545, 575.145, 610.100, and 610.205, to read as follows:

43.545. HIGHWAY PATROL TO INCLUDE INCIDENTS OF DOMESTIC VIOLENCE IN REPORTING SYSTEM. — The state highway patrol shall include [in its voluntary system of reporting for compilation in the "Crime in Missouri"] all reported incidents of domestic violence as defined in section 455.010, whether or not an arrest is made, **in its system of reporting for compilation in the annual crime report published under section 43.505.** All incidents shall be reported on forms provided by the highway patrol and in a manner prescribed by the patrol.

44.010. DEFINITIONS. — As used in sections 44.010 to 44.130, the following terms mean:

- (1) "Agency", the state emergency management agency;
- (2) "Bioterrorism", the intentional use of any microorganism, virus, infectious substance, or biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance, or biological product, to cause death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism in order to influence the conduct of government or to intimidate or coerce a civilian population;
- (3) "Director", the director of the state emergency management agency;
- (4) "Disasters", disasters which may result from terrorism, including bioterrorism, or from fire, wind, flood, earthquake, or other natural or man-made causes;
- (5) "Economic or geographic area", an area or areas within the state, or partly in this state and adjacent states, comprising political subdivisions grouped together for purposes of administration, organization, control or disaster recovery and rehabilitation in time of emergency;
- (6) "Emergency", any state of emergency declared by proclamation by the governor, or by resolution of the legislature pursuant to sections 44.010 to 44.130 upon the actual occurrence of a natural or man-made disaster of major proportions within this state when the safety and welfare of the inhabitants of this state are jeopardized;
- (7) "Emergency management", government at all levels performing emergency functions, other than functions for which military forces are primarily responsible;
- (8) "Emergency management functions", "emergency management activities" and "emergency management service", those functions required to prepare for and carry out actions to prevent, minimize and repair injury and damage due to disasters, to include emergency management of resources and administration of such economic controls as may be needed to provide for the welfare of the people, either on order of or at the request of the federal government, or in the event the federal government is incapable of administering such control;
- (9) "Emergency resources planning and management", planning for, management and coordination of national, state and local resources;
- (10) "Executive officer of any political subdivision", the county commission or county supervisor or the mayor or other manager of the executive affairs of any city, town, village or fire protection district;

(11) "Local organization for emergency management", any organization established under this law by any county or by any city, town, or village to perform local emergency management functions;

(12) "Management", the activities of the emergency management director in the implementation of emergency operations plans during time of emergency;

(13) "Planning", activities of the state and local emergency management agency in the formulation of emergency management plans to be used in time of emergency;

(14) "Political subdivision", any county or city, town or village, or any fire district created by law;

(15) "**Urban search and rescue task force**", any entity whose primary responsibility is to locate, remove, and provide medical care to persons in collapsed buildings.

44.023. DISASTER VOLUNTEER PROGRAM ESTABLISHED, AGENCY'S DUTIES — EXPENSES — IMMUNITY FROM LIABILITY, EXCEPTION. — 1. The Missouri state emergency management agency shall establish and administer an emergency volunteer program to be activated in the event of a disaster whereby volunteer architects, [and professional] engineers [registered] **licensed under chapter 327, any individual including, but not limited to, building officials and building inspectors employed by local governments, qualified by training and experience, who has been certified by the state emergency management agency, and who performs his or her duties under the direction of an architect or engineer licensed under chapter 327,** and construction contractors, equipment dealers and other owners and operators of construction equipment may volunteer the use of their services and equipment, either manned or unmanned, for up to [three] **five consecutive days for in-state deployments** as requested and needed by the state emergency management agency.

2. In the event of a disaster, the enrolled volunteers shall, where needed, assist local jurisdictions and local building inspectors to provide essential demolition, cleanup or other related services and to determine whether [buildings] **structures** affected by a disaster:

(1) Have not sustained serious damage and may be occupied;

(2) Must be [vacated temporarily] **restricted in their use** pending repairs; or

(3) [Must be demolished in order to avoid hazards to occupants or other persons] **Are unsafe and shall not be occupied pending repair or demolition.**

3. Any person when utilized as a volunteer under the emergency volunteer program shall have his **or her** incidental expenses paid by the local jurisdiction for which the volunteer service is provided. **Enrolled volunteers under the emergency volunteer program shall be provided workers' compensation insurance by the state emergency management agency during their official duties as authorized by the state emergency management agency.**

4. **Emergency volunteers who are certified by the state emergency management agency shall be considered employees of the state for purposes of the emergency mutual aid compact under section 44.415 and shall be eligible for out-of-state deployments in accordance with such section.**

5. **Architects, [and professional] engineers, individuals including, but not limited to, building officials and building inspectors employed by local governments, qualified by training and experience, who have been certified by the state emergency management agency, and who perform their duties under the direction of an architect or engineer licensed under chapter 327,** construction contractors, equipment dealers and other owners and operators of construction equipment and the companies with which they are employed, working under the emergency volunteer program, shall not be personally liable either jointly or separately for any act or acts committed in the performance of their official duties as emergency volunteers except in the case of willful misconduct or gross negligence.

[5.] **6.** Any individuals, employers, partnerships, corporations or proprietorships, that are working under the emergency volunteer program providing demolition, cleanup, removal or other related services, shall not be liable for any acts committed in the performance of their

official duties as emergency volunteers except in the case of willful misconduct or gross negligence.

44.032. EMERGENCY POWERS OF GOVERNOR, USES — MISSOURI DISASTER FUND, FUNDING, EXPENDITURES, PROCEDURES, PURPOSES — AID TO POLITICAL SUBDIVISIONS, WHEN, PROCEDURE — EXPENDITURES IN EXCESS OF \$1,000, GOVERNOR TO APPROVE. — 1. The general assembly recognizes the necessity for anticipating and making advance provisions to care for the unusual and extraordinary burdens imposed on this state and its political subdivisions by disasters or emergencies. To meet such situations, it is the intention of the general assembly to confer emergency powers on the governor, acting through the director, and vesting the governor with adequate power and authority within the limitation of available funds in the Missouri disaster fund to meet any such emergency or disaster.

2. There is hereby established a fund to be known as the "Missouri Disaster Fund", to which the general assembly may appropriate funds and from which funds may be appropriated annually to the state emergency management agency. The funds appropriated shall be expended during a state emergency at the direction of the governor and upon the issuance of an emergency declaration which shall set forth the emergency and shall state that it requires the expenditure of public funds to furnish immediate aid and relief. The director of the state emergency management agency shall administer the fund.

3. Expenditures may be made upon direction of the governor for emergency management, as defined in section 44.010, or to implement the state disaster plans. Expenditures may also be made to meet the matching requirements of state and federal agencies for any applicable assistance programs.

4. Assistance may be provided from the Missouri disaster fund to political subdivisions of this state which have suffered from a disaster to such an extent as to impose a severe financial burden exceeding the ordinary reserve capacity of the subdivision affected. Applications for aid under this section shall be made to the state emergency management agency on such forms as may be prescribed and furnished by the agency, which forms shall require the furnishing of sufficient information to determine eligibility for aid and the extent of the financial burden incurred. The agency may call upon other agencies of the state in evaluating such applications. The director of the state emergency management agency shall review each application for aid under the provisions of this section and recommend its approval or disapproval, in whole or in part, to the governor. If approved, the governor shall determine and certify to the director of the state emergency management agency the amount of aid to be furnished. The director of the state emergency management agency shall thereupon issue his voucher to the commissioner of administration, who shall issue his warrants therefor to the applicant.

5. When a disaster or emergency has been proclaimed by the governor or there is a national emergency, the director of the state emergency management agency, upon order of the governor, shall have authority to expend funds for the following:

(1) The purposes of sections 44.010 to 44.130 and the responsibilities of the governor and the state emergency management agency as outlined in sections 44.010 to 44.130;

(2) Employing, for the duration of the response and recovery to emergency, additional personnel and contracting or otherwise procuring necessary appliances, supplies, equipment, and transport;

(3) Performing services for and furnishing materials and supplies to state government agencies, counties, and municipalities with respect to performance of any duties enjoined by law upon such agencies, counties, and municipalities which they are unable to perform because of extreme natural or man-made phenomena, and receiving reimbursement in whole or in part from such agencies, counties, and municipalities able to pay therefor under such terms and conditions as may be agreed upon by the director of the state emergency management agency and any such agency, county, or municipality;

(4) Performing services for and furnishing materials to any individual in connection with alleviating hardship and distress growing out of extreme natural or man-made phenomena, and

receiving reimbursement in whole or in part from such individual under such terms as may be agreed upon by the director of the state emergency management agency and such individual;

(5) Providing services to counties and municipalities with respect to quelling riots and civil disturbances;

(6) Repairing and restoring public infrastructure;

(7) Furnishing transportation for supplies to alleviate suffering and distress;

(8) Furnishing medical services and supplies to prevent the spread of disease and epidemics;

(9) Quelling riots and civil disturbances;

(10) Training individuals or governmental agencies for the purpose of perfecting the performance of emergency assistance duties as defined in the state disaster plans;

(11) Procurement, storage, and transport of special emergency supplies or equipment determined by the director to be necessary to provide rapid response by state government to assist counties and municipalities in impending or actual emergencies;

(12) Clearing or removing from publicly or privately owned land or water, debris and wreckage which may threaten public health or safety; [and]

(13) Reimbursement to any urban search and rescue task force for any reasonable and necessary expenditures incurred in the course of responding to any declared emergency under this section; and

(14) Such other measures as are customarily necessary to furnish adequate relief in cases of catastrophe or disaster.

6. The governor may receive such voluntary contributions as may be made from any source to aid in carrying out the purposes of this section and shall credit the same to the Missouri disaster fund.

7. All obligations and expenses incurred by the governor in the exercise of the powers and duties vested by the provisions of this section shall be paid by the state treasurer out of available funds in the Missouri disaster fund, and the commissioner of administration shall draw warrants upon the state treasurer for the payment of such sum, or so much thereof as may be required, upon receipt of proper vouchers provided by the director of the state emergency management agency.

8. The provisions of this section shall be liberally construed in order to accomplish the purposes of sections 44.010 to 44.130 and to permit the governor to cope adequately with any emergency which may arise, and the powers vested in the governor by this section shall be construed as being in addition to all other powers presently vested in the governor and not in derogation of any existing powers.

9. Such funds as may be made available by the government of the United States for the purpose of alleviating distress from disasters may be accepted by the state treasurer and shall be credited to the Missouri disaster fund, unless otherwise specifically provided in the act of Congress making such funds available.

10. The foregoing provisions of this section notwithstanding, any expenditure or proposed series of expenditures which total in excess of one thousand dollars per project shall be approved by the governor prior to the expenditure.

67.145. FIRST RESPONDERS, POLITICAL ACTIVITY WHILE OFF DUTY AND NOT IN UNIFORM, POLITICAL SUBDIVISIONS NOT TO PROHIBIT — FIRST RESPONDER DEFINED. — 1. No political subdivision of this state shall prohibit any first responder[, as the term first responder is defined in section 192.800,] from engaging in any political activity while off duty and not in uniform, being a candidate for elected or appointed public office, or holding such office unless such political activity or candidacy is otherwise prohibited by state or federal law.

2. As used in this section, "first responder" means any person trained and authorized by law or rule to render emergency medical assistance or treatment. Such persons may include, but shall not be limited to, emergency first responders, police officers, sheriffs,

deputy sheriffs, firefighters, ambulance attendants and attendant drivers, emergency medical technicians, mobile emergency medical technicians, emergency medical technician-paramedics, registered nurses, or physicians.

67.281. INSTALLATION OF FIRE SPRINKLERS TO BE OFFERED TO PURCHASER BY BUILDER OF CERTAIN DWELLINGS —PURCHASER MAY DECLINE. — 1. A builder of one- or two-family dwellings or townhouses shall offer to any purchaser on or before the time of entering into the purchase contract the option, at the purchaser's cost, to install or equip fire sprinklers in the dwelling or townhouse. Notwithstanding any other provision of law to the contrary, no purchaser of such a one- or two-family dwelling or townhouse shall be denied the right to choose or decline to install a fire sprinkler system in such dwelling or townhouse being purchased by any code, ordinance, rule, regulation, order, or resolution by any county or other political subdivision. Any county or other political subdivision shall provide in any such code, ordinance, rule, regulation, order, or resolution the mandatory option for purchasers to have the right to choose and the requirement that builders offer to purchasers the option to purchase fire sprinklers in connection with the purchase of any one- or two-family dwelling or townhouse. [The provisions of this section shall expire on December 31, 2024.]

2. Any governing body of any political subdivision that adopts the 2009 International Residential Code for One- and Two-Family Dwellings or a subsequent edition of such code without mandated automatic fire sprinkler systems in Section R313 of such code shall retain the language in section R317 of the 2006 International Residential Code for two-family dwellings (R317.1) and townhouses (R317.2).

70.210. DEFINITIONS. — As used in sections 70.210 to 70.320, the following terms mean:

- (1) "Governing body", the board, body or persons in which the powers of a municipality or political subdivision are vested;
- (2) "Municipality", municipal corporations, political corporations, and other public corporations and agencies authorized to exercise governmental functions;
- (3) "Political subdivision", counties, townships, cities, towns, villages, school, county library, city library, city-county library, road, drainage, sewer, levee and fire districts, soil and water conservation districts, watershed subdistricts, county hospitals, [and] any board of control of an art museum, **the board created under sections 205.968 to 205.973**, and any other public subdivision or public corporation having the power to tax.

84.720. POLICE COMMISSIONERS, POWER TO REGULATE SECURITY PERSONNEL — FINGERPRINT, CRIMINAL HISTORY RECORD CHECK —PENALTY —EXCURSION GAMBLING BOAT EXCEPTION (KANSAS CITY). — 1. The police commissioners of any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county shall have power to regulate and license all private security personnel and organizations, serving or acting as such in such cities, and no person or organization shall act in the capacity of, or provide, security services in such cities without first having obtained the written license of the president or acting president of the police commissioners of such cities. In order to determine an individual's suitability to be licensed, the police commissioners of such cities shall require each applicant to be licensed to be fingerprinted and shall forward the fingerprints to the Missouri state highway patrol for a criminal history record check. Any person or organization that violates the provisions of this section is guilty of a class B misdemeanor.

2. Any individual who is a holder of an occupational license issued by the Missouri gaming commission as defined under section 313.800 to perform the duties of an unarmed security guard while working on an excursion gambling boat as defined under section 313.800 or at a facility adjacent to an excursion gambling boat shall be exempt from the requirements of subsection 1 of this section and from any other political subdivision licensing requirements for unarmed security guards.

94.902. SALES TAX AUTHORIZED FOR CERTAIN CITIES (GLADSTONE, GRANDVIEW, LIBERTY, NORTH KANSAS CITY, RAYTOWN) — BALLOT, EFFECTIVE DATE — ADMINISTRATION AND COLLECTION — REFUNDS, USE OF FUNDS UPON ESTABLISHMENT OF TAX — REPEAL. — 1. The governing [body] **bodies of the following cities may impose a tax as provided in this section:**

(1) Any city of the third classification with more than twenty-six thousand three hundred but less than twenty-six thousand seven hundred inhabitants[, or];

(2) Any city of the fourth classification with more than thirty thousand three hundred but fewer than thirty thousand seven hundred inhabitants[, or];

(3) Any city of the fourth classification with more than twenty-four thousand eight hundred but fewer than twenty-five thousand inhabitants[.];

(4) **Any special charter city with more than twenty-nine thousand but fewer than thirty-two thousand inhabitants; or**

(5) **Any city of the third classification with more than four thousand but fewer than four thousand five hundred inhabitants and located in any county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants.**

2. **The governing body of any city listed in subsection 1 of this section** may impose, by order or ordinance, a sales tax on all retail sales made in the city which are subject to taxation under chapter 144. The tax authorized in this section may be imposed in an amount of up to one-half of one percent, and shall be imposed solely for the purpose of improving the public safety for such city, including but not limited to expenditures on equipment, city employee salaries and benefits, and facilities for police, fire and emergency medical providers. 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 imposing a sales tax under this section shall not become effective unless the governing body of the city submits to the voters residing within the city, at a county or state general, primary, or special election, a proposal to authorize the governing body of the city to impose a tax under this section.

[2.] 3. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall the city of (city's name) impose a citywide sales tax at a rate of (insert rate of percent) percent for the purpose of improving the public safety 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 proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments to the order or ordinance shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of the adoption of the sales tax. If a majority of the votes cast on the proposal by the qualified voters voting thereon are opposed to the proposal, then the tax shall not become effective unless the proposal is resubmitted under this section to the qualified voters and such proposal is approved by a majority of the qualified voters voting on the proposal. However, in no event shall a proposal under this section be submitted to the voters sooner than twelve months from the date of the last proposal under this section.

[3.] 4. Any sales tax imposed under this section shall be administered, collected, enforced, and operated as required in section 32.087. All sales taxes collected by the director of the department of revenue under this section on behalf of any city, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which is hereby created in the state treasury, to be known as the "City Public Safety Sales Tax Trust Fund". The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of the

general revenue fund. The director shall keep accurate records of the amount of money in the trust fund and which was collected in each city imposing a sales tax under this section, and the records shall be open to the inspection of officers of the city and the public. Not later than the tenth day of each month the director shall distribute all moneys deposited in the trust fund during the preceding month to the city which levied the tax. Such funds shall be deposited with the city treasurer of each such city, and all expenditures of funds arising from the trust fund shall be by an appropriation act to be enacted by the governing body of each such city. Expenditures may be made from the fund for any functions authorized in the ordinance or order adopted by the governing body submitting the tax to the voters. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. 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.

[4.] 5. The director of the department of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities. If any city abolishes the tax, the city shall notify the director 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.

[5.] 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 (insert rate of percent) percent for the purpose of improving the public safety of the city?

YES NO

If a majority of the votes cast on the proposal 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.

[6.] 7. Whenever the governing body of any city that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the 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, 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 tax 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.] 8. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under this section.

190.055. POWERS OF BOARD — SEAL AND BYLAWS REQUIRED — REIMBURSEMENT OF BOARD MEMBERS' EXPENSES — SECRETARY AND TREASURER, ADDITIONAL COMPENSATION — BOARD MEMBER ATTENDANCE FEES, WHEN — INELIGIBILITY FOR BOARD EMPLOYMENT,

WHEN. — 1. The board of directors of a district shall possess and exercise all of its legislative and executive powers. Within thirty days after the election of the initial directors, the board shall meet. The time and place of the first meeting of the board shall be designated by the county commission. At its first meeting and after each election of new board members 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 corporate objectives. The secretary and treasurer need not be members of the board. At the meeting the board, by ordinance, shall define the first and subsequent fiscal years of the district, and shall adopt a corporate seal and bylaws, which shall determine the times for the annual election of officers and of other regular and special meetings of the board and shall contain the rules for the transaction of other business of the district and for amending the bylaws.

2. Each board member of any district shall devote such time to the duties of the office as the faithful discharge thereof may require, including educational programs provided by the state and each board member may be reimbursed for actual expenditures in the performance of his or her duties on behalf of the district.

3. The secretary and treasurer, if members of the board of directors, may each receive additional compensation for the performance of their duties as secretary or treasurer as the board shall deem reasonable and necessary; provided that, such additional compensation shall not exceed one thousand dollars per year.

4. Each board member may receive an attendance fee not to exceed one hundred dollars for attending each regularly or specially called board meeting. Such member shall not be paid for attending more than two meetings in any calendar month, except that in a county of the first classification having a charter form of government, such member shall not be paid for attending more than four such meetings in any calendar month. In addition, the chairman of the board may receive fifty dollars for attending each regularly or specially called board meeting, but such chairman shall not be paid the additional fee for attending more than two meetings in any calendar month.

5. The compensation authorized by subsections 3 and 4 of this section shall only apply:

- (1) If such compensation is approved by the board of such district; and
- (2) To any elected term of any board member beginning after August 28, 2000.

6. Notwithstanding any other provision of law to the contrary, individual board members shall not be eligible for employment by the board within twelve months of termination of service as a member of the board unless such employment is on a volunteer basis or without compensation.

190.102. REGIONAL EMS ADVISORY COMMITTEES. — 1. The department shall designate through regulation EMS regions and committees. The purpose of the regional EMS advisory committees is to advise and make recommendations to the region and the department on:

- (1) Coordination of emergency resources in the region;
- (2) Improvement of public and professional education;
- (3) Cooperative research endeavors;
- (4) Development of standards, protocols and policies; [and]
- (5) Voluntary multiagency quality improvement committee and process; **and**

(6) Development and review of and recommendations for community and regional time critical diagnosis plans.

2. The members of the committees shall serve without compensation except that the department of health and senior services shall budget for reasonable travel expenses and meeting expenses related to the functions of the committees.

3. The director will appoint personnel to no less than six regional EMS committees from recommendations provided by recognized professional organizations. Appointments will be for four years with individuals serving until reappointed or replaced. **The regional EMS medical director shall serve as a member of the regional EMS committee.**

190.103. REGIONAL EMS MEDICAL DIRECTOR, POWERS, DUTIES. — 1. One physician with expertise in emergency medical services from each of the EMS regions shall be elected by that region's EMS medical directors to serve as a regional EMS medical director. The regional EMS medical directors shall constitute the state EMS medical director's advisory committee and shall advise the department and their region's ambulance services on matters relating to medical control and medical direction in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245. **The regional EMS medical director shall serve a term of four years. The southwest, northwest, and Kansas City regional EMS medical directors shall be elected to an initial two-year term. The central, east central, and southeast regional EMS medical directors shall be elected to an initial four-year term. All subsequent terms following the initial terms shall be four years.**

2. A medical director is required for all ambulance services and emergency medical response agencies that provide: advanced life support services; basic life support services utilizing medications or providing assistance with patients' medications; or basic life support services performing invasive procedures including invasive airway procedures. The medical director shall provide medical direction to these services and agencies in these instances.

3. The medical director, in cooperation with the ambulance service or emergency medical response agency administrator, shall have the responsibility and the authority to ensure that the personnel working under their supervision are able to provide care meeting established standards of care with consideration for state and national standards as well as local area needs and resources. The medical director, in cooperation with the ambulance service or emergency medical response agency administrator, shall establish and develop triage, treatment and transport protocols, which may include authorization for standing orders.

4. All ambulance services and emergency medical response agencies that are required to have a medical director shall establish an agreement between the service or agency and their medical director. The agreement will include the roles, responsibilities and authority of the medical director beyond what is granted in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245. The agreement shall also include grievance procedures regarding the emergency medical response agency or ambulance service, personnel and the medical director.

190.142. EMERGENCY MEDICAL TECHNICIAN LICENSE — RULES. — 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as it deems necessary to be made of the applicant for an emergency medical technician's license. The director may authorize investigations into criminal records in other states for any applicant.

2. The department shall issue a license to all levels of emergency medical technicians, for a period of five years, if the applicant meets the requirements established pursuant to sections 190.001 to 190.245 and the rules adopted by the department pursuant to sections 190.001 to 190.245. The department may promulgate rules relating to the requirements for an emergency medical technician including but not limited to:

- (1) Age requirements;
- (2) Education and training requirements based on respective national curricula of the United States Department of Transportation and any modification to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245;
- (3) Initial licensure testing requirements. **Initial EMT-P licensure testing shall be through the national registry of EMTs or examinations developed and administered by the department of health and senior services;**
- (4) Continuing education and relicensure requirements; and
- (5) Ability to speak, read and write the English language.

3. Application for all levels of emergency medical technician license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems

necessary to make a determination as to whether the emergency medical technician meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. All levels of emergency medical technicians may perform only that patient care which is:

(1) Consistent with the training, education and experience of the particular emergency medical technician; and

(2) Ordered by a physician or set forth in protocols approved by the medical director.

5. No person shall hold themselves out as an emergency medical technician or provide the services of an emergency medical technician unless such person is licensed by the department.

6. 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.

190.144. IMMUNITY FROM LIABILITY, WHEN. — No emergency medical technician licensed under section 190.142 or 190.143, if acting in good faith and without gross negligence, shall be liable for:

(1) **Transporting a person for whom an application for detention for evaluation and treatment has been filed under section 631.115 or 632.305; or**

(2) **Physically or chemically restraining an at-risk behavioral health patient as that term is defined under section 190.240 if such restraint is to ensure the safety of the patient or technician.**

190.165. SUSPENSION OR REVOCATION OF LICENSES, GROUNDS FOR — PROCEDURE. —

1. The department may refuse to issue or deny renewal of any certificate, permit or license required pursuant to sections 190.100 to 190.245 for failure to comply with the provisions of sections 190.100 to 190.245 or any lawful regulations promulgated by the department to implement its provisions as described in subsection 2 of this section. The department shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant 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 certificate, permit or license required by sections 190.100 to 190.245 or any person who has failed to renew or has surrendered his or her certificate, permit or license for failure to comply with the provisions of sections 190.100 to 190.245 or any lawful regulations promulgated by the department to implement such sections. Those regulations shall be limited to the following:

(1) Use or unlawful possession 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 activity licensed or regulated by sections 190.100 to 190.245;

(2) Being finally adjudicated and found guilty, or having 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 activity licensed or regulated pursuant to sections 190.100 to 190.245, 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, permit or license issued pursuant to sections 190.100 to 190.245 or in obtaining permission to take any examination given or required pursuant to sections 190.100 to 190.245;

(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 activity licensed or regulated by sections 190.100 to 190.245;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 190.100 to 190.245, or of any lawful rule or regulation adopted by the department pursuant to sections 190.100 to 190.245;

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

(8) Disciplinary action against the holder of a license or other right to practice any activity regulated by sections 190.100 to 190.245 granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) For an individual being finally adjudged insane or incompetent by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any activity licensed or regulated by sections 190.100 to 190.245 who is not licensed and currently eligible to practice pursuant to sections 190.100 to 190.245;

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

(12) Violation of any professional trust [or], confidence, **or legally protected privacy rights of a patient by means of an unauthorized or unlawful disclosure;**

(13) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(14) Violation of the drug laws or rules and regulations of this state, any other state or the federal government;

(15) Refusal of any applicant or licensee to [cooperate with the] **respond to reasonable department of health and senior [services during any investigation] services' requests for necessary information to process an application or to determine license status or license eligibility;**

(16) Any conduct or practice which is or might be harmful or dangerous to the mental or physical health **or safety** of a patient or the public;

(17) Repeated **acts of negligence or recklessness** in the performance of the functions or duties of any activity licensed or regulated by sections 190.100 to 190.245.

3. If the department conducts investigations, the department, prior to interviewing a licensee who is the subject of the investigation, shall explain to the licensee that he or she has the right to:

(1) Consult legal counsel or have legal counsel present;

(2) Have anyone present whom he or she deems to be necessary or desirable, except for any holder of any certificate, permit, or license required by sections 190.100 to 190.245; and

(3) Refuse to answer any question or refuse to provide or sign any written statement. The assertion of any right listed in this subsection shall not be deemed by the department to be a failure to cooperate with any department investigation.

4. 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 department may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the department deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate or permit. Notwithstanding any provision of law to the contrary, the department shall be authorized to impose a suspension or revocation as a disciplinary action only if it first files the requisite complaint with the administrative hearing commission.

[4.] 5. An individual whose license has been revoked shall wait one year from the date of revocation to apply for relicensure. Relicensure shall be at the discretion of the department after compliance with all the requirements of sections 190.100 to 190.245 relative to the licensing of an applicant for the first time. Any individual whose license has been revoked twice within a ten-year period shall not be eligible for relicensure.

[5.] 6. The department may notify the proper licensing authority of any other state in which the person whose license was suspended or revoked was also licensed of the suspension or revocation.

[6.] 7. Any person, organization, association or corporation who reports or provides information to the department pursuant to the provisions of sections 190.100 to 190.245 and who does so in good faith shall not be subject to an action for civil damages as a result thereof.

[7.] 8. The department of health and senior services may suspend any certificate, permit or license required pursuant to sections 190.100 to 190.245 simultaneously with the filing of the complaint with the administrative hearing commission as set forth in subsection 2 of this section, if the department finds that there is an imminent threat to the public health. The notice of suspension shall include the basis of the suspension and notice of the right to appeal such suspension. The licensee may appeal the decision to suspend the license, certificate or permit to the department. The appeal shall be filed within ten days from the date of the filing of the complaint. A hearing shall be conducted by the department within ten days from the date the appeal is filed. The suspension shall continue in effect until the conclusion of the proceedings, including review thereof, unless sooner withdrawn by the department, dissolved by a court of competent jurisdiction or stayed by the administrative hearing commission.

190.173. CONFIDENTIALITY OF INFORMATION. — 1. All complaints, investigatory reports, and information pertaining to any applicant, holder of any certificate, permit, or license, or other individual are confidential and shall only be disclosed upon written consent of the person whose records are involved or to other administrative or law enforcement agencies acting with the scope of their statutory authority. However, no applicant, holder of any certificate, permit, or license, or other individual shall have access to any complaints, investigatory reports, or information concerning an investigation in progress until such time as the investigation has been completed as required by subsection 1 of section 190.248.

2. Any information regarding the identity, name, address, license, final disciplinary action taken, currency of the license, permit, or certificate of an applicant for or a person possessing a license, permit, or certificate in accordance with sections 190.100 to 190.245 shall not be confidential.

3. This section shall not be construed to authorize the release of records, reports, or other information which may be held in department files for any holder of or applicant for any certificate, permit, or license that is subject to other specific state or federal laws concerning their disclosure.

190.240. AT-RISK BEHAVIORAL HEALTH PATIENTS, NOTICE REQUIRED BEFORE TRANSPORT OF — TRAINING OF PERSONNEL — TEMPORARY INVOLUNTARY HOLD, PATIENT PLACED ON, WHEN. — 1. Any hospital, as such term is defined in section 197.020, or any nursing home facility licensed under chapter 198 shall have policies and procedures that require the hospital or facility to give advance notification to emergency medical services personnel prior to the transportation of any at-risk behavioral health patient.

2. Any emergency medical services personnel licensed under this chapter who conduct interfacility transfers of at-risk behavioral health patients may be properly trained as determined by the medical director for the ambulance services or emergency medical response agency as required under section 190.103, with regard to proper restraining procedures and nonmedical management techniques, such as verbal de-escalation techniques, to handle such patients before their transportation.

3. Any physician treating an at-risk behavioral patient in an emergency situation who, after assessing the patient, determines that there is reasonable cause to believe there is a likelihood that the patient may cause an imminent serious harm to himself, herself, or others unless the patient is immediately transported to another appropriate facility may, upon initiation as soon as possible by either the sending facility or the receiving facility, place the patient on a temporary involuntary hold for a period of time necessary to effectuate the patient's transport. The provisions of section 632.440 shall apply to such physicians. During the transport, the emergency medical services personnel may rely on the physician's hold order as a basis for implied consent to treat and transport the patient and shall not be liable for any claims of negligence, false imprisonment, or invasion of privacy based on such temporary hold, treatment, or transport of the patient.

4. Nothing in this section shall be construed to limit the patient's rights under the federal Mental Health Patient's Bill of Rights under 42 U.S.C. Section 9501(1)(A) and (F).

5. For the purposes of this section, "at-risk behavioral health patient" shall mean any patient who displays violent, homicidal, or suicidal ideation or behavior.

190.241. TRAUMA, STEMI, OR STROKE CENTERS, DESIGNATION BY DEPARTMENT — ON-SITE REVIEWS — GROUNDS FOR SUSPENSION OR REVOCATION OF DESIGNATION — DATA SUBMISSION AND ANALYSIS — FEES — ADMINISTRATIVE HEARING COMMISSION TO HEAR PERSONS AGGRIEVED BY DESIGNATION. — 1. The department shall designate a hospital as an adult, pediatric or adult and pediatric trauma center when a hospital, upon proper application submitted by the hospital and site review, has been found by the department to meet the applicable level of trauma center criteria for designation in accordance with rules adopted by the department as prescribed by section 190.185.

2. **Except as provided for in subsection 4 of this section,** the department shall designate a hospital as a STEMI or stroke center when such hospital, upon proper application and site review, has been found by the department to meet the applicable level of STEMI or stroke center criteria for designation in accordance with rules adopted by the department as prescribed by section 190.185. In developing STEMI center and stroke center designation criteria, the department shall use, as it deems practicable, appropriate peer-reviewed or evidence-based research on such topics including, but not limited to, the most recent guidelines of the American College of Cardiology and American Heart Association for STEMI centers, or the Joint Commission's Primary Stroke Center Certification program criteria for stroke centers, or Primary and Comprehensive Stroke Center Recommendations as published by the American Stroke Association.

3. The department of health and senior services shall, not less than once every five years, conduct an on-site review of every trauma, STEMI, and stroke center through appropriate department personnel or a qualified contractor, **with the exception of stroke centers designated pursuant to subsection 4 of this section; however, this provision is not intended to limit the department's ability to conduct a complaint investigation pursuant to subdivision (3) of subsection 2 of section 197.080 of any trauma, STEMI, or stroke center.** On-site reviews shall be coordinated for the different types of centers to the extent practicable with hospital licensure inspections conducted under chapter 197. No person shall be a qualified contractor for purposes of this subsection who has a substantial conflict of interest in the operation of any trauma, STEMI, or stroke center under review. The department may deny, place on probation, suspend or revoke such designation in any case in which it has reasonable cause to believe that there has been a substantial failure to comply with the provisions of this chapter or any rules or regulations promulgated pursuant to this chapter. If the department of health and senior services has reasonable cause to believe that a hospital is not in compliance with such provisions or regulations, it may conduct additional announced or unannounced site reviews of the hospital to verify compliance. If a trauma, STEMI, or stroke center fails two consecutive on-site reviews because of substantial noncompliance with standards prescribed by sections 190.001 to 190.245

or rules adopted by the department pursuant to sections 190.001 to 190.245, its center designation shall be revoked.

4. **Instead of applying for stroke center designation pursuant to the provisions of subsection 2 of this section, a hospital may apply for stroke center designation pursuant to this subsection. Upon receipt of an application from a hospital on a form prescribed by the department, the department shall designate such hospital:**

(1) **A level I stroke center if such hospital has been certified as a comprehensive stroke center by the Joint Commission or any other certifying organization designated by the department when such certification is in accordance with the American Heart Association/American Stroke Association guidelines;**

(2) **A level II stroke center if such hospital has been certified as a primary stroke center by the Joint Commission or any other certifying organization designated by the department when such certification is in accordance with the American Heart Association/American Stroke Association guidelines; or**

(3) **A level III stroke center if such hospital has been certified as an acute stroke-ready hospital by the Joint Commission or any other certifying organization designated by the department when such certification is in accordance with the American Heart Association/American Stroke Association guidelines.**

Except as provided by subsection 5 of this section, the department shall not require compliance with any additional standards for establishing or renewing stroke designations. The designation shall continue if such hospital remains certified. The department may remove a hospital's designation as a stroke center if the hospital requests removal of the designation or the department determines that the certificate recognizing the hospital as a stroke center has been suspended or revoked. Any decision made by the department to withdraw its designation of a stroke center pursuant to this subsection that is based on the revocation or suspension of a certification by a certifying organization shall not be subject to judicial review. The department shall report to the certifying organization any complaint it receives related to the stroke center certification of a stroke center designated pursuant to this subsection. The department shall also advise the complainant which organization certified the stroke center and provide the necessary contact information should the complainant wish to pursue a complaint with the certifying organization.

5. **Any hospital receiving designation as a stroke center pursuant to subsection 4 of this section shall:**

(1) **Annually and within thirty days of any changes submit to the department proof of stroke certification and the names and contact information of the medical director and the program manager of the stroke center;**

(2) **Submit to the department a copy of the certifying organization's final stroke certification survey results within thirty days of receiving such results;**

(3) **Submit every four years an application on a form prescribed by the department for stroke center review and designation;**

(4) **Participate in the emergency medical services regional system of stroke care in its respective emergency medical services region as defined in rules promulgated by the department;**

(5) **Participate in local and regional emergency medical services systems by reviewing and sharing outcome data and providing training and clinical educational resources.**

Any hospital receiving designation as a level III stroke center pursuant to subsection 4 of this section shall have a formal agreement with a level I or level II stroke center for physician consultative services for evaluation of stroke patients for thrombolytic therapy and the care of the patient post-thrombolytic therapy.

6. **Hospitals designated as a STEMI or stroke center by the department, including those designated pursuant to subsection 4 of this section, shall submit data to meet the data submission requirements specified by rules promulgated by the department. Such submission of data may be done by the following methods:**

(1) Entering hospital data directly into a state registry by direct data entry;
(2) Downloading hospital data from a nationally-recognized registry or data bank and importing the data files into a state registry; or

(3) Authorizing a nationally-recognized registry or data bank to disclose or grant access to the department facility-specific data held by the registry or data bank.

A hospital submitting data pursuant to subdivisions (2) or (3) of this subsection shall not be required to collect and submit any additional STEMI or stroke center data elements.

7. When collecting and analyzing data pursuant to the provisions of this section, the department shall comply with the following requirements:

(1) Names of any health care professionals, as defined in section 376.1350, shall not be subject to disclosure;

(2) The data shall not be disclosed in a manner that permits the identification of an individual patient or encounter;

(3) The data shall be used for the evaluation and improvement of hospital and emergency medical services' trauma, stroke, and STEMI care;

(4) The data collection system shall be capable of accepting file transfers of data entered into to any national recognized trauma, stroke, or STEMI registry or data bank to fulfill trauma, stroke, or STEMI certification reporting requirements;

(5) STEMI and stroke center data elements shall conform to nationally recognized performance measures, such as the American Heart Association's Get With the Guidelines, and include published detailed measure specifications, data coding instructions, and patient population inclusion and exclusion criteria to ensure data reliability and validity; and

(6) Generate from the trauma, stroke, and STEMI registries quarterly regional and state outcome data reports for trauma, stroke, and STEMI designated centers, the state advisory council on EMS, and regional EMS committees to review for performance improvement and patient safety.

8. The board of registration for the healing arts shall have sole authority to establish education requirements for physicians who practice in an emergency department of a facility designated as a trauma, STEMI, or stroke center by the department under this section. The department shall deem such education requirements promulgated by the board of registration for the healing arts sufficient to meet the standards for designations under this section.

9. The department of health and senior services may establish appropriate fees to offset the costs of trauma, STEMI, and stroke center reviews.

[5.] 10. No hospital shall hold itself out to the public as a STEMI center, stroke center, adult trauma center, pediatric trauma center, or an adult and pediatric trauma center unless it is designated as such by the department of health and senior services.

[6.] 11. Any person aggrieved by an action of the department of health and senior services affecting the trauma, STEMI, or stroke center designation pursuant to this chapter, including the revocation, the suspension, or the granting of, refusal to grant, or failure to renew a designation, may seek a determination thereon by the administrative hearing commission under chapter 621. It shall not be a condition to such determination that the person aggrieved seek a reconsideration, a rehearing, or exhaust any other procedure within the department.

190.260. CITATION — DEFINITIONS — TRAINING FOR BROADCAST ENGINEERS AND TECHNICAL PERSONNEL — CREDENTIALING — ACCESS TO DISASTER AREAS. — 1. This section shall be known and may be cited as the "First Informer Broadcasters Act".

2. As used in this section, the following terms shall mean:

(1) "Broadcaster", a radio broadcasting station or television broadcasting station licensed by the Federal Communications Commission and subject to participation in the Emergency Alert System (EAS), which is primarily engaged in and deriving income from

the business of facilitating speech via over-the-air-communications, both as pure speech and commercial speech;

(2) "First informer broadcaster", a person who has been certified as a first informer broadcaster under this section.

3. The department of public safety, in cooperation with any statewide organization or any member of a statewide organization that represents broadcasters, shall establish a program for training and certifying broadcast engineers and technical personnel as first informer broadcasters. Upon completion of the program, broadcasters shall receive statewide recognized credentials to certify that such broadcasters are first informer broadcasters. The program established under this section shall provide training and education concerning:

(1) The restoration, repair, and resupply of any facilities and equipment of a broadcaster in an area affected by an emergency or disaster; and

(2) The personal safety of a first informer broadcaster in an area affected by an emergency or disaster.

4. To the extent practicable and consistent with not endangering public safety or inhibiting recovery efforts, state and local governmental agencies shall allow first informer broadcasters access to areas affected by an emergency or disaster for the purposes of restoring, repairing, or resupplying any facility or equipment critical to the ability of a broadcaster to acquire, produce, and transmit essential emergency or disaster-related public information programming including, without limitation, repairing and maintaining transmitters and generators, and transporting fuel for generators.

5. The statewide association involved in establishing a program in accordance with this section shall pay the costs of developing and implementing the training program.

190.265. HELIPADS, HOSPITALS NOT REQUIRED TO HAVE FENCING OR BARRIERS. — 1. In order to ensure that the skids of a helicopter do not get caught in a fence or other barriers and cause a potentially catastrophic outcome, any rules and regulations promulgated by the department of health and senior services pursuant to sections 190.185, 190.241, and 192.006, chapter 197, or any other provision of Missouri law shall not require hospitals to have a fence, or other barriers, around such hospital's helipad. Any regulation requiring fencing, or other barriers, or any interpretation of such regulation shall be null and void.

2. In addition to the prohibition in subsection 1 of this section, the department shall not promulgate any rules and regulations with respect to the operation or construction of a helipad located at a hospital.

3. Hospitals shall ensure that helipads are free of obstruction and safe for use by a helicopter while on the ground, during approach, and takeoff.

4. As used in this section, the term "hospital" shall have the same meaning as in section 197.020.

190.335. CENTRAL DISPATCH FOR EMERGENCY SERVICES, ALTERNATIVE FUNDING BY COUNTY SALES TAX, PROCEDURE, BALLOT FORM, RATE OF TAX — COLLECTION, LIMITATIONS — ADOPTION OF ALTERNATE TAX, TELEPHONE TAX TO EXPIRE, WHEN — BOARD APPOINTMENT AND ELECTION, QUALIFICATION, TERMS — CONTINUATION OF BOARD IN GREENE AND STODDARD COUNTIES — BOARD APPOINTMENT IN CHRISTIAN, TANEY, AND ST. FRANCOIS COUNTIES. — 1. In lieu of the tax levy authorized under section 190.305 for emergency telephone services, the county commission of any county may impose a county sales tax for the provision of central dispatching of fire protection, including law enforcement agencies, emergency ambulance service or any other emergency services, including emergency telephone services, which shall be collectively referred to herein as "emergency services", and which may also include the purchase and maintenance of communications and emergency

equipment, including the operational costs associated therein, in accordance with the provisions of this section.

2. Such county commission may, by a majority vote of its members, submit to the voters of the county, at a public election, a proposal to authorize the county commission to impose a tax under the provisions of this section. If the residents of the county present a petition signed by a number of residents equal to ten percent of those in the county who voted in the most recent gubernatorial election, then the commission shall submit such a proposal to the voters of the county.

3. The ballot of submission shall be in substantially the following form:

Shall the county of (insert name of county) impose a county sales tax of (insert rate of percent) percent for the purpose of providing central dispatching of fire protection, emergency ambulance service, including emergency telephone services, and other emergency services?

YES

NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance shall be in effect as provided herein. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the county commission shall have no power to impose the tax authorized by this section unless and until the county commission shall again have submitted another proposal to authorize the county commission to impose the tax under the provisions of this section, and such proposal is approved by a majority of the qualified voters voting thereon.

4. The sales tax may be imposed at a rate not to exceed one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any county adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525. The sales tax shall not be collected prior to thirty-six months before operation of the central dispatching of emergency services.

5. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under this section.

6. Any tax imposed pursuant to section 190.305 shall terminate at the end of the tax year in which the tax imposed pursuant to this section for emergency services is certified by the board to be fully operational. Any revenues collected from the tax authorized under section 190.305 shall be credited for the purposes for which they were intended.

7. At least once each calendar year, the board shall establish a tax rate, not to exceed the amount authorized, that together with any surplus revenues carried forward will produce sufficient revenues to fund the expenditures authorized by this act. Amounts collected in excess of that necessary within a given year shall be carried forward to subsequent years. The board shall make its determination of such tax rate each year no later than September first and shall fix the new rate which shall be collected as provided in this act. Immediately upon making its determination and fixing the rate, the board shall publish in its minutes the new rate, and it shall notify every retailer by mail of the new rate.

8. Immediately upon the affirmative vote of voters of such a county on the ballot proposal to establish a county sales tax pursuant to the provisions of this section, the county commission shall appoint the initial members of a board to administer the funds and oversee the provision of emergency services in the county. Beginning with the general election in 1994, all board members shall be elected according to this section and other applicable laws of this state. At the time of the appointment of the initial members of the board, the commission shall relinquish and no longer exercise the duties prescribed in this chapter with regard to the provision of emergency services and such duties shall be exercised by the board.

9. The initial board shall consist of seven members appointed without regard to political affiliation, who shall be selected from, and who shall represent, the fire protection districts, ambulance districts, sheriff's department, municipalities, any other emergency services and the general public. This initial board shall serve until its successor board is duly elected and installed

in office. The commission shall ensure geographic representation of the county by appointing no more than four members from each district of the county commission.

10. Beginning in 1994, three members shall be elected from each district of the county commission and one member shall be elected at large, such member to be the chairman of the board. Of those first elected, four members from districts of the county commission shall be elected for terms of two years and two members from districts of the county commission and the member at large shall be elected for terms of four years. In 1996, and thereafter, all terms of office shall be four years. Notwithstanding any other provision of law, if there is no candidate for an open position on the board, then no election shall be held for that position and it shall be considered vacant, to be filled pursuant to the provisions of section 190.339, and, if there is only one candidate for each open position, no election shall be held and the candidate or candidates shall assume office at the same time and in the same manner as if elected.

11. Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary, in any county of the first classification with more than two hundred forty thousand three hundred but fewer than two hundred forty thousand four hundred inhabitants **or in any county of the third classification with a township form of government and with more than twenty-eight thousand but fewer than thirty-one thousand inhabitants**, any emergency telephone service 911 board appointed by the county under section 190.309 which is in existence on the date the voters approve a sales tax under this section shall continue to exist and shall have the powers set forth under section 190.339. Such boards which existed prior to August 25, 2010, shall not be considered a body corporate and a political subdivision of the state for any purpose, unless and until an order is entered upon an unanimous vote of the commissioners of the county in which such board is established reclassifying such board as a corporate body and political subdivision of the state. The order shall approve the transfer of the assets and liabilities related to the operation of the emergency service 911 system to the new entity created by the reclassification of the board.

12. (1) Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary, in any county of the second classification with more than fifty-four thousand two hundred but fewer than fifty-four thousand three hundred inhabitants or any county of the first classification with more than fifty thousand but fewer than seventy thousand inhabitants that has approved a sales tax under this section, the county commission shall appoint the members of the board to administer the funds and oversee the provision of emergency services in the county.

(2) The board shall consist of seven members appointed without regard to political affiliation. Except as provided in subdivision (4) of this subsection, each member shall be one of the following:

- (a) The head of any of the county's fire protection districts, or a designee;
- (b) The head of any of the county's ambulance districts, or a designee;
- (c) The county sheriff, or a designee;
- (d) The head of any of the police departments in the county, or a designee; and
- (e) The head of any of the county's emergency management organizations, or a designee.

(3) Upon the appointment of the board under this subsection, the board shall have the power provided in section 190.339 and shall exercise all powers and duties exercised by the county commission under this chapter, and the commission shall relinquish all powers and duties relating to the provision of emergency services under this chapter to the board.

(4) In any county of the first classification with more than fifty thousand but fewer than seventy thousand inhabitants, each of the entities listed in subdivision (2) of this subsection shall be represented on the board by at least one member.

192.2400. DEFINITIONS. — As used in sections 192.2400 to 192.2505, the following terms mean:

(1) "Abuse", the infliction of physical, sexual, or emotional injury or harm including financial exploitation by any person, firm, or corporation **and bullying**;

(2) **"Bullying", intimidation or harassment that causes a reasonable person to fear for his or her physical safety or property and may consist of physical actions including gestures; cyberbullying; oral, electronic, or written communication; and any threat of retaliation for reporting of such acts;**

(3) **"Court", the circuit court;**

[(3)] (4) "Department", the department of health and senior services;

[(4)] (5) "Director", director of the department of health and senior services or his or her designees;

[(5)] (6) "Eligible adult", a person sixty years of age or older who is unable to protect his or her own interests or adequately perform or obtain services which are necessary to meet his or her essential human needs or an adult with a disability, as defined in section 192.2005, between the ages of eighteen and fifty-nine who is unable to protect his or her own interests or adequately perform or obtain services which are necessary to meet his or her essential human needs;

[(6)] (7) "Home health agency", the same meaning as such term is defined in section 197.400;

[(7)] (8) "Home health agency employee", a person employed by a home health agency;

[(8)] (9) "Home health patient", an eligible adult who is receiving services through any home health agency;

[(9)] (10) "In-home services client", an eligible adult who is receiving services in his or her private residence through any in-home services provider agency;

[(10)] (11) "In-home services employee", a person employed by an in-home services provider agency;

[(11)] (12) "In-home services provider agency", a business entity under contract with the department or with a Medicaid participation agreement, which employs persons to deliver any kind of services provided for eligible adults in their private homes;

[(12)] (13) "Least restrictive environment", a physical setting where protective services for the eligible adult and accommodation is provided in a manner no more restrictive of an individual's personal liberty and no more intrusive than necessary to achieve care and treatment objectives;

[(13)] (14) "Likelihood of serious physical harm", one or more of the following:

(a) A substantial risk that physical harm to an eligible adult will occur because of his or her failure or inability to provide for his or her essential human needs as evidenced by acts or behavior which has caused such harm or which gives another person probable cause to believe that the eligible adult will sustain such harm;

(b) A substantial risk that physical harm will be inflicted by an eligible adult upon himself or herself, as evidenced by recent credible threats, acts, or behavior which has caused such harm or which places another person in reasonable fear that the eligible adult will sustain such harm;

(c) A substantial risk that physical harm will be inflicted by another upon an eligible adult as evidenced by recent acts or behavior which has caused such harm or which gives another person probable cause to believe the eligible adult will sustain such harm;

(d) A substantial risk that further physical harm will occur to an eligible adult who has suffered physical injury, neglect, sexual or emotional abuse, or other maltreatment or wasting of his or her financial resources by another person;

[(14)] (15) "Neglect", the failure to provide services to an eligible adult by any person, firm or corporation with a legal or contractual duty to do so, when such failure presents either an imminent danger to the health, safety, or welfare of the client or a substantial probability that death or serious physical harm would result;

[(15)] (16) "Protective services", services provided by the state or other governmental or private organizations or individuals which are necessary for the eligible adult to meet his or her essential human needs.

192.2405. BEGINNING JANUARY 1, 2017—MANDATORY REPORTERS—PENALTY FOR FAILURE TO REPORT. — 1. The following persons shall be required to immediately report or cause a report to be made to the department under sections 192.2400 to 192.2470:

(1) Any person having reasonable cause to suspect that an eligible adult presents a likelihood of suffering serious physical harm, **or bullying as defined in subdivision (2) of section 192.2400**, and is in need of protective services; and

(2) Any adult day care worker, chiropractor, Christian Science practitioner, coroner, dentist, embalmer, employee of the departments of social services, mental health, or health and senior services, employee of a local area agency on aging or an organized area agency on aging program, **first responder**, funeral director, home health agency, home health agency employee, hospital and clinic personnel engaged in the care or treatment of others, in-home services owner or provider, in-home services operator or employee, law enforcement officer, long-term care facility administrator or employee, medical examiner, medical resident or intern, mental health professional, minister, nurse, nurse practitioner, optometrist, other health practitioner, peace officer, pharmacist, physical therapist, physician, physician's assistant, podiatrist, probation or parole officer, psychologist, social worker, or other person with the responsibility for the care of a person sixty years of age or older who has reasonable cause to suspect that such a person has been subjected to abuse or neglect or observes such a person being subjected to conditions or circumstances which would reasonably result in abuse or neglect. Notwithstanding any other provision of this section, a duly ordained minister, clergy, religious worker, or Christian Science practitioner while functioning in his or her ministerial capacity shall not be required to report concerning a privileged communication made to him or her in his or her professional capacity.

2. Any other person who becomes aware of circumstances that may reasonably be expected to be the result of, or result in, abuse or neglect of a person sixty years of age or older may report to the department.

3. The penalty for failing to report as required under subdivision (2) of subsection 1 of this section is provided under section 565.188.

4. As used in this section, "first responder" means any person trained and authorized by law or rule to render emergency medical assistance or treatment. Such persons may include, but shall not be limited to, emergency first responders, police officers, sheriffs, deputy sheriffs, firefighters, emergency medical technicians, or emergency medical technician-paramedics.

192.2475. BEGINNING JANUARY 1, 2017 — REPORT OF ABUSE OR NEGLECT OF IN-HOME SERVICES OR HOME HEALTH AGENCY CLIENT, DUTY — PENALTY — CONTENTS OF REPORT—INVESTIGATION,PROCEDURE—CONFIDENTIALITY OF REPORT—IMMUNITY—RETALIATION PROHIBITED, PENALTY — EMPLOYEE DISQUALIFICATION LIST — SAFE AT HOME EVALUATIONS, PROCEDURE. — 1. When any adult day care worker; chiropractor; Christian Science practitioner; coroner; dentist; embalmer; employee of the departments of social services, mental health, or health and senior services; employee of a local area agency on aging or an organized area agency on aging program; **first responder, as defined in section 192.2405**; funeral director; home health agency or home health agency employee; hospital and clinic personnel engaged in examination, care, or treatment of persons; in-home services owner, provider, operator, or employee; law enforcement officer; long-term care facility administrator or employee; medical examiner; medical resident or intern; mental health professional; minister; nurse; nurse practitioner; optometrist; other health practitioner; peace officer; pharmacist; physical therapist; physician; physician's assistant; podiatrist; probation or parole officer; psychologist; or social worker has reasonable cause to believe that an in-home services client has been abused or neglected, as a result of in-home services, he or she shall immediately report or cause a report to be made to the department. If the report is made by a physician of the in-home services client, the department shall maintain contact with the physician regarding the progress of the investigation.

2. [When a report of deteriorating physical condition resulting in possible abuse or neglect of an in-home services client is received by the department, the client's case manager and the department nurse shall be notified. The client's case manager shall investigate and immediately report the results of the investigation to the department nurse. The department may authorize the in-home services provider nurse to assist the case manager with the investigation.

3. If requested, local area agencies on aging shall provide volunteer training to those persons listed in subsection 1 of this section regarding the detection and report of abuse and neglect pursuant to this section.

4.] Any person required in subsection 1 of this section to report or cause a report to be made to the department who fails to do so within a reasonable time after the act of abuse or neglect is guilty of a class A misdemeanor.

[5.] 3. The report shall contain the names and addresses of the in-home services provider agency, the in-home services employee, the in-home services client, the home health agency, the home health agency employee, information regarding the nature of the abuse or neglect, the name of the complainant, and any other information which might be helpful in an investigation.

[6.] 4. In addition to those persons required to report under subsection 1 of this section, any other person having reasonable cause to believe that an in-home services client or home health patient has been abused or neglected by an in-home services employee or home health agency employee may report such information to the department.

[7.] 5. If the investigation indicates possible abuse or neglect of an in-home services client or home health patient, the investigator shall refer the complaint together with his or her report to the department director or his or her designee for appropriate action. If, during the investigation or at its completion, the department has reasonable cause to believe that immediate action is necessary to protect the in-home services client or home health patient from abuse or neglect, the department or the local prosecuting attorney may, or the attorney general upon request of the department shall, file a petition for temporary care and protection of the in-home services client or home health patient in a circuit court of competent jurisdiction. The circuit court in which the petition is filed shall have equitable jurisdiction to issue an ex parte order granting the department authority for the temporary care and protection of the in-home services client or home health patient, for a period not to exceed thirty days.

[8.] 6. Reports shall be confidential, as provided under section 192.2500.

[9.] 7. Anyone, except any person who has abused or neglected an in-home services client or home health patient, who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from the report shall be immune from any civil or criminal liability for making such a report or for testifying except for liability for perjury, unless such person acted negligently, recklessly, in bad faith, or with malicious purpose.

[10.] 8. Within five working days after a report required to be made under this section is received, the person making the report shall be notified in writing of its receipt and of the initiation of the investigation.

[11.] 9. No person who directs or exercises any authority in an in-home services provider agency or home health agency shall harass, dismiss or retaliate against an in-home services client or home health patient, or an in-home services employee or a home health agency employee because he or she or any member of his or her family has made a report of any violation or suspected violation of laws, standards or regulations applying to the in-home services provider agency or home health agency or any in-home services employee or home health agency employee which he or she has reasonable cause to believe has been committed or has occurred.

[12.] 10. Any person who abuses or neglects an in-home services client or home health patient is subject to criminal prosecution under section 565.184. If such person is an in-home services employee and has been found guilty by a court, and if the supervising in-home services provider willfully and knowingly failed to report known abuse by such employee to the department, the supervising in-home services provider may be subject to administrative penalties of one thousand dollars per violation to be collected by the department and the money received

therefor shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund. Any in-home services provider which has had administrative penalties imposed by the department or which has had its contract terminated may seek an administrative review of the department's action pursuant to chapter 621. Any decision of the administrative hearing commission may be appealed to the circuit court in the county where the violation occurred for a trial de novo. For purposes of this subsection, the term "violation" means a determination of guilt by a court.

[13.] **11.** The department shall establish a quality assurance and supervision process for clients that requires an in-home services provider agency to conduct random visits to verify compliance with program standards and verify the accuracy of records kept by an in-home services employee.

[14.] **12.** The department shall maintain the employee disqualification list and place on the employee disqualification list the names of any persons who have been finally determined by the department, pursuant to section 192.2490, to have recklessly, knowingly or purposely abused or neglected an in-home services client or home health patient while employed by an in-home services provider agency or home health agency. For purposes of this section only, "knowingly" and "recklessly" shall have the meanings that are ascribed to them in this section. A person acts "knowingly" with respect to the person's conduct when a reasonable person should be aware of the result caused by his or her conduct. A person acts "recklessly" when the person consciously disregards a substantial and unjustifiable risk that the person's conduct will result in serious physical injury and such disregard constitutes a gross deviation from the standard of care that a reasonable person would exercise in the situation.

[15.] **13.** At the time a client has been assessed to determine the level of care as required by rule and is eligible for in-home services, the department shall conduct a "Safe at Home Evaluation" to determine the client's physical, mental, and environmental capacity. The department shall develop the safe at home evaluation tool by rule in accordance with chapter 536. The purpose of the safe at home evaluation is to assure that each client has the appropriate level of services and professionals involved in the client's care. The plan of service or care for each in-home services client shall be authorized by a nurse. The department may authorize the licensed in-home services nurse, in lieu of the department nurse, to conduct the assessment of the client's condition and to establish a plan of services or care. The department may use the expertise, services, or programs of other departments and agencies on a case-by-case basis to establish the plan of service or care. The department may, as indicated by the safe at home evaluation, refer any client to a mental health professional, as defined in 9 CSR 30-4.030, for evaluation and treatment as necessary.

[16.] **14.** Authorized nurse visits shall occur at least twice annually to assess the client and the client's plan of services. The provider nurse shall report the results of his or her visits to the client's case manager. If the provider nurse believes that the plan of service requires alteration, the department shall be notified and the department shall make a client evaluation. All authorized nurse visits shall be reimbursed to the in-home services provider. All authorized nurse visits shall be reimbursed outside of the nursing home cap for in-home services clients whose services have reached one hundred percent of the average statewide charge for care and treatment in an intermediate care facility, provided that the services have been preauthorized by the department.

[17.] **15.** All in-home services clients shall be advised of their rights by the department or the department's designee at the initial evaluation. The rights shall include, but not be limited to, the right to call the department for any reason, including dissatisfaction with the provider or services. The department may contract for services relating to receiving such complaints. The department shall establish a process to receive such nonabuse and neglect calls other than the elder abuse and neglect hotline.

[18.] **16.** Subject to appropriations, all nurse visits authorized in sections 192.2400 to 192.2475 shall be reimbursed to the in-home services provider agency.

192.2475. UNTIL DECEMBER 31, 2016—REPORT OF ABUSE OR NEGLECT OF IN-HOME SERVICES OR HOME HEALTH AGENCY CLIENT, DUTY — PENALTY — CONTENTS OF REPORT — INVESTIGATION, PROCEDURE — CONFIDENTIALITY OF REPORT — IMMUNITY — RETALIATION PROHIBITED, PENALTY — EMPLOYEE DISQUALIFICATION LIST — SAFE AT HOME EVALUATIONS, PROCEDURE. — 1. When any adult day care worker; chiropractor; Christian Science practitioner; coroner; dentist; embalmer; employee of the departments of social services, mental health, or health and senior services; employee of a local area agency on aging or an organized area agency on aging program; **first responder, as defined in section 192.2405**; funeral director; home health agency or home health agency employee; hospital and clinic personnel engaged in examination, care, or treatment of persons; in-home services owner, provider, operator, or employee; law enforcement officer; long-term care facility administrator or employee; medical examiner; medical resident or intern; mental health professional; minister; nurse; nurse practitioner; optometrist; other health practitioner; peace officer; pharmacist; physical therapist; physician; physician's assistant; podiatrist; probation or parole officer; psychologist; or social worker has reasonable cause to believe that an in-home services client has been abused or neglected, as a result of in-home services, he or she shall immediately report or cause a report to be made to the department. If the report is made by a physician of the in-home services client, the department shall maintain contact with the physician regarding the progress of the investigation.

2. [When a report of deteriorating physical condition resulting in possible abuse or neglect of an in-home services client is received by the department, the client's case manager and the department nurse shall be notified. The client's case manager shall investigate and immediately report the results of the investigation to the department nurse. The department may authorize the in-home services provider nurse to assist the case manager with the investigation.

3. If requested, local area agencies on aging shall provide volunteer training to those persons listed in subsection 1 of this section regarding the detection and report of abuse and neglect pursuant to this section.

4.] Any person required in subsection 1 of this section to report or cause a report to be made to the department who fails to do so within a reasonable time after the act of abuse or neglect is guilty of a class A misdemeanor.

[5.] **3.** The report shall contain the names and addresses of the in-home services provider agency, the in-home services employee, the in-home services client, the home health agency, the home health agency employee, information regarding the nature of the abuse or neglect, the name of the complainant, and any other information which might be helpful in an investigation.

[6.] **4.** In addition to those persons required to report under subsection 1 of this section, any other person having reasonable cause to believe that an in-home services client or home health patient has been abused or neglected by an in-home services employee or home health agency employee may report such information to the department.

[7.] **5.** If the investigation indicates possible abuse or neglect of an in-home services client or home health patient, the investigator shall refer the complaint together with his or her report to the department director or his or her designee for appropriate action. If, during the investigation or at its completion, the department has reasonable cause to believe that immediate action is necessary to protect the in-home services client or home health patient from abuse or neglect, the department or the local prosecuting attorney may, or the attorney general upon request of the department shall, file a petition for temporary care and protection of the in-home services client or home health patient in a circuit court of competent jurisdiction. The circuit court in which the petition is filed shall have equitable jurisdiction to issue an ex parte order granting the department authority for the temporary care and protection of the in-home services client or home health patient, for a period not to exceed thirty days.

[8.] **6.** Reports shall be confidential, as provided under section 192.2500.

[9.] **7.** Anyone, except any person who has abused or neglected an in-home services client or home health patient, who makes a report pursuant to this section or who testifies in any

administrative or judicial proceeding arising from the report shall be immune from any civil or criminal liability for making such a report or for testifying except for liability for perjury, unless such person acted negligently, recklessly, in bad faith, or with malicious purpose.

[10.] **8.** Within five working days after a report required to be made under this section is received, the person making the report shall be notified in writing of its receipt and of the initiation of the investigation.

[11.] **9.** No person who directs or exercises any authority in an in-home services provider agency or home health agency shall harass, dismiss or retaliate against an in-home services client or home health patient, or an in-home services employee or a home health agency employee because he or she or any member of his or her family has made a report of any violation or suspected violation of laws, standards or regulations applying to the in-home services provider agency or home health agency or any in-home services employee or home health agency employee which he or she has reasonable cause to believe has been committed or has occurred.

[12.] **10.** Any person who abuses or neglects an in-home services client or home health patient is subject to criminal prosecution under section 565.180, 565.182, or 565.184. If such person is an in-home services employee and has been found guilty by a court, and if the supervising in-home services provider willfully and knowingly failed to report known abuse by such employee to the department, the supervising in-home services provider may be subject to administrative penalties of one thousand dollars per violation to be collected by the department and the money received therefor shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund. Any in-home services provider which has had administrative penalties imposed by the department or which has had its contract terminated may seek an administrative review of the department's action pursuant to chapter 621. Any decision of the administrative hearing commission may be appealed to the circuit court in the county where the violation occurred for a trial de novo. For purposes of this subsection, the term "violation" means a determination of guilt by a court.

[13.] **11.** The department shall establish a quality assurance and supervision process for clients that requires an in-home services provider agency to conduct random visits to verify compliance with program standards and verify the accuracy of records kept by an in-home services employee.

[14.] **12.** The department shall maintain the employee disqualification list and place on the employee disqualification list the names of any persons who have been finally determined by the department, pursuant to section 192.2490, to have recklessly, knowingly or purposely abused or neglected an in-home services client or home health patient while employed by an in-home services provider agency or home health agency. For purposes of this section only, "knowingly" and "recklessly" shall have the meanings that are ascribed to them in this section. A person acts "knowingly" with respect to the person's conduct when a reasonable person should be aware of the result caused by his or her conduct. A person acts "recklessly" when the person consciously disregards a substantial and unjustifiable risk that the person's conduct will result in serious physical injury and such disregard constitutes a gross deviation from the standard of care that a reasonable person would exercise in the situation.

[15.] **13.** At the time a client has been assessed to determine the level of care as required by rule and is eligible for in-home services, the department shall conduct a "Safe at Home Evaluation" to determine the client's physical, mental, and environmental capacity. The department shall develop the safe at home evaluation tool by rule in accordance with chapter 536. The purpose of the safe at home evaluation is to assure that each client has the appropriate level of services and professionals involved in the client's care. The plan of service or care for each in-home services client shall be authorized by a nurse. The department may authorize the licensed in-home services nurse, in lieu of the department nurse, to conduct the assessment of the client's condition and to establish a plan of services or care. The department may use the expertise, services, or programs of other departments and agencies on a case-by-case basis to establish the plan of service or care. The department may, as indicated by the safe at home

evaluation, refer any client to a mental health professional, as defined in 9 CSR 30-4.030, for evaluation and treatment as necessary.

[16.] **14.** Authorized nurse visits shall occur at least twice annually to assess the client and the client's plan of services. The provider nurse shall report the results of his or her visits to the client's case manager. If the provider nurse believes that the plan of service requires alteration, the department shall be notified and the department shall make a client evaluation. All authorized nurse visits shall be reimbursed to the in-home services provider. All authorized nurse visits shall be reimbursed outside of the nursing home cap for in-home services clients whose services have reached one hundred percent of the average statewide charge for care and treatment in an intermediate care facility, provided that the services have been preauthorized by the department.

[17.] **15.** All in-home services clients shall be advised of their rights by the department or the department's designee at the initial evaluation. The rights shall include, but not be limited to, the right to call the department for any reason, including dissatisfaction with the provider or services. The department may contract for services relating to receiving such complaints. The department shall establish a process to receive such nonabuse and neglect calls other than the elder abuse and neglect hotline.

[18.] **16.** Subject to appropriations, all nurse visits authorized in sections 192.2400 to 192.2475 shall be reimbursed to the in-home services provider agency.

208.1030. SUPPLEMENTAL REIMBURSEMENT FOR GROUND EMERGENCY MEDICAL TRANSPORTATION—AMOUNT—VOLUNTARY PARTICIPATION.— 1. An eligible provider, as described in subsection 2 of this section, may, in addition to the rate of payment that the provider would otherwise receive for Medicaid ground emergency medical transportation services, receive MO HealthNet supplemental reimbursement to the extent provided by law.

2. A provider shall be eligible for Medicaid supplemental reimbursement if the provider meets the following characteristics during the state reporting period:

(1) Provides ground emergency medical transportation services to MO HealthNet participants;

(2) Is enrolled as a MO HealthNet provider for the period being claimed; and

(3) Is owned, operated, or contracted by the state or a political subdivision.

3. An eligible provider's Medicaid supplemental reimbursement under this section shall be calculated and paid as follows:

(1) The supplemental reimbursement to an eligible provider, as described in subsection 2 of this section, shall be equal to the amount of federal financial participation received as a result of the claims submitted under subdivision (2) of subsection 6 of this section;

(2) In no instance shall the amount certified under subdivision (1) of subsection 5 of this section, when combined with the amount received from all other sources of reimbursement from the MO HealthNet program, exceed one hundred percent of actual costs, as determined under the Medicaid state plan for ground emergency medical transportation services; and

(3) The supplemental Medicaid reimbursement provided by this section shall be distributed exclusively to eligible providers under a payment methodology based on ground emergency medical transportation services provided to MO HealthNet participants by eligible providers on a per-transport basis or other federally permissible basis. The department of social services shall obtain approval from the Centers for Medicare and Medicaid Services for the payment methodology to be utilized and shall not make any payment under this section prior to obtaining that approval.

4. An eligible provider, as a condition of receiving supplemental reimbursement under this section, shall enter into and maintain an agreement with the department's designee for the purposes of implementing this section and reimbursing the department

of social services for the costs of administering this section. The non-federal share of the supplemental reimbursement submitted to the Centers for Medicare and Medicaid Services for purposes of claiming federal financial participation shall be paid with funds from the governmental entities described in subdivision (3) of subsection 2 of this section and certified to the state as provided in subsection 5 of this section.

5. Participation in the program by an eligible provider described in this section is voluntary. If an applicable governmental entity elects to seek supplemental reimbursement under this section on behalf of an eligible provider owned or operated by the entity, as described in subdivision (3) of subsection 2 of this section, the governmental entity shall do the following:

(1) Certify in conformity with the requirements of 42 CFR 433.51 that the claimed expenditures for the ground emergency medical transportation services are eligible for federal financial participation;

(2) Provide evidence supporting the certification as specified by the department of social services;

(3) Submit data as specified by the department of social services to determine the appropriate amounts to claim as expenditures qualifying for federal financial participation; and

(4) Keep, maintain, and have readily retrievable any records specified by the department of social services to fully disclose reimbursement amounts to which the eligible provider is entitled and any other records required by the Centers for Medicare and Medicaid Services.

6. The department of social services shall be authorized to seek any necessary federal approvals for the implementation of this section. The department may limit the program to those costs that are allowable expenditures under Title XIX of the Social Security Act, 42 U.S.C. Section 1396, et seq.

(1) The department of social services shall submit claims for federal financial participation for the expenditures for the services described in subsection 5 of this section that are allowable expenditures under federal law.

(2) The department of social services shall, on an annual basis, submit any necessary materials to the federal government to provide assurances that claims for federal financial participation shall include only those expenditures that are allowable under federal law.

208.1032. INTERGOVERNMENTAL TRANSFER PROGRAM — INCREASED REIMBURSEMENT FOR SERVICES, WHEN — PARTICIPATION REQUIREMENTS. — 1. The department of social services shall be authorized to design and implement in consultation and coordination with eligible providers as described in subsection 2 of this section an intergovernmental transfer program relating to ground emergency medical transport services, including those services provided at the emergency medical responder, emergency medical technician (EMT), advanced EMT, EMT intermediate, or paramedic levels in the pre-stabilization and preparation for transport, in order to increase capitation payments for the purpose of increasing reimbursement to eligible providers.

2. A provider shall be eligible for increased reimbursement under this section only if the provider meets the following conditions in an applicable state fiscal year:

(1) Provides ground emergency medical transportation services to MO HealthNet participants;

(2) Is enrolled as a MO HealthNet provider for the period being claimed; and

(3) Is owned, operated, or contracted by the state or a political subdivision.

3. To the extent intergovernmental transfers are voluntarily made by and accepted from an eligible provider described in subsection 2 of this section or a governmental entity affiliated with an eligible provider, the department of social services shall make increased capitation payments to applicable MO HealthNet eligible providers for covered ground emergency medical transportation services.

(1) The increased capitation payments made under this section shall be in amounts at least actuarially equivalent to the supplemental fee-for-service payments and up to equivalent of commercial reimbursement rates available for eligible providers to the extent permissible under federal law.

(2) Except as provided in subsection 6 of this section, all funds associated with intergovernmental transfers made and accepted under this section shall be used to fund additional payments to eligible providers.

(3) MO HealthNet managed care plans and coordinated care organizations shall pay one hundred percent of any amount of increased capitation payments made under this section to eligible providers for providing and making available ground emergency medical transportation and pre-stabilization services pursuant to a contract or other arrangement with a MO HealthNet managed care plan or coordinated care organization.

4. The intergovernmental transfer program developed under this section shall be implemented on the date federal approval is obtained, and only to the extent intergovernmental transfers from the eligible provider, or the governmental entity with which it is affiliated, are provided for this purpose. The department of social services shall implement the intergovernmental transfer program and increased capitation payments under this section on a retroactive basis as permitted by federal law.

5. Participation in the intergovernmental transfers under this section is voluntary on the part of the transferring entities for purposes of all applicable federal laws.

6. As a condition of participation under this section, each eligible provider as described in subsection 2 of this section or the governmental entity affiliated with an eligible provider shall agree to reimburse the department of social services for any costs associated with implementing this section. Intergovernmental transfers described in this section are subject to an administration fee of up to twenty percent of the nonfederal share paid to the department of social services and shall be allowed to count as a cost of providing the services not to exceed one hundred twenty percent of the total amount.

7. As a condition of participation under this section, MO HealthNet managed care plans, coordinated care organizations, eligible providers as described in subsection 2 of this section, and governmental entities affiliated with eligible providers shall agree to comply with any requests for information or similar data requirements imposed by the department of social services for purposes of obtaining supporting documentation necessary to claim federal funds or to obtain federal approvals.

8. This section shall be implemented only if and to the extent federal financial participation is available and is not otherwise jeopardized, and any necessary federal approvals have been obtained.

9. To the extent that the director of the department of social services determines that the payments made under this section do not comply with federal Medicaid requirements, the director retains the discretion to return or not accept an intergovernmental transfer, and may adjust payments under this section as necessary to comply with federal Medicaid requirements.

287.245. VOLUNTEER FIREFIGHTERS, GRANTS FOR WORKERS' COMPENSATION INSURANCE PREMIUMS.—1. As used in this section, the following terms shall mean:

(1) "Association", volunteer fire protection associations as defined in section 320.300;

(2) "State fire marshal", the state fire marshal selected under the provisions of sections 320.200 to 320.270;

(3) "Volunteer firefighter", the same meaning as in section 287.243.

2. Any association may apply to the state fire marshal for a grant for the purpose of funding such association's costs related to workers' compensation insurance premiums for volunteer firefighters.

3. Subject to appropriations, the state fire marshal shall disburse grants to each applying volunteer fire protection association according to the following schedule:

(1) Associations which had zero to five volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for two thousand dollars in grant money;

(2) Associations which had six to ten volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for one thousand five hundred dollars in grant money;

(3) Associations which had eleven to fifteen volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for one thousand dollars in grant money;

(4) Associations which had sixteen to twenty volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for five hundred dollars in grant money.

4. Grant money disbursed under this section shall only be used for the purpose of paying for the workers' compensation insurance premiums of volunteer firefighters.

304.022. EMERGENCY VEHICLE DEFINED — USE OF LIGHTS AND SIRENS — RIGHT-OF-WAY — STATIONARY VEHICLES, PROCEDURE — PENALTY. — 1. Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle or a flashing blue light authorized by section 307.175, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible to the right of, the traveled portion of the highway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a police or traffic officer.

2. Upon approaching a stationary emergency vehicle displaying lighted red or red and blue lights, or a stationary vehicle owned by the state highways and transportation commission and operated by an authorized employee of the department of transportation **or a stationary vehicle owned by a contractor or subcontractor performing work for the department of transportation** displaying lighted amber or amber and white lights, the driver of every motor vehicle shall:

(1) Proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle; or

(2) Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible.

3. The motorman of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the emergency vehicle has passed, except as otherwise directed by a police or traffic officer.

4. An "emergency vehicle" is a vehicle of any of the following types:

(1) A vehicle operated by the state highway patrol, the state water patrol, the Missouri capitol police, a conservation agent, or a state park ranger, those vehicles operated by enforcement personnel of the state highways and transportation commission, police or fire department, sheriff, constable or deputy sheriff, federal law enforcement officer authorized to carry firearms and to make arrests for violations of the laws of the United States, traffic officer or coroner or by a privately owned emergency vehicle company;

(2) A vehicle operated as an ambulance or operated commercially for the purpose of transporting emergency medical supplies or organs;

- (3) Any vehicle qualifying as an emergency vehicle pursuant to section 307.175;
- (4) Any wrecker, or tow truck or a vehicle owned and operated by a public utility or public service corporation while performing emergency service;
- (5) Any vehicle transporting equipment designed to extricate human beings from the wreckage of a motor vehicle;
- (6) Any vehicle designated to perform emergency functions for a civil defense or emergency management agency established pursuant to the provisions of chapter 44;
- (7) Any vehicle operated by an authorized employee of the department of corrections who, as part of the employee's official duties, is responding to a riot, disturbance, hostage incident, escape or other critical situation where there is the threat of serious physical injury or death, responding to mutual aid call from another criminal justice agency, or in accompanying an ambulance which is transporting an offender to a medical facility;
- (8) Any vehicle designated to perform hazardous substance emergency functions established pursuant to the provisions of sections 260.500 to 260.550; or
- (9) Any vehicle owned by the state highways and transportation commission and operated by an authorized employee of the department of transportation that is marked as a department of transportation emergency response or motorist assistance vehicle.

5. (1) The driver of any vehicle referred to in subsection 4 of this section shall not sound the siren thereon or have the front red lights or blue lights on except when such vehicle is responding to an emergency call or when in pursuit of an actual or suspected law violator, or when responding to, but not upon returning from, a fire.

- (2) The driver of an emergency vehicle may:
 - (a) Park or stand irrespective of the provisions of sections 304.014 to 304.025;
 - (b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
 - (c) Exceed the prima facie speed limit so long as the driver does not endanger life or property;
 - (d) Disregard regulations governing direction of movement or turning in specified directions.

(3) The exemptions granted to an emergency vehicle pursuant to subdivision (2) of this subsection shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light or blue light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle.

6. No person shall purchase an emergency light as described in this section without furnishing the seller of such light an affidavit stating that the light will be used exclusively for emergency vehicle purposes.

7. Violation of this section shall be deemed a class A misdemeanor.

307.175. SIRENS AND FLASHING LIGHTS EMERGENCY USE, PERSONS AUTHORIZED — VIOLATION, PENALTY. — 1. Motor vehicles and equipment which are operated by any member of an organized fire department, ambulance association, or rescue squad, whether paid or volunteer, may be operated on streets and highways in this state as an emergency vehicle under the provisions of section 304.022 while responding to a fire call or ambulance call or at the scene of a fire call or ambulance call and while using or sounding a warning siren and using or displaying thereon fixed, flashing or rotating blue lights, but sirens and blue lights shall be used only in bona fide emergencies.

2. Motor vehicles and equipment owned by the state highways and transportation commission or contractor or subcontractor performing work for the department of transportation may use or display thereon fixed, flashing, or rotating amber or white lights, but amber or white lights shall be used only while such vehicle is stationary in a work zone, as defined in section 304.580, when highway workers, as defined in section 304.580, are present.

3. Permits for the operation of such vehicles equipped with sirens or blue lights shall be in writing and shall be issued and may be revoked by the chief of an organized fire department, organized ambulance association, [or] rescue squad, **or the state highways and transportation commission** and no person shall use or display a siren or blue lights on a motor vehicle, fire, ambulance, or rescue equipment without a valid permit authorizing the use. A permit to use a siren or lights as heretofore set out does not relieve the operator of the vehicle so equipped with complying with all other traffic laws and regulations. Violation of this section constitutes a class A misdemeanor.

321.017. EMPLOYEE OF FIRE PROTECTION DISTRICT OR AMBULANCE DISTRICT NOT TO BE MEMBER OF BOARD, EXCEPTION — FORMER BOARD MEMBERS INELIGIBLE FOR EMPLOYMENT BY THE BOARD FOR TWELVE MONTHS. — 1. Notwithstanding the provisions of section 321.015, no employee of any fire protection district or ambulance district shall serve as a member of any fire district or ambulance district board while such person is employed by any fire district or ambulance district, except that an employee of a fire protection district or an ambulance district may serve as a member of a voluntary fire protection district board or a voluntary ambulance district board.

2. Notwithstanding any other provision of law to the contrary, individual board members shall not be eligible for employment by the board within twelve months of termination of service as a member of the board unless such employment is on a volunteer basis or without compensation.

321.130. DIRECTORS, QUALIFICATIONS — CANDIDATE FILING FEE, OATH. — [1.] A person, to be qualified to serve as a director, shall be a **resident and** voter of the district **for** at least one year before the election or appointment and be over the age of [twenty-five] **twenty-four** years]; except as provided in subsections 2 and 3 of this section. The person shall also be a resident of such fire protection district]. In the event the person is no longer a resident of the district, the person's office shall be vacated, and the vacancy shall be filled as provided in section 321.200. Nominations and declarations of candidacy shall be filed at the headquarters of the fire protection district by paying a [ten dollar] filing fee **equal to the amount of a candidate for county office as set forth under section 115.357**, and filing a statement under oath that such person possesses the required qualifications.

[2. In any fire protection district located in more than one county one of which is a first class county without a charter form of government having a population of more than one hundred ninety-eight thousand and not adjoining any other first class county or located wholly within a first class county as described herein, a resident shall have been a resident of the district for more than one year to be qualified to serve as a director.

3. In any fire protection district located in a county of the third or fourth classification, a person to be qualified to serve as a director shall be over the age of twenty-five years and shall be a voter of the district for more than one year before the election or appointment, except that for the first board of directors in such district, a person need only be a voter of the district for one year before the election or appointment.

4. A person desiring to become a candidate for the first board of directors of the proposed district shall pay the sum of five dollars as a filing fee to the treasurer of the county and shall file with the election authority a statement under oath that such person possesses all of the qualifications set out in this chapter for a director of a fire protection district.] Thereafter, such candidate shall have the candidate's name placed on the ballot as a candidate for director.

321.210. ELECTION AND TERMS OF DIRECTORS — FILING FEE. — On the first Tuesday in April after the expiration of at least two full calendar years from the date of the election of the first board of directors, and on the first Tuesday in April every two years thereafter, an election for members of the board of directors shall be held in the district. Nominations shall be filed at

the headquarters of the fire protection district in which a majority of the district is located by paying a filing fee [up] **equal** to the amount of a candidate for [state representative] **county office** as set forth under section 115.357 and filing a statement under oath that [he] **the candidate** possesses the required qualifications. The candidate receiving the most votes shall be elected. Any new member of the board shall qualify in the same manner as the members of the first board qualify.

455.543. HOMICIDES OR SUICIDES, DETERMINATION OF DOMESTIC VIOLENCE, FACTORS TO BE CONSIDERED — REPORTS MADE TO HIGHWAY PATROL, FORMS. — 1. In any incident investigated by a law enforcement agency involving a homicide or suicide, the law enforcement agency shall make a determination as to whether the homicide or suicide is related to domestic violence.

2. In making such determination, the local law enforcement agency may consider a number of factors including, but not limited to, the following:

- (1) If the relationship between the perpetrator and the victim is or was that of a family or household member;
- (2) Whether the victim or perpetrator had previously filed for an order of protection;
- (3) Whether any of the subjects involved in the incident had previously been investigated for incidents of domestic violence; and
- (4) Any other evidence regarding the homicide or suicide that assists the agency in making its determination.

3. After making a determination as to whether the homicide or suicide is related to domestic violence, the law enforcement agency shall forward the information required [within fifteen days] to the Missouri state highway patrol on a form or format approved by the patrol. The required information shall include the gender and age of the victim, the type of incident investigated, the disposition of the incident and the relationship of the victim to the perpetrator. The state highway patrol shall develop a form for this purpose which shall be distributed by the department of public safety to all law enforcement agencies by October 1, 2000. [Completed forms shall be forwarded to the highway patrol without undue delay as required by section 43.500; except that all such reports shall be forwarded no later than seven days after an incident is determined or identified as a homicide or suicide involving domestic violence.]

455.545. ANNUAL REPORT BY HIGHWAY PATROL. — The highway patrol shall compile an annual report of homicides and suicides related to domestic violence. Such report shall be presented by [February] **March** first of the subsequent year to the governor, speaker of the house of representatives, and president pro tempore of the senate.

575.145. BEGINNING JANUARY 1, 2017 — SIGNAL OR DIRECTION OF LAW ENFORCEMENT OR FIREFIGHTER, DUTY TO STOP, MOTOR VEHICLE OPERATORS AND RIDERS OF ANIMALS — VIOLATION, PENALTY. — 1. It shall be the duty of the operator or driver of any vehicle or any other conveyance regardless of means of propulsion, or the rider of any animal traveling on the highways of this state to stop on signal of any law enforcement officer **or firefighter** and to obey any other reasonable signal or direction of such law enforcement officer **or firefighter** given in directing the movement of traffic on the highways or enforcing any offense or infraction.

2. The offense of willfully failing or refusing to obey such signals or directions or willfully resisting or opposing a law enforcement officer **or a firefighter** in the proper discharge of his or her duties is a class A misdemeanor.

575.145. UNTIL DECEMBER 31, 2016 — SIGNAL OR DIRECTION OF SHERIFF OR DEPUTY SHERIFF, DUTY TO STOP, MOTOR VEHICLE OPERATORS AND RIDERS OF ANIMALS — VIOLATION, PENALTY. — It shall be the duty of the operator or driver of any vehicle or the rider

of any animal traveling on the highways of this state to stop on signal of any sheriff [or], deputy sheriff, **or firefighter** and to obey any other reasonable signal or direction of such sheriff [or], deputy sheriff, **or firefighter** given in directing the movement of traffic on the highways. Any person who willfully fails or refuses to obey such signals or directions or who willfully resists or opposes a sheriff [or], deputy sheriff, **or firefighter** in the proper discharge of his or her duties shall be guilty of a class A misdemeanor and on conviction thereof shall be punished as provided by law for such offenses.

610.100. DEFINITIONS — ARREST AND INCIDENT RECORDS AVAILABLE TO PUBLIC — CLOSED RECORDS, WHEN — RECORD REDACTED, WHEN — ACCESS TO INCIDENT REPORTS, RECORD REDACTED, WHEN — ACTION FOR DISCLOSURE OF INVESTIGATIVE REPORT AUTHORIZED, COSTS — APPLICATION TO OPEN INCIDENT AND ARREST REPORTS, VIOLATIONS, CIVIL PENALTY — IDENTITY OF VICTIM OF SEXUAL OFFENSE — CONFIDENTIALITY OF RECORDING. — 1. As used in sections 610.100 to 610.150, the following words and phrases shall mean:

(1) "Arrest", an actual restraint of the person of the defendant, or by his or her submission to the custody of the officer, under authority of a warrant or otherwise for a criminal violation which results in the issuance of a summons or the person being booked;

(2) "Arrest report", a record of a law enforcement agency of an arrest and of any detention or confinement incident thereto together with the charge therefor;

(3) "Inactive", an investigation in which no further action will be taken by a law enforcement agency or officer for any of the following reasons:

(a) A decision by the law enforcement agency not to pursue the case;

(b) Expiration of the time to file criminal charges pursuant to the applicable statute of limitations, or ten years after the commission of the offense; whichever date earliest occurs;

(c) Finality of the convictions of all persons convicted on the basis of the information contained in the investigative report, by exhaustion of or expiration of all rights of appeal of such persons;

(4) "Incident report", a record of a law enforcement agency consisting of the date, time, specific location, name of the victim and immediate facts and circumstances surrounding the initial report of a crime or incident, including any logs of reported crimes, accidents and complaints maintained by that agency;

(5) "Investigative report", a record, other than an arrest or incident report, prepared by personnel of a law enforcement agency, inquiring into a crime or suspected crime, either in response to an incident report or in response to evidence developed by law enforcement officers in the course of their duties;

(6) "**Mobile video recorder**", any system or device that captures visual signals that is capable of being installed in a vehicle or being worn or carried by personnel of a law enforcement agency and that includes, at minimum, a camera and recording capabilities;

(7) "**Mobile video recording**", any data captured by a mobile video recorder, including audio, video, and any metadata;

(8) "**Nonpublic location**", a place where one would have a reasonable expectation of privacy including, but not limited to, a dwelling, school, or medical facility.

2. Each law enforcement agency of this state, of any county, and of any municipality shall maintain records of all incidents reported to the agency, investigations and arrests made by such law enforcement agency. All incident reports and arrest reports shall be open records.

(1) Notwithstanding any other provision of law other than the provisions of subsections 4, 5 and 6 of this section or section 320.083, **mobile video recordings and** investigative reports of all law enforcement agencies are closed records until the investigation becomes inactive.

(2) If any person is arrested and not charged with an offense against the law within thirty days of the person's arrest, the arrest report shall thereafter be a closed record except that the disposition portion of the record may be accessed and except as provided in section 610.120.

(3) Except as provided in subsections 3 and 5 of this section, a mobile video recording that is recorded in a nonpublic location is authorized to be closed, except that any person who is depicted in the recording or whose voice is in the recording, a legal guardian or parent of such person if he or she is a minor, a family member of such person within the first degree of consanguinity if he or she is deceased or incompetent, an attorney for such person, or insurer of such person may obtain a complete, unaltered, and unedited copy of a recording under this section upon written request.

3. Except as provided in subsections 4, 5, 6 and 7 of this section, if any portion of a record or document of a law enforcement officer or agency, other than an arrest report, which would otherwise be open, contains information that is reasonably likely to pose a clear and present danger to the safety of any victim, witness, undercover officer, or other person; or jeopardize a criminal investigation, including records which would disclose the identity of a source wishing to remain confidential or a suspect not in custody; or which would disclose techniques, procedures or guidelines for law enforcement investigations or prosecutions, that portion of the record shall be closed and shall be redacted from any record made available pursuant to this chapter.

4. Any person, including a **legal guardian or a parent of such person if he or she is a minor**, family member of such person within the first degree of consanguinity if such person is deceased or incompetent, attorney for a person, or insurer of a person involved in any incident or whose property is involved in an incident, may obtain any records closed pursuant to this section or section 610.150 for purposes of investigation of any civil claim or defense, as provided by this subsection. Any individual, **legal guardian or parent of such person if he or she is a minor**, his or her family member within the first degree of consanguinity if such individual is deceased or incompetent, his or her attorney or insurer, involved in an incident or whose property is involved in an incident, upon written request, may obtain a complete unaltered and unedited incident report concerning the incident, and may obtain access to other records closed by a law enforcement agency pursuant to this section. Within thirty days of such request, the agency shall provide the requested material or file a motion pursuant to this subsection with the circuit court having jurisdiction over the law enforcement agency stating that the safety of the victim, witness or other individual cannot be reasonably ensured, or that a criminal investigation is likely to be jeopardized. If, based on such motion, the court finds for the law enforcement agency, the court shall either order the record closed or order such portion of the record that should be closed to be redacted from any record made available pursuant to this subsection.

5. Any person may bring an action pursuant to this section in the circuit court having jurisdiction to authorize disclosure of **a mobile video recording** or the information contained in an investigative report of any law enforcement agency, which would otherwise be closed pursuant to this section. The court may order that all or part of **a mobile video recording** or the information contained in an investigative report be released to the person bringing the action.

(1) In making the determination as to whether information contained in an investigative report shall be disclosed, the court shall consider whether the benefit to the person bringing the action or to the public outweighs any harm to the public, to the law enforcement agency or any of its officers, or to any person identified in the investigative report in regard to the need for law enforcement agencies to effectively investigate and prosecute criminal activity.

(2) In making the determination as to whether a mobile video recording shall be disclosed, the court shall consider:

(a) Whether the benefit to the person bringing the action or the benefit to the public outweighs any harm to the public, to the law enforcement agency or any of its officers, or to any person identified in the mobile video recording with respect to the need for law enforcement agencies to effectively investigate and prosecute criminal activity;

(b) Whether the mobile video recording contains information that is reasonably likely to disclose private matters in which the public has no legitimate concern;

(c) Whether the mobile video recording is reasonably likely to bring shame or humiliation to a person of ordinary sensibilities; and

(d) Whether the mobile recording was taken in a place where a person recorded or depicted has a reasonable expectation of privacy.

(3) The **mobile video recording or** investigative report in question may be examined by the court in camera.

(4) If the disclosure is authorized in whole or in part, the court may make any order that justice requires, including one or more of the following:

(a) That the mobile video recording or investigative report may be disclosed only on specified terms and conditions, including a designation of the time or place;

(b) That the mobile video recording or investigative report may be disclosed to the person making the request in a different manner or form as requested;

(c) That the scope of the request be limited to certain matters;

(d) That the disclosure occur with no one present except persons designated by the court;

(e) That the mobile video recording or investigative report be redacted to exclude for example, personally identifiable features or other sensitive information;

(f) That a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way.

(5) The court may find that the party seeking disclosure of the **mobile video recording or** investigative report shall bear the reasonable and necessary costs and attorneys' fees of both parties, unless the court finds that the decision of the law enforcement agency not to open the **mobile video recording or** investigative report was substantially unjustified under all relevant circumstances, and in that event, the court may assess such reasonable and necessary costs and attorneys' fees to the law enforcement agency.

6. Any person may apply pursuant to this subsection to the circuit court having jurisdiction for an order requiring a law enforcement agency to open incident reports and arrest reports being unlawfully closed pursuant to this section. If the court finds by a preponderance of the evidence that the law enforcement officer or agency has knowingly violated this section, the officer or agency shall be subject to a civil penalty in an amount up to one thousand dollars. If the court finds that there is a knowing violation of this section, the court may order payment by such officer or agency of all costs and attorneys' fees, as provided by section 610.027. If the court finds by a preponderance of the evidence that the law enforcement officer or agency has purposely violated this section, the officer or agency shall be subject to a civil penalty in an amount up to five thousand dollars and the court shall order payment by such officer or agency of all costs and attorney fees, as provided in section 610.027. The court shall determine the amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the offense, and whether the law enforcement officer or agency has violated this section previously.

7. The victim of an offense as provided in chapter 566 may request that his or her identity be kept confidential until a charge relating to such incident is filed.

8. Any person who requests and receives a mobile video recording that was recorded in a nonpublic location under this section is prohibited from displaying or disclosing the mobile video recording, including any description or account of any or all of the mobile video recording, without first providing direct third party notice to each person not affiliated with a law enforcement agency whose image or sound is contained in the recording. Upon receiving such notice, each person appearing in a mobile video recording shall be given ten days to file and serve an action seeking an order from a court of competent jurisdiction to enjoin all or some of the intended display, disclosure, description, or account of the recording. Any person who fails to comply with the provisions of this section shall be subject to damages in a civil action proceeding.

610.205. CRIME SCENE PHOTOGRAPHS AND VIDEO RECORDINGS CLOSED RECORDS, WHEN — DISCLOSURE TO NEXT-OF-KIN OR BY COURT ORDER — INAPPLICABILITY. — 1. Crime scene photographs and video recordings, including photographs and video recordings created or produced by a state or local agency or by a perpetrator or suspect

at a crime scene, which depict or describe a deceased person in a state of dismemberment, decapitation, or similar mutilation including, without limitation, where the deceased person's genitalia are exposed, shall be considered closed records and shall not be subject to disclosure under the provisions of this chapter; provided, however, that this section shall not prohibit disclosure of such material to the deceased's next of kin or to an individual who has secured a written release from the next of kin. It shall be the responsibility of the next of kin to show proof of the familial relationship. For purposes of such access, the deceased's next of kin shall be:

- (1) The spouse of the deceased if living;
- (2) If there is no living spouse of the deceased, an adult child of the deceased; or
- (3) If there is no living spouse or adult child, a parent of the deceased.

2. Subject to the provisions of subsection 3 of this section, in the case of closed criminal investigations a circuit court judge may order the disclosure of such photographs or video recordings upon findings in writing that disclosure is in the public interest and outweighs any privacy interest that may be asserted by the deceased person's next of kin. In making such determination, the court shall consider whether such disclosure is necessary for public evaluation of governmental performance, the seriousness of the intrusion into the family's right to privacy, and whether such disclosure is the least intrusive means available considering the availability of similar information in other public records. In any such action, the court shall review the photographs or video recordings in question in camera with the custodian of the crime scene materials present and may condition any disclosure on such condition as the court may deem necessary to accommodate the interests of the parties.

3. Prior to releasing any crime scene material described in subsection 1 of this section, the custodian of such material shall give the deceased person's next of kin at least two weeks' notice. No court shall order a disclosure under subsection 2 of this section which would disregard or shorten the duration of such notice requirement.

4. The provisions of this section shall apply to all undisclosed material which is in the custody of a state or local agency on the effective date of this section and to any such material which comes into the custody of a state or local agency after such date.

5. The provisions of this section shall not apply to disclosure of crime scene material to counsel representing a convicted defendant in a habeas corpus action, on a motion for new trial, or in a federal habeas corpus action under 28 U.S.C. Section 2254 or 2255 for the purpose of preparing to file or litigating such proceedings. Counsel may disclose such materials to his or her client and any expert or investigator assisting counsel but shall not otherwise disseminate such materials, except to the extent they may be necessary exhibits in court proceedings. A request under this subsection shall clearly state that such request is being made for the purpose of preparing to file and litigate proceedings enumerated in this subsection.

6. The director of the department of public safety shall promulgate rules and regulations governing the viewing of materials described in subsection 1 of this section by bona fide credentialed members of the press.

[192.737. DATA ANALYSIS AND NEEDS ASSESSMENT. — 1. The department of health and senior services shall establish and maintain an information registry and reporting system for the purpose of data collection and needs assessment of brain and spinal cord injured persons in this state.

2. Reports of traumatic brain and spinal cord injuries shall be filed with the department by a treating physician or his designee within seven days of identification. The attending physician of any patient with traumatic brain or spinal cord injury who is in the hospital shall provide in writing to the chief administrative officer the information required to be reported by this section. The chief administrative officer of the hospital shall then have the duty to submit the required reports.

3. Reporting forms and the manner in which the information is to be reported shall be provided by the department. Such reports shall include, but shall not be limited to, the following information: name, age, and residence of the injured person, the date and cause of the injury, the initial diagnosis and such other information as required by the department.]

Approved July 8, 2016

SB 735 [CCS HCS SB 735]

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 judicial proceedings

AN ACT to repeal sections 477.650, 600.042, 600.090, and 600.101, RSMo, and section 476.055 as enacted by house bill no. 1245 merged with house bill no. 1371, ninety-seventh general assembly, second regular session, and to enact in lieu thereof five new sections relating to judicial proceedings, with penalty provisions.

SECTION

- A. Enacting clause.
- 476.055. Beginning January 1, 2017 — Statewide court automation fund created, administration, committee, members — powers, duties, limitation — unauthorized release of information, penalty — report — expiration date.
- 477.650. Basic civil legal services fund created, moneys to be used to increase funding for legal services to eligible low-income persons — allocation of moneys — record-keeping requirements — report to general assembly — expiration date.
- 600.042. Director's duties and powers — cases for which representation is authorized — rules, procedure — discretionary powers of defender system — bar members appointment authorized.
- 600.090. Determination of ability to pay all or part of representation costs — lien for reasonable value of services, procedure — deposit of funds collected.
- 600.101. Provision of office space for public defender, disputes.

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

SECTION A. ENACTING CLAUSE. — Sections 477.650, 600.042, 600.090, and 600.101, RSMo, and section 476.055 as enacted by house bill no. 1245 merged with house bill no. 1371, ninety-seventh general assembly, second regular session, are repealed and five new sections enacted in lieu thereof, to be known as sections 476.055, 477.650, 600.042, 600.090, and 600.101, to read as follows:

476.055. BEGINNING JANUARY 1, 2017 — STATEWIDE COURT AUTOMATION FUND CREATED, ADMINISTRATION, COMMITTEE, MEMBERS — POWERS, DUTIES, LIMITATION — UNAUTHORIZED RELEASE OF INFORMATION, PENALTY — REPORT — EXPIRATION DATE.—

1. There is hereby established in the state treasury the "Statewide Court Automation Fund". All moneys collected pursuant to section 488.027, as well as gifts, contributions, devises, bequests, and grants received relating to automation of judicial record keeping, and moneys received by the judicial system for the dissemination of information and sales of publications developed relating to automation of judicial record keeping, shall be credited to the fund. Moneys credited to this fund may only be used for the purposes set forth in this section and as appropriated by the general assembly. Any unexpended balance remaining in the statewide court automation fund at the end of each biennium shall not be subject to the provisions of section 33.080 requiring the transfer of such unexpended balance to general revenue; except that, any unexpended balance remaining in the fund on September 1, [2018] **2023**, shall be transferred to general revenue.

2. The statewide court automation fund shall be administered by a court automation committee consisting of the following: the chief justice of the supreme court, a judge from the court of appeals, four circuit judges, four associate circuit judges, four employees of the circuit court, the commissioner of administration, two members of the house of representatives appointed by the speaker of the house, two members of the senate appointed by the president pro tem of the senate, **the executive director of the Missouri office of prosecution services, the director of the state public defender system**, and two members of the Missouri Bar. The judge members and employee members shall be appointed by the chief justice. The commissioner of administration shall serve ex officio. The members of the Missouri Bar shall be appointed by the board of governors of the Missouri Bar. Any member of the committee may designate another person to serve on the committee in place of the committee member.

3. The committee shall develop and implement a plan for a statewide court automation system. The committee shall have the authority to hire consultants, review systems in other jurisdictions and purchase goods and services to administer the provisions of this section. The committee may implement one or more pilot projects in the state for the purposes of determining the feasibility of developing and implementing such plan. The members of the committee shall be reimbursed from the court automation fund for their actual expenses in performing their official duties on the committee.

4. Any purchase of computer software or computer hardware that exceeds five thousand dollars shall be made pursuant to the requirements of the office of administration for lowest and best bid. Such bids shall be subject to acceptance by the office of administration. The court automation committee shall determine the specifications for such bids.

5. The court automation committee shall not require any circuit court to change any operating system in such court, unless the committee provides all necessary personnel, funds and equipment necessary to effectuate the required changes. No judicial circuit or county may be reimbursed for any costs incurred pursuant to this subsection unless such judicial circuit or county has the approval of the court automation committee prior to incurring the specific cost.

6. Any court automation system, including any pilot project, shall be implemented, operated and maintained in accordance with strict standards for the security and privacy of confidential judicial records. Any person who knowingly releases information from a confidential judicial record is guilty of a class B misdemeanor. Any person who, knowing that a judicial record is confidential, uses information from such confidential record for financial gain is guilty of a class E felony.

7. On the first day of February, May, August and November of each year, the court automation committee shall file a report on the progress of the statewide automation system with:

- (1) The chair of the house budget committee;
- (2) The chair of the senate appropriations committee;
- (3) The chair of the house judiciary committee; and
- (4) The chair of the senate judiciary committee.

8. Section 488.027 shall expire on September 1, [2018] **2023**. The court automation committee established pursuant to this section may continue to function until completion of its duties prescribed by this section, but shall complete its duties prior to September 1, [2020] **2025**.

9. This section shall expire on September 1, [2020] **2025**.

477.650. BASIC CIVIL LEGAL SERVICES FUND CREATED, MONEYS TO BE USED TO INCREASE FUNDING FOR LEGAL SERVICES TO ELIGIBLE LOW-INCOME PERSONS — ALLOCATION OF MONEYS — RECORD-KEEPING REQUIREMENTS — REPORT TO GENERAL ASSEMBLY — EXPIRATION DATE. — 1. There is hereby created in the state treasury the "Basic Civil Legal Services Fund", to be administered by, or under the direction of, the Missouri supreme court. All moneys collected under section 488.031 shall be credited to the fund. In addition to the court filing surcharges, funds from other public or private sources also may be deposited into the fund and all earnings of the fund shall be credited to the fund. The purpose

of this section is to increase the funding available for basic civil legal services to eligible low-income persons as such persons are defined by the Federal Legal Services Corporation's Income Eligibility Guidelines.

2. Funds in the basic civil legal services fund shall be allocated annually and expended to provide legal representation to eligible low-income persons in the state in civil matters. Moneys, funds, or payments paid to the credit of the basic civil legal services fund shall, at least as often as annually, be distributed to the legal services organizations in this state which qualify for Federal Legal Services Corporation funding. The funds so distributed shall be used by legal services organizations in this state solely to provide legal services to eligible low-income persons as such persons are defined by the Federal Legal Services Corporation's Income Eligibility Guidelines. Fund money shall be subject to all restrictions imposed on such legal services organizations by law. Funds shall be allocated to the programs according to the funding formula employed by the Federal Legal Services Corporation for the distribution of funds to this state. Notwithstanding the provisions of section 33.080, any balance remaining in the basic civil legal services fund at the end of any year shall not be transferred to the state's general revenue fund. Moneys in the basic civil legal services fund shall not be used to pay any portion of a refund mandated by Article X, Section 15 of the Missouri Constitution. State legal services programs shall represent individuals to secure lawful state benefits, but shall not sue the state, its agencies, or its officials, with any state funds.

3. Contracts for services with state legal services programs shall provide eligible low-income Missouri citizens with equal access to the civil justice system, with a high priority on families and children, domestic violence, the elderly, and qualification for benefits under the Social Security Act. State legal services programs shall abide by all restrictions, requirements, and regulations of the Legal Services Corporation regarding their cases.

4. The Missouri supreme court, or a person or organization designated by the court, is the administrator and shall administer the fund in such manner as determined by the Missouri supreme court, including in accordance with any rules and policies adopted by the Missouri supreme court for such purpose. Moneys from the fund shall be used to pay for the collection of the fee and the implementation and administration of the fund.

5. Each recipient of funds from the basic civil legal services fund shall maintain appropriate records accounting for the receipt and expenditure of all funds distributed and received pursuant to this section. These records must be maintained for a period of five years from the close of the fiscal year in which such funds are distributed or received or until audited, whichever is sooner. All funds distributed or received pursuant to this section are subject to audit by the Missouri supreme court or the state auditor.

6. The Missouri supreme court, or a person or organization designated by the court, shall, by January thirty-first of each year, report to the general assembly on the moneys collected and disbursed pursuant to this section and section 488.031 by judicial circuit.

7. The provisions of this section shall expire on December 31, [2018] **2025**.

600.042. DIRECTOR'S DUTIES AND POWERS — CASES FOR WHICH REPRESENTATION IS AUTHORIZED — RULES, PROCEDURE — DISCRETIONARY POWERS OF DEFENDER SYSTEM — BAR MEMBERS APPOINTMENT AUTHORIZED. — 1. The director shall:

(1) Direct and supervise the work of the deputy directors and other state public defender office personnel appointed pursuant to this chapter; and he or she and the deputy director or directors may participate in the trial and appeal of criminal actions at the request of the defender;

(2) Submit to the commission, between August fifteenth and September fifteenth of each year, a report which shall include all pertinent data on the operation of the state public defender system, the costs, projected needs, and recommendations for statutory changes. Prior to October fifteenth of each year, the commission shall submit such report along with such recommendations, comments, conclusions, or other pertinent information it chooses to make to the chief justice, the governor, and the general assembly. Such reports shall be a public record,

shall be maintained in the office of the state public defender, and shall be otherwise distributed as the commission shall direct;

(3) With the approval of the commission, establish such divisions, facilities and offices and select such professional, technical and other personnel, including investigators, as he deems reasonably necessary for the efficient operation and discharge of the duties of the state public defender system under this chapter;

(4) Administer and coordinate the operations of defender services and be responsible for the overall supervision of all personnel, offices, divisions and facilities of the state public defender system, except that the director shall have no authority to direct or control the legal defense provided by a defender to any person served by the state public defender system;

(5) Develop programs and administer activities to achieve the purposes of this chapter;

(6) Keep and maintain proper financial records with respect to the provision of all public defender services for use in the calculating of direct and indirect costs of any or all aspects of the operation of the state public defender system;

(7) Supervise the training of all public defenders and other personnel and establish such training courses as shall be appropriate;

(8) With approval of the commission, promulgate necessary rules, regulations and instructions consistent with this chapter defining the organization of the state public defender system and the responsibilities of division directors, district defenders, deputy district defenders, assistant public defenders and other personnel;

(9) With the approval of the commission, apply for and accept on behalf of the public defender system any funds which may be offered or which may become available from government grants, private gifts, donations or bequests or from any other source. Such moneys shall be deposited in the state general revenue fund;

(10) Contract for legal services with private attorneys on a case-by-case basis and with assigned counsel as the commission deems necessary considering the needs of the area, for fees approved and established by the commission;

(11) With the approval and on behalf of the commission, contract with private attorneys for the collection and enforcement of liens and other judgments owed to the state for services rendered by the state public defender system;

(12) Prepare a plan to establish district offices, the boundaries of which shall coincide with existing judicial circuits. Any district office may contain more than one judicial circuit within its boundaries, but in no event shall any district office boundary include any geographic region of a judicial circuit without including the entire judicial circuit. The director shall submit the plan to the chair of the house judiciary committee and the chair of the senate judiciary committee, with fiscal estimates, by December 31, 2014. The plan shall be implemented by December 31, [2018] **2021**.

2. 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.

3. The director and defenders shall, within guidelines as established by the commission and as set forth in subsection 4 of this section, accept requests for legal services from eligible persons entitled to counsel under this chapter or otherwise so entitled under the constitution or laws of the United States or of the state of Missouri and provide such persons with legal services when, in the discretion of the director or the defenders, such provision of legal services is appropriate.

4. The director and defenders shall provide legal services to an eligible person:

(1) Who is detained or charged with a felony, including appeals from a conviction in such a case;

(2) Who is detained or charged with a misdemeanor which will probably result in confinement in the county jail upon conviction, including appeals from a conviction in such a case, unless the prosecuting or circuit attorney has waived a jail sentence;

(3) Who is charged with a violation of probation when it has been determined by a judge that the appointment of counsel is necessary to protect the person's due process rights under section 559.036;

(4) Who has been taken into custody pursuant to section 632.489, including appeals from a determination that the person is a sexually violent predator and petitions for release, notwithstanding any provisions of law to the contrary;

(5) For whom the federal constitution or the state constitution requires the appointment of counsel; and

(6) Who is charged in a case in which he or she faces a loss or deprivation of liberty, and in which the federal or the state constitution or any law of this state requires the appointment of counsel; however, the director and the defenders shall not be required to provide legal services to persons charged with violations of county or municipal ordinances, or misdemeanor offenses except as provided in this section.

5. The director may:

(1) Delegate the legal representation of [any] **an eligible** person to any member of the state bar of Missouri;

(2) Designate persons as representatives of the director for the purpose of making indigency determinations and assigning counsel.

600.090. DETERMINATION OF ABILITY TO PAY ALL OR PART OF REPRESENTATION COSTS — LIEN FOR REASONABLE VALUE OF SERVICES, PROCEDURE — DEPOSIT OF FUNDS COLLECTED. — 1. (1) If a person is determined to be eligible for the services provided by the state public defender system and if, at the time such determination is made, he is able to provide a limited cash contribution toward the cost of his representation without imposing a substantial hardship upon himself or his dependents, such contribution shall be required as a condition of his representation by the state public defender system.

(2) If at any time, either during or after the disposition of his case, such defendant becomes financially able to meet all or some part of the cost of services rendered to him, he shall be required to reimburse the commission in such amounts as he can reasonably pay, either by a single payment or by installments of reasonable amounts, in accordance with a schedule of charges for public defender services prepared by the commission.

(3) No difficulty or failure in the making of such payment shall reduce or in any way affect the rendering of public defender services to such persons.

2. (1) The reasonable value of the services rendered to a defendant pursuant to sections 600.011 to 600.048 and 600.086 to 600.096 may in all cases be a lien on any and all property to which the defendant shall have or acquire an interest. The public defender shall effectuate such lien whenever the reasonable value of the services rendered to a defendant appears to exceed one hundred fifty dollars and may effectuate such lien where the reasonable value of those services appears to be less than one hundred fifty dollars.

(2) To effectuate such a lien, the public defender shall, prior to the final disposition of the case or within ten days thereafter, file a notice of lien setting forth the services rendered to the defendant and a claim for the reasonable value of such services with the clerk of the circuit court. The defendant shall be personally served with a copy of such notice of lien. The court shall rule on whether all or any part of the claim shall be allowed. The portion of the claim approved by the court as the value of defender services which has been provided to the defendant shall be a judgment at law. The public defender shall not be required to pay filing or recording fees for or relating to such claim.

(3) Such judgment shall be enforceable in the name of the state on behalf of the commission by the prosecuting attorney of the circuit in which the judgment was entered.

(4) The prosecuting attorney may compromise and make settlement of, or, with the concurrence of the director, forego any claims for services performed for any person pursuant to this chapter whenever the financial circumstances of such person are such that the best interests of the state will be served by such action.

3. The commission may contract with private attorneys for the collection and enforcement of liens and other judgments owed to the state for services rendered by the state public defender system.

4. The lien created by this section shall be from the time filed in the court by the defender a charge or claim against any assets of the defendant; provided further that the same shall be served upon the person in possession of the assets or shall be recorded in the office of the recorder of deeds in the county in which the person resides or in which the assets are located.

5. Funds collected pursuant to this section and section 600.093 shall be credited to the "Legal Defense and Defender Fund" which is hereby created. The moneys credited to the legal defense and defender fund shall be used for the purpose of training public defenders, assistant public defenders, deputy public defenders and other personnel pursuant to subdivision (7) of subsection 1 of section 600.042, and may be used to pay for expert witness fees, the costs of depositions, travel expenses incurred by witnesses in case preparation and trial, expenses incurred for changes of venue and for other lawful expenses as authorized by the public defender commission.

6. The state treasurer shall be the custodian of the legal defense and defender fund, moneys in the legal defense and defender fund shall be deposited the same as are other state funds, and any interest accruing to the legal defense and defender fund shall be added to the legal defense and defender fund. The legal defense and defender fund shall be subject to audit, the same as other state funds and accounts, and shall be protected by the general bond given by the state treasurer.

7. Upon the request of the director of the office of state public defender, the commissioner of administration shall approve disbursements from the legal defense and defender fund. The legal defense and defender fund shall be funded annually by appropriation, but any unexpended **remaining** balance in the fund at the end of the appropriation period [not in excess of one hundred and fifty thousand dollars] shall be exempt from the provisions of section 33.080, specifically as they relate to the transfer of fund balances to the general revenue, and shall be the amount of the fund at the beginning of the appropriation period next immediately following.

600.101. PROVISION OF OFFICE SPACE FOR PUBLIC DEFENDER, DISPUTES. — Any dispute between any county or city not within a county and the state public defender regarding office space and utility service provided or to be provided pursuant to section 600.040 may be submitted to the judicial finance commission established pursuant to section 477.600. [The commission on judicial resources established pursuant to section 476.415 shall study and report its recommendations regarding provision of and payment for office space for the state public defender to the chairs of the judiciary committees of the senate and house of representatives, the chair of the senate appropriations committee and budget committee of the house of representatives.]

Approved July 13, 2016

SB 765 [CCS HCS SCS SB 765]

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 law enforcement officers and political subdivisions

AN ACT to repeal sections 67.145, 221.407, and 610.100, RSMo, section 575.320 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 575.320 as enacted by senate bill no. 180, eighty-seventh general assembly, first regular session, and to enact in lieu thereof five new sections relating to public safety, with penalty provisions.

SECTION

- A. Enacting clause.
- 67.145. First responders, political activity while off duty and not in uniform, political subdivisions not to prohibit — first responder defined.
- 221.407. Regional jail district sales tax authorized, ballot language — special trust fund established — expiration date.
- 304.125. Traffic violation citation quota prohibited — exception.
- 575.320. Beginning January 1, 2017 — Misconduct in administration of justice — penalty.
- 575.320. Until December 31, 2016 — Misconduct in administration of justice.
- 610.100. Definitions — arrest and incident records available to public — closed records, when — record redacted, when — access to incident reports, record redacted, when — action for disclosure of investigative report authorized, costs — application to open incident and arrest reports, violations, civil penalty — identity of victim of sexual offense — confidentiality of recording.

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

SECTION A. ENACTING CLAUSE. — Sections 67.145, 221.407, and 610.100, RSMo, section 575.320 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 575.320 as enacted by senate bill no. 180, eighty-seventh general assembly, first regular session, are repealed and five new sections enacted in lieu thereof, to be known as sections 67.145, 221.407, 304.125, 575.320, and 610.100, to read as follows:

67.145. FIRST RESPONDERS, POLITICAL ACTIVITY WHILE OFF DUTY AND NOT IN UNIFORM, POLITICAL SUBDIVISIONS NOT TO PROHIBIT — FIRST RESPONDER DEFINED. — **1.** No political subdivision of this state shall prohibit any first responder[, as the term first responder is defined in section 192.800.] from engaging in any political activity while off duty and not in uniform, being a candidate for elected or appointed public office, or holding such office unless such political activity or candidacy is otherwise prohibited by state or federal law.

2. As used in this section, "first responder" means any person trained and authorized by law or rule to render emergency medical assistance or treatment. Such persons may include, but shall not be limited to, emergency first responders, police officers, sheriffs, deputy sheriffs, firefighters, ambulance attendants and attendant drivers, emergency medical technicians, mobile emergency medical technicians, emergency medical technician-paramedics, registered nurses, or physicians.

221.407. REGIONAL JAIL DISTRICT SALES TAX AUTHORIZED, BALLOT LANGUAGE — SPECIAL TRUST FUND ESTABLISHED — EXPIRATION DATE. — **1.** The commission of any regional jail district may impose, by order, a sales tax in the amount of one-eighth of one percent, one-fourth of one percent, three-eighths of one percent, or one-half of one percent on all retail sales made in such region which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525 for the purpose of providing jail services and court facilities and equipment for such region. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no order imposing a sales tax pursuant to this section shall be effective unless the commission submits to the voters of the district, on any election date authorized in chapter 115, a proposal to authorize the commission to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the regional jail district of (counties' names) impose a region-wide sales tax of (insert amount) for the purpose of providing jail services and court facilities and equipment for the region?

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 proposal by the qualified voters of the district voting thereon are in favor of the proposal, then the order and any amendment to such order shall be in effect on the first day of the second quarter immediately following the election approving the

proposal. If the proposal receives less than the required majority, the commission shall have no power to impose the sales tax authorized pursuant to this section unless and until the commission shall again have submitted another proposal to authorize the commission to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters of the district voting on such proposal; however, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last submission of a proposal pursuant to this section.

3. All revenue received by a district from the tax authorized pursuant to this section shall be deposited in a special trust fund and shall be used solely for providing jail services and court facilities and equipment for such district for so long as the tax shall remain in effect.

4. Once the tax authorized by this section is abolished or terminated by any means, all funds remaining in the special trust fund shall be used solely for providing jail services and court facilities and equipment for the district. Any funds in such special trust fund which are not needed for current expenditures may be invested by the commission in accordance with applicable laws relating to the investment of other county funds.

5. All sales taxes collected by the director of revenue pursuant to this section on behalf of any district, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which is hereby created, to be known as the "Regional Jail District Sales Tax Trust Fund". The moneys in the regional jail district sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each district imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of each member county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the district which levied the tax. Such funds shall be deposited with the treasurer of each such district, and all expenditures of funds arising from the regional jail district sales tax trust fund shall be paid pursuant to an appropriation adopted by the commission and shall be approved by the commission. Expenditures may be made from the fund for any function authorized in the order adopted by the commission submitting the regional jail district tax to the voters.

6. The director of revenue may [authorize the state treasurer to] make refunds from the amounts in the trust fund and credited to any district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such districts. If any district abolishes the tax, the commission shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal, and the director of revenue 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 district, the director of revenue shall remit the balance in the account to the district and close the account of that district. The director of revenue shall notify each district in each instance of any amount refunded or any check redeemed from receipts due the district.

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

8. The provisions of this section shall expire September 30, [2015] 2028.

304.125. TRAFFIC VIOLATION CITATION QUOTA PROHIBITED — EXCEPTION. — No political subdivision or law enforcement agency shall have a policy requiring or encouraging an employee to issue a certain number of citations for traffic violations on a daily, weekly, monthly, quarterly, yearly, or other quota basis. This section shall not apply to the issuance of warning citations.

575.320. BEGINNING JANUARY 1, 2017 — MISCONDUCT IN ADMINISTRATION OF JUSTICE — PENALTY. — 1. A public servant, in his or her public capacity or under color of his or her office or employment, commits the offense of misconduct in administration of justice if he or she:

(1) Is charged with the custody of any person accused or convicted of any offense or municipal ordinance violation and he or she coerces, threatens, abuses or strikes such person for the purpose of securing a confession from him or her;

(2) Knowingly seizes or levies upon any property or dispossesses anyone of any lands or tenements without due and legal process, or other lawful authority;

(3) Is a judge and knowingly accepts a plea of guilty from any person charged with a violation of a statute or ordinance at any place other than at the place provided by law for holding court by such judge;

(4) Is a jailer or keeper of a county jail and knowingly refuses to receive, in the jail under his or her charge, any person lawfully committed to such jail on any criminal charge or criminal conviction by any court of this state, or on any warrant and commitment or capias on any criminal charge issued by any court of this state;

(5) Is a law enforcement officer and violates the provisions of section 544.170 by knowingly:

(a) Refusing to release any person in custody who is entitled to such release; or

(b) Refusing to permit a person in custody to see and consult with counsel or other persons;

or

(c) Transferring any person in custody to the custody or control of another, or to another place, for the purpose of avoiding the provisions of that section; or

(d) Proffering against any person in custody a false charge for the purpose of avoiding the provisions of that section; or

(6) Orders or suggests to an employee of a [county of the first class having a charter form of government with a population over nine hundred thousand and not containing any part of a city of three hundred fifty thousand or more inhabitants] **political subdivision** that such employee shall issue a certain number of traffic citations on a daily, weekly, monthly, quarterly, yearly or other quota basis[, except when such employee is assigned exclusively to traffic control and has no other responsibilities or duties] **or that such employee shall increase the number of traffic citations that he or she is currently issuing.**

2. The offense of misconduct in the administration of justice is a class A misdemeanor.

575.320. UNTIL DECEMBER 31, 2016 — MISCONDUCT IN ADMINISTRATION OF JUSTICE. — 1. A public servant, in his public capacity or under color of his office or employment, commits the crime of misconduct in administration of justice if:

(1) He is charged with the custody of any person accused or convicted of any crime or municipal ordinance violation and he coerces, threatens, abuses or strikes such person for the purpose of securing a confession from him;

(2) He knowingly seizes or levies upon any property or dispossesses anyone of any lands or tenements without due and legal process, or other lawful authority;

(3) He is a judge and knowingly accepts a plea of guilty from any person charged with a violation of a statute or ordinance at any place other than at the place provided by law for holding court by such judge;

(4) He is a jailer or keeper of a county jail and knowingly refuses to receive, in the jail under his charge, any person lawfully committed to such jail on any criminal charge or criminal conviction by any court of this state, or on any warrant and commitment or capias on any criminal charge issued by any court of this state;

(5) He is a law enforcement officer and violates the provisions of section 544.170 by knowingly:

(a) Refusing to release any person in custody who is entitled to such release; or

- (b) Refusing to permit a person in custody to see and consult with counsel or other persons;
or
- (c) Transferring any person in custody to the custody or control of another, or to another place, for the purpose of avoiding the provisions of that section; or
- (d) Preferring against any person in custody a false charge for the purpose of avoiding the provisions of that section;
- (6) He orders or suggests to an employee of a [county of the first class having a charter form of government with a population over nine hundred thousand and not containing any part of a city of three hundred fifty thousand or more inhabitants] **political subdivision** that such employee shall issue a certain number of traffic citations on a daily, weekly, monthly, quarterly, yearly or other quota basis[, except when such employee is assigned exclusively to traffic control and has no other responsibilities or duties] **or that such employee shall increase the number of traffic citations that he or she is currently issuing.**
2. Misconduct in the administration of justice is a class A misdemeanor.

610.100. DEFINITIONS — ARREST AND INCIDENT RECORDS AVAILABLE TO PUBLIC — CLOSED RECORDS, WHEN — RECORD REDACTED, WHEN — ACCESS TO INCIDENT REPORTS, RECORD REDACTED, WHEN — ACTION FOR DISCLOSURE OF INVESTIGATIVE REPORT AUTHORIZED, COSTS — APPLICATION TO OPEN INCIDENT AND ARREST REPORTS, VIOLATIONS, CIVIL PENALTY — IDENTITY OF VICTIM OF SEXUAL OFFENSE — CONFIDENTIALITY OF RECORDING. — 1. As used in sections 610.100 to 610.150, the following words and phrases shall mean:

- (1) "Arrest", an actual restraint of the person of the defendant, or by his or her submission to the custody of the officer, under authority of a warrant or otherwise for a criminal violation which results in the issuance of a summons or the person being booked;
- (2) "Arrest report", a record of a law enforcement agency of an arrest and of any detention or confinement incident thereto together with the charge therefor;
- (3) "Inactive", an investigation in which no further action will be taken by a law enforcement agency or officer for any of the following reasons:
- (a) A decision by the law enforcement agency not to pursue the case;
- (b) Expiration of the time to file criminal charges pursuant to the applicable statute of limitations, or ten years after the commission of the offense; whichever date earliest occurs;
- (c) Finality of the convictions of all persons convicted on the basis of the information contained in the investigative report, by exhaustion of or expiration of all rights of appeal of such persons;
- (4) "Incident report", a record of a law enforcement agency consisting of the date, time, specific location, name of the victim and immediate facts and circumstances surrounding the initial report of a crime or incident, including any logs of reported crimes, accidents and complaints maintained by that agency;
- (5) "Investigative report", a record, other than an arrest or incident report, prepared by personnel of a law enforcement agency, inquiring into a crime or suspected crime, either in response to an incident report or in response to evidence developed by law enforcement officers in the course of their duties;
- (6) **"Mobile video recorder", any system or device that captures visual signals that is capable of installation in a vehicle or being worn or carried by personnel of a law enforcement agency and that includes, at minimum, a camera and recording capabilities;**
- (7) **"Mobile video recording", any data captured by a mobile video recorder, including audio, video, and any metadata;**
- (8) **"Nonpublic location", a place where one would have a reasonable expectation of privacy, including but not limited to a dwelling, school, or medical facility.**
2. Each law enforcement agency of this state, of any county, and of any municipality shall maintain records of all incidents reported to the agency, investigations and arrests made by such law enforcement agency. All incident reports and arrest reports shall be open records.

(1) Notwithstanding any other provision of law other than the provisions of subsections 4, 5 and 6 of this section or section 320.083, **mobile video recordings and** investigative reports of all law enforcement agencies are closed records until the investigation becomes inactive.

(2) If any person is arrested and not charged with an offense against the law within thirty days of the person's arrest, the arrest report shall thereafter be a closed record except that the disposition portion of the record may be accessed and except as provided in section 610.120.

(3) **Except as provided in subsections 3 and 5 of this section, a mobile video recording that is recorded in a nonpublic location is authorized to be closed, except that any person who is depicted in the recording or whose voice is in the recording, a legal guardian or parent of such person if he or she is a minor, a family member of such person within the first degree of consanguinity if he or she is deceased or incompetent, an attorney for such person, or insurer of such person, upon written request, may obtain a complete, unaltered, and unedited copy pursuant to this section.**

3. Except as provided in subsections 4, 5, 6 and 7 of this section, if any portion of a record or document of a law enforcement officer or agency, other than an arrest report, which would otherwise be open, contains information that is reasonably likely to pose a clear and present danger to the safety of any victim, witness, undercover officer, or other person; or jeopardize a criminal investigation, including records which would disclose the identity of a source wishing to remain confidential or a suspect not in custody; or which would disclose techniques, procedures or guidelines for law enforcement investigations or prosecutions, that portion of the record shall be closed and shall be redacted from any record made available pursuant to this chapter.

4. Any person, including a **legal guardian or parent of such person if he or she is a minor**, family member of such person within the first degree of consanguinity if such person is deceased or incompetent, attorney for a person, or insurer of a person involved in any incident or whose property is involved in an incident, may obtain any records closed pursuant to this section or section 610.150 for purposes of investigation of any civil claim or defense, as provided by this subsection. Any individual, **legal guardian or parent of such person if he or she is a minor**, his or her family member within the first degree of consanguinity if such individual is deceased or incompetent, his or her attorney or insurer, involved in an incident or whose property is involved in an incident, upon written request, may obtain a complete unaltered and unedited incident report concerning the incident, and may obtain access to other records closed by a law enforcement agency pursuant to this section. Within thirty days of such request, the agency shall provide the requested material or file a motion pursuant to this subsection with the circuit court having jurisdiction over the law enforcement agency stating that the safety of the victim, witness or other individual cannot be reasonably ensured, or that a criminal investigation is likely to be jeopardized. If, based on such motion, the court finds for the law enforcement agency, the court shall either order the record closed or order such portion of the record that should be closed to be redacted from any record made available pursuant to this subsection.

5. Any person may bring an action pursuant to this section in the circuit court having jurisdiction to authorize disclosure of **a mobile video recording or** the information contained in an investigative report of any law enforcement agency, which would otherwise be closed pursuant to this section. The court may order that all or part of **a mobile video recording or** the information contained in an investigative report be released to the person bringing the action.

(1) In making the determination as to whether information contained in an investigative report shall be disclosed, the court shall consider whether the benefit to the person bringing the action or to the public outweighs any harm to the public, to the law enforcement agency or any of its officers, or to any person identified in the investigative report in regard to the need for law enforcement agencies to effectively investigate and prosecute criminal activity.

(2) **In making the determination as to whether a mobile video recording shall be disclosed, the court shall consider:**

(a) **Whether the benefit to the person bringing the action or to the public outweighs any harm to the public, to the law enforcement agency or any of its officers, or to any**

person identified in the mobile video recording in regard to the need for law enforcement agencies to effectively investigate and prosecute criminal activity;

(b) Whether the mobile video recording contains information that is reasonably likely to disclose private matters in which the public has no legitimate concern;

(c) Whether the mobile video recording is reasonably likely to bring shame or humiliation to a person of ordinary sensibilities; and

(d) Whether the mobile video recording was taken in a place where a person recorded or depicted has a reasonable expectation of privacy.

(3) The mobile video recording or investigative report in question may be examined by the court in camera.

(4) If the disclosure is authorized in whole or in part, the court may make any order that justice requires, including one or more of the following:

(a) That the mobile video recording or investigative report may be disclosed only on specified terms and conditions, including a designation of the time or place;

(b) That the mobile video recording or investigative report may be had only by a method of disclosure other than that selected by the party seeking such disclosure;

(c) That the scope of the request be limited to certain matters;

(d) That the disclosure occur with no one present except persons designated by the court;

(e) That the mobile video recording or investigative report be redacted to exclude, for example, personally identifiable features or other sensitive information;

(f) That a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way.

(5) The court may find that the party seeking disclosure of the mobile video recording or investigative report shall bear the reasonable and necessary costs and attorneys' fees of both parties, unless the court finds that the decision of the law enforcement agency not to open the mobile video recording or investigative report was substantially unjustified under all relevant circumstances, and in that event, the court may assess such reasonable and necessary costs and attorneys' fees to the law enforcement agency.

6. Any person may apply pursuant to this subsection to the circuit court having jurisdiction for an order requiring a law enforcement agency to open incident reports and arrest reports being unlawfully closed pursuant to this section. If the court finds by a preponderance of the evidence that the law enforcement officer or agency has knowingly violated this section, the officer or agency shall be subject to a civil penalty in an amount up to one thousand dollars. If the court finds that there is a knowing violation of this section, the court may order payment by such officer or agency of all costs and attorneys' fees, as provided by section 610.027. If the court finds by a preponderance of the evidence that the law enforcement officer or agency has purposely violated this section, the officer or agency shall be subject to a civil penalty in an amount up to five thousand dollars and the court shall order payment by such officer or agency of all costs and attorney fees, as provided in section 610.027. The court shall determine the amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the offense, and whether the law enforcement officer or agency has violated this section previously.

7. The victim of an offense as provided in chapter 566 may request that his or her identity be kept confidential until a charge relating to such incident is filed.

8. Any person who requests and receives a mobile video recording that was recorded in a nonpublic location pursuant to this section is prohibited from displaying or disclosing the mobile video recording, including any description or account of any or all of the mobile video recording, without first providing direct third party notice to each non law enforcement agency individual whose image or sound is contained in the recording and affording each person whose image or sound is contained in the mobile video recording no less than ten days to file and serve an action seeking an order from a court of competent jurisdiction to enjoin all or some of the intended display, disclosure, description,

or account of the recording. Any person who fails to comply with the provisions of this subsection is subject to damages in a civil action.

Approved July 13, 2016

SB 786 [CCS HCS SS SB 786]

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 law relating to the prosecution of election offenses

AN ACT to repeal sections 115.105, 115.107, 115.306, 115.361, 115.603, 115.607, 115.609, 115.611, 115.613, 115.617, 115.619, and 115.621, RSMo, and section 130.026 as enacted by senate bill no. 262, eighty-eighth general assembly, first regular session, and section 130.057 as enacted by house bill no. 676 merged with senate bills nos. 31 & 285, ninety-second general assembly, first regular session, and to enact in lieu thereof seventeen new sections relating to elections, with an emergency clause for certain sections and a delayed effective date for certain sections.

SECTION

- A. Enacting clause.
- 115.105. Challengers, how selected, qualifications — challenges, when made — challengers may collect certain information at presidential primary elections — challenges, how made.
- 115.107. Watchers, how selected, qualifications, duties.
- 115.306. Disqualification as candidate for elective public office, when — filing of affidavit, contents — tax delinquency, effect of.
- 115.361. Filing to be reopened, when — death or withdrawal of only candidate to create vacancy on ballot, when — removal of name from ballot, when.
- 115.603. Committees each established party shall maintain.
- 115.607. County or city committee, eligibility requirements, selection of.
- 115.609. County or city committee members, when elected (St. Louis City and County).
- 115.611. County or city committee members, filing fees.
- 115.613. Committeeman and committeewoman, how selected — tie vote, effect of — if no person elected a vacancy created — single candidate, effect.
- 115.617. Vacancy, how filled.
- 115.619. Composition of legislative, congressional, senatorial, and judicial district committees.
- 115.620. Proxy voting, requirements.
- 115.621. Congressional, legislative, senatorial and judicial district committees to meet and organize, when.
- 115.642. Complaint procedures.
- 115.960. Electronic signatures accepted, when — system to be used — inapplicability — petitions, authorized signatures — confidentiality of data.
- 130.026. Election authority defined — appropriate officer designated for filing of reports. Election authority defined — appropriate officer designated — electronic filing, when.
- 130.057. Campaign finance electronic reporting system, establishment, use of — certain candidates and committees to file in electronic format, when, fees to convert paper copy — purchase of electronic system, requirements — public access. Campaign finance electronic reporting system, establishment, use of — certain candidates and committees to file in electronic format, when, fees to convert paper copy — purchase of electronic system, requirements — public access.
- B. Emergency clause.
- C. Delayed effective date.

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

SECTION A. ENACTING CLAUSE. — Sections 115.105, 115.107, 115.306, 115.361, 115.603, 115.607, 115.609, 115.611, 115.613, 115.617, 115.619, and 115.621, RSMo, and section 130.026 as enacted by senate bill no. 262, eighty-eighth general assembly, first regular session, and section 130.057 as enacted by house bill no. 676 merged with senate bills nos. 31

& 285, ninety-second general assembly, first regular session, are repealed and seventeen new sections enacted in lieu thereof, to be known as sections 115.105, 115.107, 115.306, 115.361, 115.603, 115.607, 115.609, 115.611, 115.613, 115.617, 115.619, 115.620, 115.621, 115.642, 115.960, 130.026, and 130.057, to read as follows:

115.105. CHALLENGERS, HOW SELECTED, QUALIFICATIONS — CHALLENGES, WHEN MADE — CHALLENGERS MAY COLLECT CERTAIN INFORMATION AT PRESIDENTIAL PRIMARY ELECTIONS — CHALLENGES, HOW MADE. — 1. The chair of the county committee of each political party named on the ballot shall have the right to designate a challenger for each polling place, who may be present [during the hours of voting] **until all ballots are cast on the day of election**, and a challenger for each location at which absentee ballots are counted, who may be present while the ballots are being prepared for counting and counted. No later than four business days before the election, the chair of each county committee of each political party named on the ballot shall provide signed official designation forms with the names of the designated challengers and substitutes to the local election authority for confirmation of eligibility to serve as a challenger. The local election authority, after verifying the eligibility of each designated and substitute challenger, shall sign off on the official designation forms, unless the challenger is found not to have the qualifications established by subsection 5 of this section. If the election authority determines that a challenger does not meet the qualifications of subsection 5 of this section, the designating party chair may designate a replacement challenger and provide the local election authority with the name of the replacement challenger before 5:00 p.m. of the Monday preceding the election. The designating chair may substitute challengers at his or her discretion during such hours.

2. Challenges may only be made when the challenger believes the election laws of this state have been or will be violated, and each challenger shall report any such belief to the election judges, or to the election authority if not satisfied with the decision of the election judges.

3. Prior to the close of the polls, challengers may list and give out the names of those who have voted. The listing and giving out of names of those who have voted by a challenger shall not be considered giving information tending to show the state of the count.

4. In a presidential primary election, challengers may collect information about the party ballot selected by the voter and may disclose party affiliation information after the polls close.

5. All persons selected as challengers shall have the same qualifications required by section 115.085 for election judges, except that such challenger shall be a registered voter in the jurisdiction of the election authority for which the challenger is designated as a challenger.

6. Any challenge by a challenger to a voter's identification for validity shall be made only to the election judges or other election authority. If the poll challenger is not satisfied with the decision of the election judges, then he or she may report his or her belief that the election laws of this state have been or will be violated to the election authority as allowed under this section.

115.107. WATCHERS, HOW SELECTED, QUALIFICATIONS, DUTIES. — 1. At every election, the chairman of the county committee of each political party named on the ballot shall have the right to designate a watcher for each place votes are counted.

2. Watchers are to observe the counting of the votes and present any complaint of irregularity or law violation to the election judges, or to the election authority if not satisfied with the decision of the election judges. No watcher may be substituted for another on election day.

3. No watcher shall report to anyone the name of any person who has or has not voted.

4. **A watcher may remain present until all closing certification forms are completed, all equipment is closed and taken down, the transportation case for the ballots is sealed, election materials are returned to the election authority or to the designated collection place for a polling place, and any other duties or procedures required under sections 115.447 to 115.491 are completed. A watcher may also remain present at each location at which absentee ballots are counted and may remain present while such ballots are being prepared for counting and counted.**

5. All persons selected as watchers shall have the same qualifications required by section 115.085 for election judges, except that such watcher shall be a registered voter in the jurisdiction of the election authority for which the watcher is designated as a watcher.

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, **except candidates for a county or city committee of a political party**, 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.

115.361. FILING TO BE REOPENED, WHEN — DEATH OR WITHDRAWAL OF ONLY CANDIDATE TO CREATE VACANCY ON BALLOT, WHEN — REMOVAL OF NAME FROM BALLOT, WHEN. — 1. Except as provided in subsections 2 and 3 of this section, if a candidate for nomination to an office in which the candidate is the incumbent or the only candidate dies, withdraws as provided in subsection 1 or 2 of section 115.359, or is disqualified after 5:00 p.m. on the last day in which a person may file as a candidate for nomination, and at or before 5:00 p.m. on the eighth Tuesday prior to any primary election, or if any candidate for the position of political party committeeman or committeewoman dies or withdraws as provided in subsection 1 or 2 of section 115.359, or is disqualified after 5:00 p.m. on the last day in which a person may

file as a candidate for nomination, and at or before 5:00 p.m. on the eighth Tuesday prior to any primary election, leaving less candidates for the available committee positions than the number of available committee positions, filing for the office or position shall be reopened for a period of five working days, excluding holidays and weekends, following the death, withdrawal or disqualification during which period new candidates may file declarations of candidacy.

2. If a candidate for nomination to an office in which the candidate is the only candidate dies, withdraws as provided in subsection 1 or 2 of section 115.359, or is disqualified after 5:00 p.m. on the sixth Tuesday prior to the primary election, the election and canvass shall not proceed, and a vacancy shall exist on the general election ballot to be filled in the manner provided in sections 115.363 to 115.377.

3. If a candidate for the position of political party committeeman or committeewoman becomes disqualified after the eighth Tuesday prior to the primary election, the election and canvass shall proceed, and the disqualified candidate's name shall be physically eradicated from the ballot so that no vote may be cast for that candidate.

4. If after filing a declaration of candidacy, a candidate files a statement of withdrawal within two working days prior to the deadline for the close of filing set forth in section 115.349, the time of filing for that office shall [be extended until 5:00 p.m. of the first Friday following the deadline for the close of filing set forth in section 115.349] **cease at said deadline. There shall be a reopening of filing on the first Tuesday after the deadline for the close of filing set forth in section 115.349 which shall last until 5:00 p.m. on the Friday immediately following the first Tuesday after said deadline.**

115.603. COMMITTEES EACH ESTABLISHED PARTY SHALL MAINTAIN. — Each established political party shall have a state committee, a congressional district committee for each congressional district in the state, a judicial district committee for each circuit judge district in the state not subject to the provisions of article V, section 25 of the state constitution, a senatorial district committee for each senatorial district in the state, a legislative district committee for each legislative district in the state and a county committee for each county in the state, **except any city not within a county which shall have a city committee in lieu of a county committee.**

115.607. COUNTY OR CITY COMMITTEE, ELIGIBILITY REQUIREMENTS, SELECTION OF. — 1. No person shall be elected or shall serve as a member of a county **or city** committee who is not, for one year next before the person's election, both a registered voter of and a resident of the county **or city not within a county** and the committee district from which the person is elected if such district shall have been so long established, and if not, then of the district or districts from which the same shall have been taken. Except as provided in subsections 2, 3, 4, 5, and 6 of this section, the membership of a county **or city** committee of each established political party shall consist of a man and a woman elected from each **precinct**, township, or ward in the county **or city not within a county**.

2. In each county of the first classification containing the major portion of a city which has over three hundred thousand inhabitants, two members of the committee, a man and a woman, shall be elected from each ward in the city. Any township entirely contained in the city shall have no additional representation on the county committee. The election authority for the county shall, not later than six months after the decennial census has been reported to the President of the United States, divide the most populous township outside the city into eight subdistricts of contiguous and compact territory and as nearly equal in population as practicable. The subdistricts shall be numbered from one upward consecutively, which numbers shall, insofar as practicable, be retained upon reapportionment. Two members of the county committee, a man and a woman, shall be elected from each such subdistrict. Six members of the committee, three men and three women, shall be elected from the second and third most populous townships outside the city. Four members of the committee, two men and two women, shall be elected from the other townships outside the city.

3. In any city which has over three hundred thousand inhabitants, the major portion of which is located in a county with a charter form of government, for the portion of the city located within such county and notwithstanding section 82.110, it shall be the duty of the election authority, not later than six months after the decennial census has been reported to the President of the United States, to divide such cities into not less than twenty-four nor more than twenty-five wards after each decennial census. Wards shall be so divided that the number of inhabitants in any ward shall not exceed any other ward of the city and within the same county, by more than five percent, measured by the number of the inhabitants determined at the preceding decennial census.

4. In each county of the first classification containing a portion, but not the major portion, of a city which has over three hundred thousand inhabitants, ten members of the committee, five men and five women, shall be elected from the district of each state representative wholly contained in the county in the following manner: within six months after each legislative reapportionment, the election authority shall divide each legislative district wholly contained in the county into five committee districts of contiguous territory as compact and as nearly equal in population as may be; two members of the committee, a man and a woman, shall be elected from each committee district. The election authority shall divide the area of the county located within legislative districts not wholly contained in the county into similar committee districts; two members of the committee, a man and a woman, shall be elected from each committee district.

5. In each city not situated in a county, two members of the committee, a man and a woman, shall be elected from each ward.

6. In all counties with a charter form of government and a population of over nine hundred thousand inhabitants, the county committee persons shall be elected from each township. Within ninety days after August 28, 2002, and within six months after each decennial census has been reported to the President of the United States, the election authority shall divide the county into twenty-eight compact and contiguous townships containing populations as nearly equal in population to each other as is practical.

7. If any election authority has failed to adopt a reapportionment plan by the deadline set forth in this section, the county commission, sitting as a reapportionment commission, shall within sixty days after the deadline, adopt a reapportionment plan. Changes of township, ward, or precinct lines shall not affect the terms of office of incumbent party committee members elected from districts as constituted at the time of their election.

115.609. COUNTY OR CITY COMMITTEE MEMBERS, WHEN ELECTED (ST. LOUIS CITY AND COUNTY). — In each city not situated in a county and in each county which has over nine hundred thousand inhabitants, all members of the county **or city** committee shall be elected at the primary election immediately preceding each gubernatorial election and shall hold office until their successors are elected and qualified. In each other county, all members of the county committee shall be elected at each primary election and shall hold office until their successors are elected and qualified.

115.611. COUNTY OR CITY COMMITTEE MEMBERS, FILING FEES. — 1. Except as provided in subsection 4 of section 115.613, any registered voter of the county **or a city not within a county** may have such voter's name printed on the primary ballot of such voter's party as a candidate for county **or city** committeeman or committeewoman by filing a declaration of candidacy in the office of the county **or city** election authority and by paying any filing fee required by subsection 2 of this section.

2. Before filing such candidate's declaration of candidacy, candidates for county **or city** committeeman or county **or city** committeewoman shall pay to the treasurer of such candidate's party's county **or city** committee, or submit to the county **or city** election authority to be forwarded to the treasurer of such candidate's party's committee, a certain sum of money, as follows:

(1) One hundred dollars if such candidate is a candidate for county **or city** committeeman or committeewoman in any county which has or hereafter has over nine hundred thousand inhabitants or in any city not situated in a county;

(2) Twenty-five dollars if such candidate is a candidate for county committeeman or committeewoman in any county of the first class containing the major portion of a city which has over three hundred thousand inhabitants; **or**

(3) Except as provided in subdivisions (1) and (2) of this subsection, no candidate for county committeeman or committeewoman shall be required to pay a filing fee.

3. Any person who cannot pay the fee to file as a candidate for county **or city** committeeman or committeewoman may have the fee waived by filing a declaration of inability to pay and a petition with the official with whom such candidate files such candidate's declaration of candidacy. The provisions of section 115.357 shall apply to all such declarations and petitions.

4. No person's name shall be printed on any official primary ballot as a candidate for county **or city** committeeman or committeewoman unless the person has filed a declaration of candidacy with the proper election authority not later than 5:00 p.m. on the last Tuesday in March immediately preceding the primary election.

115.613. COMMITTEEMAN AND COMMITTEEWOMAN, HOW SELECTED — TIE VOTE, EFFECT OF — IF NO PERSON ELECTED A VACANCY CREATED — SINGLE CANDIDATE, EFFECT. — 1. Except as provided in subsection 4 of this section, the qualified man and woman receiving the highest number of votes from each committee district for committeeman and committeewoman of a party shall be members of the county **or city** committee of the party.

2. If two or more qualified persons receive an equal number of votes for county **or city** committeeman or committeewoman of a party and a higher number of votes than any other qualified person from the party, a vacancy shall exist on the county **or city** committee which shall be filled by a majority of the committee in the manner provided in section 115.617.

3. If no qualified person is elected county **or city** committeeman or committeewoman from a committee district for a party, a vacancy shall exist on the county **or city** committee which shall be filled by a majority of the committee in the manner provided in section 115.617.

4. The provisions of this subsection shall apply only in any county **or city** where no filing fee is required for filing a declaration of candidacy for committeeman or committeewoman in a committee district. If only one qualified candidate has filed a declaration of candidacy for committeeman or committeewoman in a committee district for a party prior to the deadline established [by law] **in this chapter**, no election shall be held for committeeman or committeewoman in the committee district for that party and the election authority shall certify the qualified candidate in the same manner and at the same time as candidates elected pursuant to subsection 1 of this section are certified. If no qualified candidate files for committeeman or committeewoman in a committee district for a party, no election shall be held and a vacancy shall exist on the county **or city** committee which shall be filled by a majority of the committee in the manner provided in section 115.617.

115.617. VACANCY, HOW FILLED. — Whenever a member of any county **or city** committee dies, [becomes disabled,] resigns, or ceases to be a registered voter of or a resident of the county **or a city not within a county** or the committee district from which he is elected, a vacancy shall exist on the committee. A majority of the committee shall elect another person to fill the vacancy who, for one year next before his election, shall have been both a registered voter of and a resident of the county **or city** and the committee district. The person selected to fill the vacancy shall serve the remainder of the vacated term.

115.619. COMPOSITION OF LEGISLATIVE, CONGRESSIONAL, SENATORIAL, AND JUDICIAL DISTRICT COMMITTEES. — 1. [The membership of] A legislative district committee shall

consist of [all county committee members within] **the precinct, ward, or township committeeman and committeewoman from such precincts, wards, or townships included in whole or in part of the legislative district**], except as provided in subsections 4 and 5 of this section. In all counties of this state which are wholly contained within a legislative district, or in which there are two or more whole legislative districts, or one whole legislative district and part of another legislative district, or parts of two or more legislative districts,]. There shall be elected from the membership of each legislative district committee a chairman and a vice chairman, one of whom shall be a woman and one of whom shall be a man, and each legislative district at the same time shall elect a secretary and a treasurer, one of whom shall be a woman and one of whom shall be a man, but who may or may not be members of the legislative district committee. Party state committees may provide for voting by proxy and for weighted or fractional voting.

2. [If a legislative district and a county are coextensive, the chairman, vice chairman, secretary and treasurer of the county committee shall be the chairman, vice chairman, secretary and treasurer of the legislative committee.

3. Except as provided in subsections 4 and 5 of this section, the congressional, senatorial or judicial district committee shall consist of the chairman and vice chairman of each of the legislative districts in the congressional, senatorial, or judicial districts and the chairman and vice chairman of each of the county committees within the districts. Party state committees may provide for voting by proxy and may provide for weighted or fractional voting.

4. The congressional, senatorial or judicial district committee of a district coextensive with one county shall be the county committee.

5. The congressional, senatorial or judicial district committee of a district which is composed in whole or in part of a part of a city or part of a county shall consist of the ward or township committeemen and committeewomen from such wards or townships included in whole or in part in such part of a city or part of a county forming the whole or a part of such district. Party state committees may provide for voting by proxy and may provide for weighted or fractional voting.] **The congressional, senatorial, or judicial committee of a district which is composed of:**

(1) **One or more whole counties; or**

(2) **One or more whole counties and part of one or more counties; shall consist of the county committee chair and vice chair of each county within the district and the committeeman and committeewoman of each legislative district committee within the district.**

3. **The congressional, senatorial, or judicial committee of a district which consists of:**

(1) **Parts of one or more counties;**

(2) **Part of a city not within the county;**

(3) **A whole city not within a county; or**

(4) **Part of a city not within a county and parts of one or more counties;**

shall consist of the committeemen and committeewomen of the precinct, ward, or township included in whole or in part of the district and the chair and vice chair of each legislative district committee within the district in whole or in part.

115.620. PROXY VOTING, REQUIREMENTS. — Provisions for proxy voting for district committees organized under section 115.621 may be made by a political party. In the event that such provisions are not made, proxy voting shall only be allowed for legislative, congressional, senatorial, and judicial district committee meetings. In any event, a person may only serve as a proxy voter if such person is legally permitted to vote in the district in which the proxy resides.

115.621. CONGRESSIONAL, LEGISLATIVE, SENATORIAL AND JUDICIAL DISTRICT COMMITTEES TO MEET AND ORGANIZE, WHEN. — 1. **Notwithstanding any other provision of this section to the contrary, any legislative, senatorial, or judicial district committee that**

is wholly contained within a county or a city not within a county may choose to meet on the same day as the respective county or city committee. All other committees shall meet as otherwise prescribed in this section.

2. The members of each county committee shall meet at the county seat not earlier than two weeks after each primary election but in no event later than the third Saturday after each primary election, at the discretion of the chairman at the committee. In each city not within a county, the city committee shall meet on the same day at the city hall. In all counties of the first, second, and third classification, the county courthouse shall be made available for such meetings and any other county political party meeting at no charge to the party committees. In all cities not within a county, the city hall shall be made available for such meetings and any other city political party meeting at no charge to the party committees. At the meeting, each committee shall organize by electing two of its members, a man and a woman, as chair and vice chair, and a man and a woman who may or may not be members of the committee as secretary and treasurer.

3. The members of each congressional district committee shall meet at some place **and time** within the district, to be designated by the current chair of the committee, [on the last Tuesday in August] **not earlier than five weeks** after each primary election **but in no event later than the sixth Saturday after each primary election**. The county courthouse in counties of the first, second and third classification in which the meeting is to take place, as designated by the chair, shall be made available for such meeting and any other congressional district political party committee meeting at no charge to the committee. At the meeting, the committee shall organize by electing one of its members as chair and one of its members as vice chair, one of whom shall be a woman and one of whom shall be a man, and a secretary and a treasurer, one of whom shall be a woman and one of whom shall be a man, who may or may not be members of the committee.

[2.] 4. The members of each legislative district committee shall meet at some place **and date** within the legislative district or within one of the counties in which the legislative district exists, to be designated by the current chair of the committee, [on the third Wednesday] **not earlier than three weeks** after each [August] primary election **but in no event later than the fourth Saturday after each primary election**. The county courthouse in counties of the first, second and third classification in which the meeting is to take place, as designated by the chair, shall be made available for such meeting and any other legislative district political party committee meeting at no charge to the committee. At the meeting, the committee shall organize [pursuant to subsection 1 of section 115.619] **by electing two of its members, a man and a woman, as chair and vice chair, and a man and a woman who may or may not be members of the committee as secretary and treasurer**.

[3.] 5. The members of each senatorial district committee shall meet at some place **and date** within the district, to be designated by the current chair of the committee, if there is one, and if not, by the chair of the congressional district in which the senatorial district is principally located, [on the third Saturday] **not earlier than four weeks** after each [August] primary election **but in no event later than the fifth Saturday after each primary election**. The county courthouse in counties of the first, second and third classification in which the meeting is to take place, as so designated pursuant to this subsection, shall be made available for such meeting and any other senatorial district political party committee meeting at no charge to the committee. At the meeting, the committee shall organize by electing one of its members as chair and one of its members as vice chair, one of whom shall be a woman and one of whom shall be a man, and a secretary and a treasurer, one of whom shall be a woman and one of whom shall be a man, who may or may not be members of the committee.

6. The members of each senatorial district shall also meet at some place within the district, to be designated by the current chair of the committee, if there is one, and if not, by the chair of the congressional district in which the senatorial district is principally located, on the Saturday after [the third Tuesday in November after] each general election. At the meeting, the committee

shall proceed to elect two registered voters of the district, one man and one woman, as members of the party's state committee.

[4.] 7. The members of each judicial district may meet at some place **and date** within the judicial district or within one of the counties in which the judicial district exists, to be designated by the current chair of the committee or the chair of the congressional district committee, [on the first Tuesday in September] **not earlier than six weeks** after each primary election[, or at another time designated by the chairmen of the committees] **but in no event later than the seventh Saturday after each primary election**. The county courthouse in counties of the first, second and third classification in which the meeting is to take place, as so designated pursuant to this subsection, shall be made available for such meeting and any other judicial district political party committee meeting at no charge to the committee. At the meeting, the committee shall organize [pursuant to subsection 1 of section 115.619] **by electing two of its members, a man and a woman, as chair and vice chair, and a man and a woman who may or may not be members of the committee as secretary and treasurer**.

115.642. COMPLAINT PROCEDURES. — 1. Any person may file a complaint with the secretary of state stating the name of any person who has violated any of the provisions of sections 115.629 to 115.646 and stating the facts of the alleged offense. Within thirty days of receiving a complaint, the secretary of state shall notify the person filing the complaint whether or not the secretary has dismissed the complaint or will commence an investigation. If reasonable grounds appear that the alleged offense was committed, the secretary of state may issue a probable cause statement. If the secretary of state issues a probable cause statement, he or she may refer the offense to the appropriate prosecuting attorney.

2. Notwithstanding the provisions of sections 27.060, 56.060, or 56.430 to the contrary, when requested by the prosecuting attorney or circuit attorney, the secretary of state or his or her authorized representatives may aid any prosecuting attorney or circuit attorney in the commencement and prosecution of election offenses as provided in sections 115.629 to 115.646.

3. The secretary of state may investigate any suspected violation of any of the provisions of sections 115.629 to 115.646.

115.960. ELECTRONIC SIGNATURES ACCEPTED, WHEN — SYSTEM TO BE USED — INAPPLICABILITY — PETITIONS, AUTHORIZED SIGNATURES — CONFIDENTIALITY OF DATA. — 1. An election authority is authorized to accept voter registration applications with a signature submitted to the election authority under the provisions of sections 432.200 to 432.295 as provided in this section:

(1) Sections 432.200 to 432.295 shall only apply to transactions between parties that have agreed to conduct transactions by electronic means;

(2) Except as provided in subsection 2 of this section, as used in this section and sections 432.200 to 432.295, the parties who agree to conduct voter registration transactions by electronic means shall be the local election authority who is required to accept or reject a voter registration application and the prospective voter submitting the application;

(3) A local election authority is authorized to develop, maintain, and approve systems that transmit voter registration applications electronically under sections 432.200 to 432.295;

(4) Except as provided in subsection 2 of this section, no officer, agency, or organization shall collect or submit a voter registration application with an electronic signature to an election authority without first obtaining approval of the data and signature format from the local election authority and the approval of the voter to collect and store the signature and data; and

(5) Local election authorities who maintain a voter registration application system shall direct voter registration applicants from other jurisdictions to the system used by the local election authority for that jurisdiction to accept voter registration applications electronically.

2. A system maintained by the secretary of state's office shall be used to accept voter registration applications electronically subsequent to approval from the committee formed as set forth in this subsection:

(1) Within thirty days of, but in no event prior to January 1, 2017, the president of the Missouri association of county clerks and election authorities shall appoint fourteen of its members to serve on a committee to approve and develop uniform standards, systems, and modifications that shall be used by the secretary of state in any electronic voter registration application system offered by that office. The committee may also make recommendations regarding the purchase, maintenance, integration, and operation of electronic databases, software, and hardware used by local election authorities and the secretary of state's office including, but not limited to, systems used for military and overseas voting and for building and conducting election operations. The committee shall have fourteen local election authorities, including representatives of each classification of counties, a representative from an election board, and at least one member who has experience processing online voter registration transactions. In addition, one representative appointed by the secretary of state's office shall serve on the committee;

(2) The committee shall immediately meet to approve electronic signature formats and a minimum set of data collection standards for use in a voter registration application system maintained by the secretary of state;

(3) Once the format and data collection standards are approved by the committee and implemented for the system maintained by the secretary of state, local election authorities shall accept the transmission of voter registration applications submitted to the approved system under the provisions of sections 432.200 to 432.295;

(4) The secretary of state's office shall direct eligible voters to a local election authority's system to accept voter registration applications electronically if the local election authority has a system in place as of the effective date of this section or implements a system that meets the same standards and format that has been approved by the committee for the secretary of state's system;

(5) The committee shall meet not less than semi-annually through June 30, 2019, to recommend and approve changes and enhancements proposed by the secretary of state or election authorities to the electronic voter registration application system. Vacancies that occur on the committee shall be filled by the president of the Missouri association of county clerks and election authorities at the time of the vacancy;

(6) To improve the accuracy of voter registration application data and reduce costs for local election authorities, the system maintained by the secretary of state shall, as soon as is practical, provide a method where the data entered by the voter registration applicant does not have to be re-entered by the election authority to the state voter registration database.

3. Each applicant who registers using an approved electronic voter registration application system shall be deemed to be registered as of the date the signed application is submitted to the system, if such application is accepted and not rejected by the election authority and the verification notice required under section 115.155 is not returned as undeliverable by the postal service.

4. This section shall not apply to voter registration and absentee records submitted by voters authorized under federal law, section 115.291, or sections 115.900 to 115.936 to submit electronic records and signatures.

5. High quality copies, including electronic copies, of signatures made on paper documents may be used for petition signature verification purposes and retained as records.

6. Any signature required for petition submission under chapter 116 shall be handwritten on a paper document.

7. Notwithstanding the provisions of section 432.230, nothing in this section shall require the election authority to accept voter registration records or signatures created, generated, sent, communicated, received, stored, or otherwise processed, or used by electronic means or in electronic form from any officer, agency, or organization not authorized under subsection 2 of this section without prior approval from the election authority. Except as provided in subsection 2 of this section, no officer, agency, or organization shall give the voter the opportunity to submit a voter registration application with an electronic signature without first obtaining the approval of the local election authority.

8. An election authority that agrees to conduct a transaction by electronic means may refuse to conduct other transactions by electronic means.

9. No election authority or the secretary of state shall furnish to any member of the public any data collected under a voter registration application system except as authorized in subsection 1 of section 115.157.

10. Nothing in this section shall be construed to require the secretary of state to cease operating a voter registration application in place as of the effective date of this act.

130.026. ELECTION AUTHORITY DEFINED — APPROPRIATE OFFICER DESIGNATED FOR FILING OF REPORTS. ELECTION AUTHORITY DEFINED — APPROPRIATE OFFICER DESIGNATED — ELECTRONIC FILING, WHEN. — 1. For the purpose of this section, the term "election authority" or "local election authority" means the county clerk, except that in a city or county having a board of election commissioners the board of election commissioners shall be the election authority. For any political subdivision or other district which is situated within the jurisdiction of more than one election authority, as defined herein, the election authority is the one in whose jurisdiction the candidate resides or, in the case of ballot measures, the one in whose jurisdiction the most populous portion of the political subdivision or district for which an election is held is situated, except that a county clerk or a county board of election commissioners shall be the election authority for all candidates for elective county offices other than county clerk and for any countywide ballot measures.

2. The appropriate officer or officers for candidates and ballot measures shall be as follows:

(1) In the case of candidates for the offices of governor, lieutenant governor, secretary of state, state treasurer, state auditor, attorney general, judges of the supreme court and appellate court judges, the appropriate officer shall be the Missouri ethics commission;

(2) Notwithstanding the provisions of subsection 1 of this section, in the case of candidates for the offices of state senator, state representative, county clerk, and associate circuit court judges and circuit court judges, the appropriate [officers] **officer** shall be the Missouri ethics commission [and the election authority for the place of residence of the candidate];

(3) In the case of candidates for elective municipal offices in municipalities of more than one hundred thousand inhabitants and elective county offices in counties of more than one hundred thousand inhabitants, the appropriate [officers] **officer** shall be the Missouri ethics commission [and the election authority of the municipality or county in which the candidate seeks office];

(4) In the case of all other offices, the appropriate officer shall be the [election authority of the district or political subdivision for which the candidate seeks office] **Missouri ethics commission**;

(5) In the case of ballot measures, the appropriate officer or officers shall be:

(a) The Missouri ethics commission for a statewide measure;

(b) The local election authority for any political subdivision or district as determined by the provisions of subsection 1 of this section for any measure, other than a statewide measure, to be voted on in that political subdivision or district.

3. The appropriate officer or officers for candidate committees and campaign committees shall be the same as designated in subsection 2 of this section for the candidates or ballot measures supported or opposed as indicated in the statement of organization required to be filed by any such committee.

4. The appropriate officer for political party committees shall be as follows:

(1) In the case of state party committees, the appropriate officer shall be the Missouri ethics commission;

(2) In the case of any district, county or city political party committee, the appropriate officer shall be the Missouri ethics commission [and the election authority for that district, county or city].

5. The appropriate [officers] **officer** for a continuing committee and for any other committee not named in subsections 2, 3, [4 and 5] **and 4** of this section shall be [as follows:

(1)] the Missouri ethics commission [and the election authority for the county in which the committee is domiciled; and

(2) If the committee makes or anticipates making expenditures other than direct contributions which aggregate more than five hundred dollars to support or oppose one or more candidates or ballot measures in the same political subdivision or district for which the appropriate officer is an election authority other than the one for the county in which the committee is domiciled, the appropriate officers for that committee shall include such other election authority or authorities, except that committees covered by this subsection need not file statements required by section 130.021 and reports required by subsections 6, 7 and 8 of section 130.046 with any appropriate officer other than those set forth in subdivision (1) of this subsection].

6. The term "domicile" or "domiciled" means the address of the committee listed on the statement of organization required to be filed by that committee in accordance with the provisions of section 130.021.

7. Any financial disclosure reports and statements filed with the Missouri ethics commission under this section shall be filed in an electronic format as prescribed by the commission.

130.057. CAMPAIGN FINANCE ELECTRONIC REPORTING SYSTEM, ESTABLISHMENT, USE OF — CERTAIN CANDIDATES AND COMMITTEES TO FILE IN ELECTRONIC FORMAT, WHEN, FEES TO CONVERT PAPER COPY — PURCHASE OF ELECTRONIC SYSTEM, REQUIREMENTS — PUBLIC ACCESS. — 1. In order for candidates for election and public officials to more easily file reports required by law and to access information contained in such reports, and for the Missouri ethics commission to receive and store reports in an efficient and economical method, and for the general public and news media to access information contained in such reports, the commission shall establish and maintain an electronic reporting system pursuant to this section.

2. The ethics commission [may establish for elections in 1996 and] shall establish [for elections and all required reporting beginning in 1998] and maintain [thereafter] a state campaign finance and financial interest disclosure electronic reporting system pursuant to this section for all candidates **and committees** required to file **under this chapter**. The system may be used for the collection, filing and dissemination of all reports, including monthly lobbying reports filed by law, and all reports filed with the commission pursuant to this chapter and chapter 105. [The system may be established and used for all reports required to be filed for the primary and general elections in 1996 and all elections thereafter, except that the system may require maintenance of a paper backup system for the primary and general elections in 1996.] The reports shall be maintained and secured in the electronic format by the commission.

3. [When the commission determines that the electronic reporting system has been properly implemented, the commission shall certify to all candidates and committees required to file pursuant to this chapter that such electronic reporting system has been established and

implemented. Beginning with the primary and general elections in 2000, or the next primary or general election in which the commission has made certification pursuant to this subsection, whichever is later, candidates and all other committees shall file reports by using either the electronic format prescribed by the commission or paper forms provided by the commission for that purpose. Continuing committees shall file reports by electronic format prescribed by the commission, except continuing committees which make contributions equal to or less than fifteen thousand dollars in the applicable calendar year. Any continuing committee which makes contributions in support of or opposition to any measure or candidate equal to or less than fifteen thousand dollars in the applicable calendar year shall file reports on paper forms provided by the commission for that purpose or by electronic format prescribed by the commission, whichever reporting method the continuing committee chooses. The commission shall supply a computer program which shall be used for filing by modem or by a common magnetic media chosen by the commission. In the event that filings are performed electronically, the candidate shall file a signed original written copy within five working days; except that, if a means becomes available which will allow a verifiable electronic signature, the commission may also accept this in lieu of a written statement.

4. Beginning January 1, 2000, or on the date the commission makes the certification pursuant to subsection 3 of this section, whichever is later, all reports filed with the commission by any candidate for a statewide office, or such candidate's committee, shall be filed in electronic format as prescribed by the commission; provided however, that if a candidate for statewide office, or such candidate's committee receives or spends five thousand dollars or less for any reporting period, the report for that reporting period shall not be required to be filed electronically.

5.] A copy of all reports filed in the state campaign finance electronic reporting system shall be placed on a public electronic access system so that the general public may have open access to the reports filed pursuant to this section. The access system shall be organized and maintained in such a manner to allow an individual to obtain information concerning all contributions made to or on behalf of, and all expenditures made on behalf of, any **candidate or** public official described in subsection 2 of this section in formats that will include both written and electronically readable formats.

[6.] 4. All records that are in electronic format, not otherwise closed by law, shall be available in electronic format to the public. The commission shall maintain and provide for public inspection, a listing of all reports with a complete description for each field contained on the report, that has been used to extract information from their database files. The commission shall develop a report or reports which contain every field in each database.

[7.] 5. Annually, the commission shall provide, without cost, a system-wide dump of information contained in the commission's electronic database files to the general assembly. The information is to be copied onto a medium specified by the general assembly. Such information shall not contain records otherwise closed by law. It is the intent of the general assembly to provide open access to the commission's records. The commission shall make every reasonable effort to comply with requests for information and shall take a liberal interpretation when considering such requests.

SECTION B. EMERGENCY CLAUSE. — Because of the necessity to effect a smooth transition for political party committee elections after the August primary, the enactment of section 115.620 and the repeal and reenactment of sections 115.306, 115.603, 115.607, 115.609, 115.611, 115.613, 115.617, 115.619, and 115.621 of 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 the enactment of section 115.620 and the repeal and reenactment of sections 115.306, 115.603, 115.607, 115.609, 115.611, 115.613, 115.617, 115.619, and 115.621 of section A of this act shall be in full force and effect upon its passage and approval.

SECTION C. DELAYED EFFECTIVE DATE. — The repeal and reenactment of section 130.026 as enacted by senate bill no. 262, eighty-eighth general assembly, first regular session, and section 130.057 as enacted by house bill no. 676 merged with senate bills nos. 31 & 285, ninety-second general assembly, first regular session, shall become effective on January 1, 2017.

Approved July 7, 2016

SB 794 [SCS SB 794]

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 tax exemption for parts of certain types of medical equipment

AN ACT to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to a sales tax exemption on parts and accessories for medical equipment.

SECTION

- A. Enacting clause.
144.030. Exemptions from state and local sales and use taxes.

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

SECTION A. ENACTING CLAUSE. — Section 144.030, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 144.030, to read as follows:

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 **all sales, rentals, repairs, and parts of durable medical equipment, prosthetic devices [or], and 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 **including parts, and** hospital beds and accessories and ambulatory aids **including parts, and** all sales or rental of manual and powered wheelchairs **including parts, and** 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 **including parts, and** 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;

(44) 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.

Approved June 28, 2016

SB 814 [HCS SCS SB 814]

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

Allows an individual to deduct income earned through active military duty from his or her Missouri adjusted gross income

AN ACT to amend chapter 143, RSMo, by adding thereto one new section relating to income tax deductions for active duty military personnel.

SECTION

A. Enacting clause.

143.174. Tax deduction for compensation received as an active duty military member.

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

SECTION A. ENACTING CLAUSE. — Chapter 143, RSMo, is amended by adding thereto one new section, to be known as section 143.174, to read as follows:

143.174. TAX DEDUCTION FOR COMPENSATION RECEIVED AS AN ACTIVE DUTY MILITARY MEMBER. — For all tax years beginning on or after January 1, 2016, for purposes of calculating the Missouri taxable income as required under section 143.011, one hundred percent of the income received by any person as salary or compensation in any form as a member of the active duty component of the Armed Forces of the United States, and to the extent that such income is included in the federal adjusted gross income, may be deducted from the taxpayer's Missouri adjusted gross income to determine such taxpayer's Missouri taxable income. If such person files a combined return with a spouse, any military income received while engaging in the performance of active duty may be deducted from their Missouri combined adjusted gross income.

Approved June 28, 2016

SB 823 [CCS HCS SCS SB 823]

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 and use taxes

AN ACT to repeal sections 137.016, 144.030, and 144.087, RSMo, and to enact in lieu thereof four new sections relating to taxation.

SECTION

- A. Enacting clause.
- 137.016. Real property, subclasses of, defined — political subdivision may adjust operating levy to recoup revenue, when — reclassification to apply, when — placement of certain property within proper subclass, factors considered.
- 144.026. Director of revenue prohibited from notifying taxpayers of a particular court decision before August 28, 2017.
- 144.030. Exemptions from state and local sales and use taxes.
- 144.087. Retail sales licensee to give bond, when — cash bond deposit and refund — licensee in default has option to provide letter of credit or certificate of deposit.

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

SECTION A. ENACTING CLAUSE. — Sections 137.016, 144.030, and 144.087, RSMo, is repealed and four new sections enacted in lieu thereof, to be known as sections 137.016, 144.026, 144.030, and 144.087, to read as follows:

137.016. REAL PROPERTY, SUBCLASSES OF, DEFINED — POLITICAL SUBDIVISION MAY ADJUST OPERATING LEVY TO RECOUP REVENUE, WHEN — RECLASSIFICATION TO APPLY, WHEN — PLACEMENT OF CERTAIN PROPERTY WITHIN PROPER SUBCLASS, FACTORS CONSIDERED. — 1. As used in section 4(b) of article X of the Missouri Constitution, the following terms mean:

(1) "Residential property", all real property improved by a structure which is used or intended to be used for residential living by human occupants, vacant land in connection with an airport, land used as a golf course, manufactured home parks, **bed and breakfast inns in which the owner resides and uses as a primary residence with six or fewer rooms for rent**, and time-share units as defined in section 407.600, except to the extent such units are actually rented and subject to sales tax under subdivision (6) of subsection 1 of section 144.020, but residential property shall not include other similar facilities used primarily for transient housing. For the purposes of this section, "transient housing" means all rooms available for rent or lease for which the receipts from the rent or lease of such rooms are subject to state sales tax pursuant to subdivision (6) of subsection 1 of section 144.020;

(2) "Agricultural and horticultural property", all real property used for agricultural purposes and devoted primarily to the raising and harvesting of crops; to the feeding, breeding and management of livestock which shall include breeding, showing, and boarding of horses; to dairying, or to any other combination thereof; and buildings and structures customarily associated with farming, agricultural, and horticultural uses. Agricultural and horticultural property shall also include land devoted to and qualifying for payments or other compensation under a soil conservation or agricultural assistance program under an agreement with an agency of the federal government. Agricultural and horticultural property shall further include land and improvements, exclusive of structures, on privately owned airports that qualify as reliever airports under the National Plan of Integrated Airports System, to receive federal airport improvement project funds through the Federal Aviation Administration. Real property classified as forest croplands shall not be agricultural or horticultural property so long as it is classified as forest croplands and shall be taxed in accordance with the laws enacted to implement section 7 of article X of the Missouri Constitution. Agricultural and horticultural property shall also include any sawmill or planing mill defined in the U.S. Department of Labor's Standard Industrial Classification (SIC) Manual under Industry Group 242 with the SIC number 2421;

(3) "Utility, industrial, commercial, railroad and other real property", all real property used directly or indirectly for any commercial, mining, industrial, manufacturing, trade, professional, business, or similar purpose, including all property centrally assessed by the state tax commission but shall not include floating docks, portions of which are separately owned and the remainder of which is designated for common ownership and in which no one person or business entity owns more than five individual units. All other real property not included in the property listed in subclasses (1) and (2) of section 4(b) of article X of the Missouri Constitution, as such property is defined in this section, shall be deemed to be included in the term "utility, industrial, commercial, railroad and other real property".

2. Pursuant to article X of the state constitution, any taxing district may adjust its operating levy to recoup any loss of property tax revenue, except revenues from the surtax imposed pursuant to article X, subsection 2 of section 6 of the constitution, as the result of changing the classification of structures intended to be used for residential living by human occupants which contain five or more dwelling units if such adjustment of the levy does not exceed the highest tax rate in effect subsequent to the 1980 tax year. For purposes of this section, loss in revenue shall include the difference between the revenue that would have been collected on such property under its classification prior to enactment of this section and the amount to be collected under its classification under this section. The county assessor of each county or city not within a county shall provide information to each taxing district within its boundaries regarding the difference in assessed valuation of such property as the result of such change in classification.

3. All reclassification of property as the result of changing the classification of structures intended to be used for residential living by human occupants which contain five or more dwelling units shall apply to assessments made after December 31, 1994.

4. Where real property is used or held for use for more than one purpose and such uses result in different classifications, the county assessor shall allocate to each classification the percentage of the true value in money of the property devoted to each use; except that, where agricultural and horticultural property, as defined in this section, also contains a dwelling unit or units, the farm dwelling, appurtenant residential-related structures and up to five acres immediately surrounding such farm dwelling shall be residential property, as defined in this section.

5. All real property which is vacant, unused, or held for future use; which is used for a private club, a not-for-profit or other nonexempt lodge, club, business, trade, service organization, or similar entity; or for which a determination as to its classification cannot be made under the definitions set out in subsection 1 of this section, shall be classified according to its immediate most suitable economic use, which use shall be determined after consideration of:

(1) Immediate prior use, if any, of such property;

- (2) Location of such property;
- (3) Zoning classification of such property; except that, such zoning classification shall not be considered conclusive if, upon consideration of all factors, it is determined that such zoning classification does not reflect the immediate most suitable economic use of the property;
- (4) Other legal restrictions on the use of such property;
- (5) Availability of water, electricity, gas, sewers, street lighting, and other public services for such property;
- (6) Size of such property;
- (7) Access of such property to public thoroughfares; and
- (8) Any other factors relevant to a determination of the immediate most suitable economic use of such property.

6. All lands classified as forest croplands shall not, for taxation purposes, be classified as subclass (1), subclass (2), or subclass (3) real property, as such classes are prescribed in section 4(b) of article X of the Missouri Constitution and defined in this section, but shall be taxed in accordance with the laws enacted to implement section 7 of article X of the Missouri Constitution.

144.026. DIRECTOR OF REVENUE PROHIBITED FROM NOTIFYING TAXPAYERS OF A PARTICULAR COURT DECISION BEFORE AUGUST 28, 2017. — **The director of revenue shall not send notice to any taxpayer under subsection 2 of section 144.021 regarding the decision in IBM Corporation v. Director of Revenue, Case No. 94999 (Mo. banc 2016) prior to August 28, 2017.**

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;

(44) 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;

(45) All internet access or the use of internet access regardless of whether the tax is imposed on a provider of internet access or a buyer of internet access. For purposes of this subdivision, the following terms shall mean:

(a) "Direct costs", costs incurred by a governmental authority solely because of an internet service provider's use of the public right-of-way. The term shall not include costs that the governmental authority would have incurred if the internet service provider did not make such use of the public right-of-way. Direct costs shall be determined in a manner consistent with generally accepted accounting principles;

(b) "Internet", computer and telecommunications facilities, including equipment and operating software, that comprises the interconnected worldwide network that employ the Transmission Control Protocol or Internet Protocol, or any predecessor or successor protocols to that protocol, to communicate information of all kinds by wire or radio;

(c) "Internet access", a service that enables users to connect to the internet to access content, information, or other services without regard to whether the service is referred to as telecommunications, communications, transmission, or similar services, and without regard to whether a provider of the service is subject to regulation by the Federal Communications Commission as a common carrier under 47 U.S.C. Section 201, et seq. For purposes of this subdivision, "internet access" also includes: the purchase, use, or sale of communications services, including telecommunications services as defined in section 144.010, to the extent the communications services are purchased, used, or sold to provide the service described in this subdivision or to otherwise enable users to access content, information, or other services offered over the internet; services that are incidental to the provision of a service described in this subdivision, when furnished to users as part of such service, including a home page, electronic mail, and instant messaging, including voice-capable and video-capable electronic mail and instant messaging, video clips, and personal electronic storage capacity; a home page electronic mail and instant messaging, including voice-capable and video-capable electronic mail and instant messaging, video clips, and personal electronic storage capacity that are provided independently or that are not packed with internet access. As used in this subdivision, "internet access" does not include voice, audio, and video programming or other products and services, except services described in this paragraph or this subdivision, that use internet protocol or any successor protocol and for which there is a charge, regardless of whether the charge is separately stated or aggregated with the charge for services described in this paragraph or this subdivision;

(d) "Tax", any charge imposed by the state or a political subdivision of the state for the purpose of generating revenues for governmental purposes and that is not a fee imposed for a specific privilege, service, or benefit conferred, except as described as otherwise under this subdivision, or any obligation imposed on a seller to collect and to remit to the state or a political subdivision of the state any gross retail tax, sales tax, or use tax imposed on a buyer by such a governmental entity. The term "tax" shall not include any franchise fee or similar fee imposed or authorized under sections 67.1830 or 67.2689; sections 622 or 653 of the Communications Act of 1934, 47 U.S.C. Section 542 and 47

U.S.C. Section 573; or any other fee related to obligations of telecommunications carriers under the Communications Act of 1934, 47 U.S.C. Section 151 et seq., except to the extent that:

a. The fee is not imposed for the purpose of recovering direct costs incurred by the franchising or other governmental authority from providing the specific privilege, service, or benefit conferred to the payer of the fee; or

b. The fee is imposed for the use of a public right-of-way based on a percentage of the service revenue, and the fee exceeds the incremental direct costs incurred by the governmental authority associated with the provision of that right-of-way to the provider of internet access service.

Nothing in this subdivision shall be interpreted as an exemption from taxes due on goods or services that were subject to tax on January 1, 2016.

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.

144.087. RETAIL SALES LICENSEE TO GIVE BOND, WHEN — CASH BOND DEPOSIT AND REFUND — LICENSEE IN DEFAULT HAS OPTION TO PROVIDE LETTER OF CREDIT OR CERTIFICATE OF DEPOSIT. — 1. The director of revenue shall require all applicants for retail sales licenses and all licensees in default in filing a return and paying their taxes when due to file a bond in an amount to be determined by the director, which may be a corporate surety bond or a cash bond, but such bond shall not be more than [three] **two** times the average monthly tax liability of the taxpayer, estimated in the case of a new applicant, otherwise based on the previous twelve months' experience. At such time as the director of revenue shall deem the amount of a bond required by this section to be insufficient to cover the average monthly tax liability of a given taxpayer, he may require such taxpayer to adjust the amount of the bond to the level satisfactory to the director which will cover the amount of such liability. The director shall, after a reasonable period of satisfactory tax compliance for [two years] **one year** from the initial date of bonding, release such taxpayer from the bonding requirement as set forth in this section. All itinerant or temporary businesses shall be required to procure the license and post the bond required under the provisions of sections 144.083 and 144.087 prior to the selling of goods at retail, and in the event that such business is to be conducted for less than one month, the amount of the bond shall be determined by the director.

2. All cash bonds shall be deposited by the director of revenue into the state general revenue fund, and shall be released to the taxpayer pursuant to subsection 1 of this section from funds appropriated by the general assembly for such purpose. If appropriated funds are available, the commissioner of administration and the state treasurer shall cause such refunds to be paid within thirty days of the receipt of a warrant request for such payment from the director of the department of revenue.

3. An applicant or licensee in default may, in lieu of filing any bond required under this section, provide the director of revenue with an irrevocable letter of credit, as defined in section 400.5-103, issued by any state or federally chartered financial institution, in an amount to be determined by the director or may obtain a certificate of deposit issued by any state or federally

chartered financial institution, in an amount to be determined by the director, where such certificate of deposit is pledged to the department of revenue until released by the director in the same manner as bonds are released pursuant to subsection 1 of this section. As used in this subsection, the term "certificate of deposit" means a certificate representing any deposit of funds in a state or federally chartered financial institution for a specified period of time which earns interest at a fixed or variable rate, where such funds cannot be withdrawn prior to a specified time without forfeiture of some or all of the earned interest.

Approved June 28, 2016

SB 833 [CCS HCS SB 833]

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 313.800, 313.817, 327.272, 381.022, and 381.058, RSMo, and to enact in lieu thereof ten new sections relating to financial transactions, with existing penalty provisions.

SECTION

- A. Enacting clause.
- 313.800. Definitions — additional games of skill, commission approval, procedures.
- 313.817. Wagering, conduct of, requirements — persons under twenty-one years of age not allowed to wager or be employed as a dealer — invasion of privacy protections — presentation of false identification a misdemeanor — credit instruments, use of, requirements.
- 327.272. Practice as professional land surveyor defined.
- 376.998. Health insurance mandate exemption for excepted benefit plans — definitions — procedure to exempt.
- 381.022. Title insurer, agency or agent not affiliated with a title agency may operate as an escrow, security, settlement or closing agent, when, penalty for violations.
- 381.058. License required for insurer to transact business of title insurance, exclusive to other types of insurance business, limitations — closing or settlement protection authorized.
- 408.800. Definitions.
- 408.810. Savings promotion program authorized, conditions.
- 408.820. Compliance with federal American Savings Promotion Act.
- 408.830. Programs not gambling, gaming, lottery, raffle, or sweepstake.

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

SECTION A. ENACTING CLAUSE. — Sections 313.800, 313.817, 327.272, 381.022, and 381.058, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 313.800, 313.817, 327.272, 376.998, 381.022, 381.058, 408.800, 408.810, 408.820, and 408.830, to read as follows:

313.800. DEFINITIONS — ADDITIONAL GAMES OF SKILL, COMMISSION APPROVAL, PROCEDURES. — 1. As used in sections 313.800 to 313.850, unless the context clearly requires otherwise, the following terms mean:

- (1) "Adjusted gross receipts", the gross receipts from licensed gambling games and devices less winnings paid to wagerers;
- (2) "Applicant", any person applying for a license authorized under the provisions of sections 313.800 to 313.850;
- (3) "Bank", the elevations of ground which confine the waters of the Mississippi or Missouri Rivers at the ordinary high water mark as defined by common law;

(4) "Capital, cultural, and special law enforcement purpose expenditures" shall include any disbursement, including disbursements for principal, interest, and costs of issuance and trustee administration related to any indebtedness, for the acquisition of land, land improvements, buildings and building improvements, vehicles, machinery, equipment, works of art, intersections, signing, signalization, parking lot, bus stop, station, garage, terminal, hanger, shelter, dock, wharf, rest area, river port, airport, light rail, railroad, other mass transit, pedestrian shopping malls and plazas, parks, lawns, trees, and other landscape, convention center, roads, traffic control devices, sidewalks, alleys, ramps, tunnels, overpasses and underpasses, utilities, streetscape, lighting, trash receptacles, marquees, paintings, murals, fountains, sculptures, water and sewer systems, dams, drainage systems, creek bank restoration, any asset with a useful life greater than one year, cultural events, and any expenditure related to a law enforcement officer deployed as horse-mounted patrol, school resource or drug awareness resistance education (D.A.R.E) officer;

(5) "Cheat", to alter the selection of criteria which determine the result of a gambling game or the amount or frequency of payment in a gambling game;

(6) "Commission", the Missouri gaming commission;

(7) "Credit instrument", a written check, negotiable instrument, automatic bank draft or other authorization from a qualified person to an excursion gambling boat licensee or any of its affiliated companies licensed by the commission authorizing the licensee to withdraw the amount of credit extended by the licensee to such person from the qualified person's banking account **in an amount determined under section 313.817** on or after a date certain of not more than thirty days from the date the credit was extended, and includes any such writing taken in consolidation, redemption or payment of a previous credit instrument, but does not include any interest-bearing installment loan or other extension of credit secured by collateral;

(8) "Dock", the location in a city or county authorized under subsection 10 of section 313.812 which contains any natural or artificial space, inlet, hollow, or basin, in or adjacent to a bank of the Mississippi or Missouri Rivers, next to a wharf or landing devoted to the embarking of passengers on and disembarking of passengers from a gambling excursion but shall not include any artificial space created after May 20, 1994, and is located more than one thousand feet from the closest edge of the main channel of the river as established by the United States Army Corps of Engineers;

(9) "Excursion gambling boat", a boat, ferry or other floating facility licensed by the commission on which gambling games are allowed;

(10) "Fiscal year" shall for the purposes of subsections 3 and 4 of section 313.820 mean the fiscal year of a home dock city or county;

(11) "Floating facility", any facility built or originally built as a boat, ferry or barge licensed by the commission on which gambling games are allowed;

(12) "Gambling excursion", the time during which gambling games may be operated on an excursion gambling boat whether docked or during a cruise;

(13) "Gambling game" includes, but is not limited to, games of skill or games of chance on an excursion gambling boat but does not include gambling on sporting events; provided such games of chance are approved by amendment to the Missouri Constitution;

(14) "Games of chance", any gambling game in which the player's expected return is not favorably increased by his or her reason, foresight, dexterity, sagacity, design, information or strategy;

(15) "Games of skill", any gambling game in which there is an opportunity for the player to use his or her reason, foresight, dexterity, sagacity, design, information or strategy to favorably increase the player's expected return; including, but not limited to, the gambling games known as "poker", "blackjack" (twenty-one), "craps", "Caribbean stud", "pai gow poker", "Texas hold'em", "double down stud", and any video representation of such games;

(16) "Gross receipts", the total sums wagered by patrons of licensed gambling games;

(17) "Holder of occupational license", a person licensed by the commission to perform an occupation within excursion gambling boat operations which the commission has identified as requiring a license;

(18) "Licensee", any person licensed under sections 313.800 to 313.850;

(19) "Mississippi River" and "Missouri River", the water, bed and banks of those rivers, including any space filled by the water of those rivers for docking purposes in a manner approved by the commission but shall not include any artificial space created after May 20, 1994, and is located more than one thousand feet from the closest edge of the main channel of the river as established by the United States Army Corps of Engineers;

(20) "Supplier", a person who sells or leases gambling equipment and gambling supplies to any licensee.

2. In addition to the games of skill defined in this section, the commission may approve other games of skill upon receiving a petition requesting approval of a gambling game from any applicant or licensee. The commission may set the matter for hearing by serving the applicant or licensee with written notice of the time and place of the hearing not less than five days prior to the date of the hearing and posting a public notice at each commission office. The commission shall require the applicant or licensee to pay the cost of placing a notice in a newspaper of general circulation in the applicant's or licensee's home dock city or county. The burden of proof that the gambling game is a game of skill is at all times on the petitioner. The petitioner shall have the affirmative responsibility of establishing his or her case by a preponderance of evidence including:

(1) Is it in the best interest of gaming to allow the game; and

(2) Is the gambling game a game of chance or a game of skill?

All testimony shall be given under oath or affirmation. Any citizen of this state shall have the opportunity to testify on the merits of the petition. The commission may subpoena witnesses to offer expert testimony. Upon conclusion of the hearing, the commission shall evaluate the record of the hearing and issue written findings of fact that shall be based exclusively on the evidence and on matters officially noticed. The commission shall then render a written decision on the merits which shall contain findings of fact, conclusions of law and a final commission order. The final commission order shall be within thirty days of the hearing. Copies of the final commission order shall be served on the petitioner by certified or overnight express mail, postage prepaid, or by personal delivery.

313.817. WAGERING, CONDUCT OF, REQUIREMENTS—PERSONS UNDER TWENTY-ONE YEARS OF AGE NOT ALLOWED TO WAGER OR BE EMPLOYED AS A DEALER —INVASION OF PRIVACY PROTECTIONS —PRESENTATION OF FALSE IDENTIFICATION A MISDEMEANOR — CREDIT INSTRUMENTS, USE OF, REQUIREMENTS. — 1. Except as permitted in this section, the licensee licensed to operate gambling games shall permit no form of wagering on gambling games.

2. The licensee may receive wagers only from a person present on a licensed excursion gambling boat.

3. Wagering shall not be conducted with money or other negotiable currency. The licensee shall exchange the money or credit instrument of each wagerer for electronic or physical tokens, chips, or other forms of credit to be wagered on the gambling games. The licensee shall exchange the tokens, chips, or other forms of wagering credit for money at the request of the wagerer.

4. A person under twenty-one years of age shall not make a wager on an excursion gambling boat and shall not be allowed in the area of the excursion boat where gambling is being conducted; provided that employees of the licensed operator of the excursion gambling boat who have attained eighteen years of age shall be permitted in the area in which gambling is being conducted when performing employment-related duties, except that no one under twenty-one years of age may be employed as a dealer or accept a wager on an excursion

gambling boat. The governing body of a home dock city or county may restrict the age of entrance onto an excursion gambling boat by passage of a local ordinance.

5. In order to help protect patrons from invasion of privacy and the possibility of identity theft, patrons shall not be required to provide fingerprints, retinal scans, biometric forms of identification, any type of patron-tracking cards, or other types of identification prior to being permitted to enter the area where gambling is being conducted on an excursion gambling boat or to make a wager, except that, for purposes of establishing that a patron is at least twenty-one years of age as provided in subsection 4 above, a licensee operating an excursion gambling boat shall be authorized to request such patron to provide a valid state or federal photo identification or a valid passport. This section shall not prohibit enforcement of identification requirements that are required by federal law. This section shall not prohibit enforcement of any Missouri statute requiring identification of patrons for reasons other than being permitted to enter the area of an excursion gambling boat where gambling is being conducted or to make a wager.

6. A licensee shall only allow wagering and conduct gambling games at the times allowed by the commission.

7. It shall be unlawful for a person to present false identification to a licensee or a gaming agent in order to gain entrance to an excursion gambling boat, cash a check or verify that such person is legally entitled to be present on the excursion gambling boat. Any person who violates the provisions of this subsection shall be guilty of a class B misdemeanor for the first offense and a class A misdemeanor for second and subsequent offenses.

8. Credit instruments executed on or after August 28, [2014] **2016**, are valid contracts creating debt that is enforceable by legal process. A licensee may accept credit instruments from a qualified person in exchange for currency, chips, tokens, or electronic tokens that can be wagered on gambling games at the licensee's excursion gambling boat. For the purposes of this subsection, "qualified person" means a person who has completed a credit application provided by the licensee and who is determined by the licensee, after performing a credit check and applying usual standards to establish creditworthiness, to qualify for a line of credit [of at least ten thousand dollars] **and in an amount to be determined by the licensee under the restrictions in subsection 9 of this section based on such person's demand deposit account or accounts, including any checking account and savings account.** Once the licensee makes the determination that a person is a qualified person, additional credit checks are not required. Approval to accept a credit instrument from a qualified person shall be made by the holder of an occupational license. [A licensee may accept multiple credit instruments from the same person to consolidate or redeem a previous credit instrument.] **If a new credit instrument is issued to consolidate or replace an existing credit instrument or instruments, the new credit instrument shall use the oldest date of the credit instrument or instruments being replaced.** A lost or destroyed credit instrument shall remain valid and enforceable if the party seeking enforcement can prove its existence and terms. Any person who violates this subsection is subject only to the penalties provided in section 313.812. The commission shall have no authority to determine the validity or enforceability of a credit instrument or the enforceability of the debt that the credit instrument represents. Failure to comply with any regulation promulgated by the commission shall not impact the validity or enforceability of the credit instrument or the debt that the credit instrument represents.

9. In addition to the other creditor protections contained in this section, a licensee [may] **shall not lend anything of value or extend credit to any person for the purpose of permitting that person to wager on any gambling game except through the use of a credit instrument; credit instruments of ten thousand dollars or less may be accepted only if the licensee determines the qualified person's creditworthiness to be at least twice the amount of the credit instrument or ten thousand dollars, whichever is less; credit instruments of more than ten thousand dollars may be accepted only if the licensee determines the qualified person's creditworthiness to be equal or in excess of the amount of the credit instrument; and no credit instrument shall be secured by any individual's house or other real property,**

tangible personal property, investments, IRAs, a 401(k), pensions or other retirement accounts, any college savings plans, or any assets whatsoever other than a demand deposit account or accounts. All credit instruments shall provide that any credit extended shall be due no later than thirty days from the date credit is extended. Credit instruments shall be considered an unsecured loan and shall not bear interest.

10. No credit shall be extended to a person who is intoxicated.

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 (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 (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 August 28, 2015, 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.

5. Nothing in this section shall be construed to preclude the practice of title insurance business or the business of title insurance as provided in chapter 381, or to preclude the practice of law or law business as governed by the Missouri supreme court and as provided in chapter 484.

376.998. HEALTH INSURANCE MANDATE EXEMPTION FOR EXCEPTED BENEFIT PLANS — DEFINITIONS — PROCEDURE TO EXEMPT. — 1. As used in this section, the following terms shall mean:

(1) "Excepted benefit plan", a policy or certificate of insurance extending the following coverages or any combination thereof:

- (a) Coverage under short-term major medical policies;
- (b) Coverage only for accident, including accidental death and dismemberment, insurance;
- (c) Coverage only for disability income insurance;
- (d) Credit-only insurance;
- (e) Other similar insurance coverage under which benefits for medical care are supplemental to other insurance benefits;
- (f) Coverage only for a specified disease or illness; or
- (g) Hospital indemnity or other fixed indemnity insurance;

(2) "Health benefit plan", "health care services", "health carrier", and "health care provider", the same meaning as under section 376.1350;

(3) "Health insurance mandate", a requirement under state law for a health carrier to offer or provide coverage for:

- (a) A treatment by a particular type of health care provider;
- (b) A certain treatment or service, including procedures, medical equipment, or drugs that are used in connection with a treatment or service; or
- (c) Screening, diagnosis, or treatment of a particular disease or condition;
- (4) "Notice", a requirement under Missouri law to disclose information regarding the availability of certain benefits or services under a health benefit plan.

2. Excepted benefit plans shall be exempt from any health insurance mandate enacted on or after August 28, 2016, unless the statute enacting such mandate expressly declares that it is applicable to excepted benefit plans as defined in this section.

3. Notwithstanding the provisions of any other law to the contrary, the director may, by bulletin, exempt a type of excepted benefit plan from notice or disclosure requirements required by statute for specific services that by custom, are not covered by the particular type of excepted benefit plans being exempted.

4. This section shall apply to an excepted benefit plan to the extent the excepted benefit plan does not materially change coverage to provide for the reimbursement of health care services which extend beyond the types of health care services customarily provided by the specific type of excepted benefit plan or where the combination of coverages and benefits would otherwise meet the definition of a health benefit plan.

381.022. TITLE INSURER, AGENCY OR AGENT NOT AFFILIATED WITH A TITLE AGENCY MAY OPERATE AS AN ESCROW, SECURITY, SETTLEMENT OR CLOSING AGENT, WHEN, PENALTY FOR VIOLATIONS. — 1. As used in sections 381.011 to 381.412, the following terms mean:

- (1) "Escrow", written instruments, money or other items deposited by one party with a depository, escrow agent, or escrowee for delivery to another party upon the performance of a specified condition or the happening of a certain event;

(2) "Qualified depository institution", an institution that is:

(a) Organized or, in the case of a United States branch or agency office of a foreign banking organization, licensed under the laws of the United States or any state and has been granted authority to operate with fiduciary powers;

(b) Regulated, supervised, and examined by federal or state authorities having regulatory authority over banks and trust companies;

(c) Insured by the appropriate federal entity; and

(d) Qualified under any additional rules established by the director;

(3) "Security" or "security deposit", funds or other property received by the title insurer as collateral to secure an indemnitor's obligation under an indemnity agreement under which the insurer is granted a perfected security interest in the collateral in exchange for agreeing to provide coverage in a title insurance policy for a specific title exception to coverage.

2. A title insurer, title agency, or title agent not affiliated with a title agency may operate as an escrow, security, settlement, or closing agent, provided that all funds deposited with the title insurer, title agency, or title agent not affiliated with a title agency, pursuant to written instructions in connection with any escrow, settlement, closing, or security deposit shall be submitted for collection to or deposited in a separate fiduciary trust account or accounts in a qualified depository institution no later than the close of the second business day after receipt, in accordance with the following requirements:

(1) The funds regulated under this section shall be the property of the person or persons entitled to them under the provisions of the escrow, settlement, security deposit, or closing agreement and shall be segregated for each depository by escrow, settlement, security deposit, or closing in the records of the title insurer, title agency, or title agent not affiliated with a title agency, in a manner that permits the funds to be identified on an individual basis and in accordance with the terms of the individual written instructions or agreements under which the funds were accepted; and

(2) The funds shall be applied only in accordance with the terms of the individual written instructions or agreements under which the funds were accepted.

3. It is unlawful for any person to:

(1) Commingle personal or any other moneys with escrow funds regulated under this section;

(2) Use such escrow funds to pay or indemnify against debts of the title insurance agent or of any other person;

(3) Use such escrow funds for any purpose other than to fulfill the terms of the individual written escrow instructions after the necessary conditions of the written escrow instructions have been met;

(4) Disburse any funds held in an escrow account unless the disbursement is made under a written instruction or agreement specifying under what conditions and to whom such funds may be disbursed or under an order of a court of competent jurisdiction; or

(5) Disburse any funds held in a security deposit account unless the disbursement is made under a written agreement specifying:

(a) What actions the indemnitor shall take to satisfy his or her obligation under the agreement;

(b) The duties of the title insurer, title agency, or title agent not affiliated with a title agency with respect to disposition of the funds held, including a requirement to maintain evidence of the disposition of the title exception before any balance may be paid over to the depositing party or his or her designee; and

(c) Any other provisions the director may require by rule or order.

4. Notwithstanding the provisions of subsection 3 of this section, any bank credits, bank services, interest, or similar consideration received on funds deposited in connection with any escrow, settlement, security deposit, or closing may be retained by the title insurer, title agency, or title agent not affiliated with a title agency as compensation for administration of the escrow

or security deposit, unless the specific written instructions for the funds or a governing statute provides otherwise.

5. Notwithstanding the provisions of subsection 2 of this section, a title insurer, title agency, or title agent is not authorized to provide such services as an escrow, security, settlement, or closing agent in a residential real estate transaction unless as part of the same transaction the title insurer, title agency, or title agent issues a commitment, binder, or title insurance policy and closing protection letters have been issued protecting the buyer's, **lender's**, and the seller's interests, or **if a title insurance policy is not being issued by the title insurer, title agency, or title agent, the title insurer, the title agency, or title agent** has given written notice to the affected person in a title insurance commitment or on a form approved by rule promulgated by the director that the person's interest in the closing or settlement is not protected by the title insurer, title agency, or title agent.

6. It is unlawful for any **title insurer, title agency, or title agent** to engage in the handling of an escrow, settlement or closing of a residential real estate transaction unless the escrow handling, settlement or closing is conducted or performed in contemplation of and in conjunction with the issuance of a title insurance policy [or] **and** a closing protection letter, or **if a title insurance policy is not being issued by the title insurer, title agency, or title agent**, prior to the receipt of any funds, the **title insurer, title agency, or title agent** clearly discloses to the seller, buyer or lender involved in such escrow, settlement or closing, that no title insurer is providing any protection for closing or settlement funds received by the title agency or agent.

7. A violation of any provision under this section is a level three violation under section 374.049.

381.058. LICENSE REQUIRED FOR INSURER TO TRANSACT BUSINESS OF TITLE INSURANCE, EXCLUSIVE TO OTHER TYPES OF INSURANCE BUSINESS, LIMITATIONS — CLOSING OR SETTLEMENT PROTECTION AUTHORIZED. — 1. No insurer that transacts any class, type, or kind of business other than title insurance shall be eligible for the issuance or renewal of a license to transact the business of title insurance in this state nor shall title insurance be transacted, underwritten, or issued by any insurer transacting or licensed to transact any other class, type, or kind of business.

2. A title insurer shall not engage in the business of guaranteeing payment of the principal or the interest of bonds or mortgages.

3. (1) Notwithstanding subsection 1 of this section or anything else to the contrary in sections 381.011 to 381.405, a title insurer is expressly authorized to issue closing or settlement protection letters (and to collect a fee for such issuance) in all transactions where its title insurance policies are issued and where its issuing agent or agency is performing settlement services and shall do so in favor of [and upon request by] the applicable buyer, lender, or seller in [such transaction] **all residential real estate transactions**. Such closing or settlement protection letter form shall be filed with the director under section 381.085 and shall conform to the terms of coverage and form of instrument as required by rule of the director and shall indemnify a buyer, lender, or seller solely against losses not to exceed the amount of the settlement funds only because of the following acts of the title insurer's named issuing title agency or title agent:

- (a) Acts of theft of settlement funds or fraud with regard to settlement funds; and
- (b) Failure to comply with written closing instructions by the proposed insured when agreed to by the title agency or title agent relating to title insurance coverage.

(2) The rate for issuance of a closing or settlement protection letter in a residential real estate transaction indemnifying a lessee or purchaser of an interest in land, a borrower, or a lender secured by a mortgage, including any other security instrument, of an interest in land shall be filed as a rate with the director.

(3) The rate for issuance of a closing or settlement protection letter in a residential real estate transaction indemnifying a seller of an interest in land shall be filed as a separate rate with the director.

(4) Such filed rate shall not be excessive or inadequate. The entire rate for the closing or settlement protection letter shall be retained by the title insurer.

(5) Except as provided under this section or section 381.403, a title insurer shall not provide any other coverage which purports to indemnify against improper acts or omissions of a person with regard to escrow, settlement, or closing services.

408.800. DEFINITIONS. — As used in sections 408.800 to 408.830, the following terms shall mean:

(1) "American Savings Promotion Act", Public Law 113-251, enacted by the 113th United States Congress;

(2) "Eligible account", an insured deposit account offered by an eligible financial institution that provides an incentive savings program authorized under sections 408.800 to 408.830. This shall include any account in which an individual has either a joint or individual interest, any trust account, or similar account held for a beneficiary. For individual accounts, one individual account holder shall be eighteen years of age or older to be eligible. The eligibility of the account shall not be affected by the designation of a transfer on death beneficiary;

(3) "Eligible financial institution", a federally insured depository institution that is state or federally chartered and is authorized to accept deposits that are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration;

(4) "Eligible financial program":

(a) Any savings program or product that an eligible financial institution offers to participants for the purpose of:

a. Encouraging savings by participants; or

b. Providing participants the opportunity to use and control their own moneys in order to improve his or her economic and social condition;

(b) Programs or products that encourage or require participants to:

a. Open one or more eligible accounts; or

b. Increase deposits or contributions to one or more eligible accounts; or

(c) Programs or products that encourage or require participants to deposit or transfer moneys into one or more eligible accounts on a recurring or automatic basis;

(5) "Participant", any owner of an eligible account;

(6) "Savings promotion program", a promotion in which a chance of winning designated prizes is obtained by the deposit of a specified amount of moneys in a savings account or other savings program offered by an eligible financial institution to participants in which each entry has an equal chance of being drawn where the participants own the savings account or other savings program.

408.810. SAVINGS PROMOTION PROGRAM AUTHORIZED, CONDITIONS. — Eligible financial institutions may offer and conduct a savings promotion program under the following conditions:

(1) The terms and conditions of the savings promotion program shall allow an eligible account to obtain one or more entries to win a specified prize. Eligible accounts shall obtain entry for a savings promotion program by maintaining an eligible account with a minimum specified amount of moneys in accordance with the terms and conditions of the savings promotion program;

(2) Beyond meeting the requirement in subdivision (1) of this section, participants in the savings promotion program shall not be required to provide any consideration to obtain chances to win prizes. By meeting the requirement in subdivision (1) of this section, participants shall not be deemed to have given consideration;

(3) Participants shall not be deemed to have provided consideration merely because:

(a) The participant makes deposits into savings accounts or other savings programs that remain under the ownership of the participant;

(b) The interest rate, if any, of the participant's account is lower than the interest rate associated with comparable accounts; or

(c) The participant pays any fee or amount to administer or maintain the participant's account that the financial institution ordinarily and customarily charges an individual who does not participate in the savings promotion program; and

(4) Each entry into the savings promotion program shall have an equal chance of being drawn.

408.820. COMPLIANCE WITH FEDERAL AMERICAN SAVINGS PROMOTION ACT. — Eligible financial institutions that choose to offer savings promotion programs shall comply with the requirements of the American Savings Promotion Act and the regulations promulgated by the federal prudential regulators of the eligible financial institutions applicable to the savings promotion program.

408.830. PROGRAMS NOT GAMBLING, GAMING, LOTTERY, RAFFLE, OR SWEEPSTAKE — Savings promotion programs under sections 408.800 to 408.830 shall not constitute gambling, gaming, a lottery, raffle, or sweepstakes as defined by any other statute.

Approved July 1, 2016

SB 838 [SS SCS SB 838]

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 court to order a wireless service provider to transfer the rights of a wireless telephone number to a petitioner under certain circumstances

AN ACT to repeal sections 455.050 and 455.523, RSMo, and to enact in lieu thereof two new sections relating to the transfer of wireless telephone numbers.

SECTION

- A. Enacting clause.
 455.050. Full or ex parte order of protection, abuse, stalking, or sexual assault, contents — relief available — court may order transfer billing responsibility of wireless telephone, when, procedure.
 455.523. Full order of protection — relief available.

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

SECTION A. ENACTING CLAUSE. — Sections 455.050 and 455.523, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 455.050 and 455.523, to read as follows:

455.050. FULL OR EX PARTE ORDER OF PROTECTION, ABUSE, STALKING, OR SEXUAL ASSAULT, CONTENTS — RELIEF AVAILABLE — COURT MAY ORDER TRANSFER BILLING RESPONSIBILITY OF WIRELESS TELEPHONE, WHEN, PROCEDURE. — 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.

9. (1) The court may, in order to ensure that a petitioner can maintain an existing wireless telephone number or numbers, issue an order, after notice and an opportunity to be heard, directing a wireless service provider to transfer the billing responsibility for and rights to the wireless telephone number or numbers to the petitioner, if the petitioner is not the wireless service accountholder.

(2) (a) The order transferring billing responsibility for and rights to the wireless telephone number or numbers to the petitioner shall list the name and billing telephone number of the accountholder, the name and contact information of the person to whom the telephone number or numbers will be transferred, and each telephone number to be transferred to that person. The court shall ensure that the contact information of the petitioner is not provided to the accountholder in proceedings held under this chapter.

(b) Upon issuance, a copy of the full order of protection shall be transmitted, either electronically or by certified mail, to the wireless service provider's registered agent listed with the secretary of state, or electronically to the email address provided by the wireless service provider. Such transmittal shall constitute adequate notice for the wireless service provider acting under sections 455.050 and 455.523.

(c) If the wireless service provider cannot operationally or technically effectuate the order due to certain circumstances, the wireless service provider shall notify the petitioner within three business days. Such circumstances shall include, but not be limited to, the following:

- a. The accountholder has already terminated the account;**
- b. The differences in network technology prevent the functionality of a device on the network; or**
- c. There are geographic or other limitations on network or service availability.**

(3) (a) Upon transfer of billing responsibility for and rights to a wireless telephone number or numbers to the petitioner under this subsection by a wireless service provider, the petitioner shall assume all financial responsibility for the transferred wireless telephone number or numbers, monthly service costs, and costs for any mobile device associated with the wireless telephone number or numbers.

(b) This section shall not preclude a wireless service provider from applying any routine and customary requirements for account establishment to the petitioner as part of this transfer of billing responsibility for a wireless telephone number or numbers and any devices attached to that number or numbers including, but not limited to, identification, financial information, and customer preferences.

(4) This section shall not affect the ability of the court to apportion the assets and debts of the parties as provided for in law, or the ability to determine the temporary use, possession, and control of personal property.

(5) No cause of action shall lie against any wireless service provider, its officers, employees, or agents, for actions taken in accordance with the terms of a court order issued under this section.

(6) As used in this section and section 455.523, a "wireless service provider" means a provider of commercial mobile service under Section 332(d) of the Federal Telecommunications Act of 1996 (47 U.S.C. Section 151, et seq.).

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, 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;

(9) Order a wireless service provider, in accordance with the process, provisions, and requirements set out in subdivisions (1) to (6) of subsection 9 of section 455.050, to transfer the billing responsibility for and rights to the wireless telephone number or numbers of any minor children in the petitioner's care to the petitioner, if the petitioner is not the wireless service account holder.

Approved June 6, 2016

SB 852 [CCS SB 852]

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 Trooper Gary Snodgrass Memorial Bridge

AN ACT to amend chapter 227, RSMo, by adding thereto seven new sections relating to designation of certain memorial infrastructure.

SECTION

- A. Enacting clause.
- 227.432. Judge Vincent E. Baker Memorial Highway designated for a portion of I-470 in Jackson County.
- 227.435. Trooper Gary Snodgrass Memorial Bridge designated for a Highway 32 bridge in Dent County.
- 227.443. Special Agent Tom Crowell Memorial Highway designated for a portion of I-49 in Newton County.
- 227.445. Deputy Sheriff Matthew S. Chism Memorial Highway designated for a portion of State Highway 32 in Cedar County.
- 227.446. Phyllis D. Shelley Memorial Highway designated for a portion of U.S. Highway 50 in Moniteau County.
- 227.522. Purple Heart Trail designated for portions of I-49.
- 227.531. Rosemary Straub Davison Highway designated for a portion of I-270 in St. Louis 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 seven new sections, to be known as sections 227.432, 227.435, 227.443, 227.445, 227.446, 227.522, and 227.531, to read as follows:

227.432. JUDGE VINCENT E. BAKER MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF I-470 IN JACKSON COUNTY. — The portion of Interstate 470 at the interchange with Woods Chapel Road continuing to Lakewood Boulevard in Jackson County shall be designated as the "Judge Vincent E. Baker Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid for by private donations.

227.435. TROOPER GARY SNODGRASS MEMORIAL BRIDGE DESIGNATED FOR A HIGHWAY 32 BRIDGE IN DENT COUNTY. — The bridge on Highway 32 crossing over the Meramec River in Dent County shall be designated the "Trooper Gary Snodgrass Memorial Bridge". The department of transportation shall erect and maintain appropriate signs designating the bridge, with the costs for such designation to be paid for by private donation.

227.443. SPECIAL AGENT TOM CROWELL MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF I-49 IN NEWTON COUNTY. — The portion of Interstate 49 from its intersection with State Highway 86 continuing north to Iris Road in Newton County shall be designated the "Special Agent Tom Crowell Memorial Highway". Costs for such designation shall be paid for by private donations.

227.445. DEPUTY SHERIFF MATTHEW S. CHISM MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF STATE HIGHWAY 32 IN CEDAR COUNTY. — The portion of State Highway 32 from Stockton Dam Road continuing west to State Highway 39/County Road 1401 within the city limits of Stockton in Cedar County shall be designated as the "Deputy Sheriff Matthew S. Chism Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with costs for such designation to be paid for by private donation.

227.446. PHYLLIS D. SHELLEY MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF U.S. HIGHWAY 50 IN MONITEAU COUNTY. — The portion of U.S. Highway 50 from County Line Road continuing west to Mockingbird Road in Moniteau County shall be designated as the "Phyllis D. Shelley Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with costs to be paid for by private donation.

227.522. PURPLE HEART TRAIL DESIGNATED FOR PORTIONS OF I-49. — The portion of Interstate 49 from the city of Pineville in McDonald County north to the intersection of Interstate 435 in Jackson County, except for those portions of Interstate 49 previously

designated as of August 28, 2016, shall be designated the "Purple Heart Trail". Costs for such designation shall be paid by private donations.

227.531. ROSEMARY STRAUB DAVISON HIGHWAY DESIGNATED FOR A PORTION OF I-270 IN ST. LOUIS COUNTY. — The portion of Interstate 270 from the city of Hazelwood in St. Louis County east to the intersection of Florissant Road in Florissant in St. Louis County, except for those portions previously designated as of August 28, 2016, shall be designated the "Rosemary Straub Davison Highway". Costs for such designation shall be paid for by private donations.

Approved July 8, 2016

SB 861 [CCS HCS SCS SB 861]

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 transportation facilities

AN ACT to repeal sections 227.600 and 447.708, RSMo, and to enact in lieu thereof eight new sections relating to tax incentives.

SECTION

- A. Enacting clause.
- 68.075. AIM zones — definitions — establishment, boundaries — retention of tax withholdings on new jobs, amount — fund created, use of moneys — approval of projects — expiration date.
- 143.1100. Bring jobs home act — definitions — income tax deduction allowed, amount — restrictions — rulemaking authority — sunset.
- 143.2100. Definitions — report, contents — rulemaking authority.
- 143.2105. Definitions — income tax deduction for port cargo volume increase, calculation — claiming procedure.
- 143.2110. Income tax deduction for cargo — amount, claiming procedure.
- 143.2115. Definitions — income tax deduction for increased qualified trade activities or capital investment for trade activities — amount, claiming procedure, exclusions — aggregation of claims — recapture — guidelines.
- 227.600. Citation of law — definitions.
- 447.708. Tax credits, criteria, conditions — definitions — eligibility of certain demolition costs.

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

SECTION A. ENACTING CLAUSE. — Sections 227.600 and 447.708, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 68.075, 143.1100, 143.2100, 143.2105, 143.2110, 143.2115, 227.600, and 447.708, to read as follows:

68.075. AIM ZONES — DEFINITIONS — ESTABLISHMENT, BOUNDARIES — RETENTION OF TAX WITHHOLDINGS ON NEW JOBS, AMOUNT — FUND CREATED, USE OF MONEYS — APPROVAL OF PROJECTS — EXPIRATION DATE. — **1. This section shall be known and may be cited as the "Advanced Industrial Manufacturing Zones Act".**

2. As used in this section, the following terms shall mean:

(1) "AIM zone", an area identified through a resolution passed by the port authority board of commissioners appointed under section 68.045 that is being developed or redeveloped for any purpose so long as any infrastructure and building built or improved is in the development area. The port authority board of commissioners shall file an annual report indicating the established AIM zones with the department of revenue;

(2) "New job", the number of full-time employees located at the project facility that exceeds the project facility base employment less any decrease in the number of full-time

employees at related facilities below the related facility base employment. No job that was created prior to the date of the notice of intent shall be deemed a new job. An employee that spends less than fifty percent of the employee's work time at the facility is still considered to be located at a facility if the employee receives his or her directions and control from that facility, is on the facility's payroll, one hundred percent of the employee's income from such employment is Missouri income, and the employee is paid at or above the state average wage.

3. Any port authority located in this state may establish an AIM zone. Such zone may only include the area within the port authority's jurisdiction and may include any such area. The port authority shall determine the boundaries for each AIM zone, and more than one AIM zone may exist within the port authority's jurisdiction.

4. Fifty percent of the state tax withholdings imposed by sections 143.191 to 143.265 on new jobs within such zone after development or redevelopment has commenced shall not be remitted to the general fund of the state of Missouri. Such moneys shall be deposited into the port authority AIM zone fund established under subsection 5 of this section for the purpose of continuing to expand, develop, and redevelop AIM zones identified by the port authority board of commissioners and may be used for managerial, engineering, legal, research, promotion, planning, satisfaction of bonds issued under section 68.040, and any other expenses.

5. There is hereby created in the state treasury the "Port Authority AIM Zone Fund", which shall consist of money collected under this section. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180 to the port authorities from which the funds were collected, less the pro-rata portion appropriated by the general assembly to be used solely for the administration of this section which shall not exceed ten percent of the total amount collected within the zones of a port authority. 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.

6. The port authority shall approve any projects that begin construction and disperse any money collected under this section. The port authority shall submit an annual budget for the funds to the department of economic development explaining how and when such money will be spent.

7. The provision of section 23.253 notwithstanding, no AIM zone may be established after August 28, 2023. Any AIM zone created prior to that date shall continue to exist and be coterminous with the retirement of all debts incurred under subsection 4 of this section. No debts may be incurred or reauthorized using AIM zone revenue after August 28, 2023.

143.1100. BRING JOBS HOME ACT — DEFINITIONS — INCOME TAX DEDUCTION ALLOWED, AMOUNT — RESTRICTIONS — RULEMAKING AUTHORITY — SUNSET. — 1. This section shall be known and may be cited as the "Bring Jobs Home Act".

2. As used in this section, the following terms shall mean:

(1) "Business unit":

(a) Any trade or business; and

(b) Any line of business or function unit which is part of any trade or business;

(2) "Deduction":

(a) For individuals, an amount subtracted from the taxpayer's Missouri adjusted gross income to determine Missouri taxable income for the tax year in which such deduction is claimed; and

(b) For corporations, an amount subtracted from the taxpayer's Federal taxable income to determine Missouri taxable income for the tax year in which such deduction is claimed;

- (3) "Department", the department of economic development;
 - (4) "Eligible expenses":
 - (a) Any amount for which a deduction is allowed to the taxpayer under Section 162 of the Internal Revenue Code of 1986, as amended; and
 - (b) Permit and license fees, lease brokerage fees, equipment installation costs, and other similar expenses;
 - (5) "Eligible insourcing expenses":
 - (a) Eligible expenses paid or incurred by the taxpayer in connection with the elimination of any business unit of the taxpayer or of any member of any expanded affiliated group in which the taxpayer is also a member located outside the state of Missouri; and
 - (b) Eligible expenses paid or incurred by the taxpayer in connection with the establishment of any business unit of the taxpayer or of any member of any expanded affiliated group in which the taxpayer is also a member located within the state of Missouri if such establishment constitutes the relocation of the business unit so eliminated. For purposes of this subdivision, expenses shall be eligible if such elimination of the business unit in another state or country occurs in a different taxable year from the establishment of the business unit in Missouri;
 - (6) "Expanded affiliated group", an affiliated group as defined under Section 1504(a) of the Internal Revenue Code of 1986, as amended, except to be determined without regard to Section 1504(b)(3) of the Internal Revenue Code of 1986, as amended, and determined by substituting "at least eighty percent" with "more than fifty percent" each place the phrase appears under Section 1504(a) of the Internal Revenue Code of 1986, as amended. A partnership or any other entity other than a corporation shall be treated as a member of an expanded affiliated group if such entity is controlled by members of such group including any entity treated as a member of such group by reason of this subdivision;
 - (7) "Full-time equivalent employee", a number of employees equal to the number determined by dividing the total number of hours of service for which wages were paid by the employer to employees during the taxable year, by two thousand eighty;
 - (8) "Insourcing plan", a written plan to carry out the establishment of a business unit in Missouri;
 - (9) "Taxpayer", any individual, firm, partner in a firm, corporation, partnership, shareholder in an S corporation, or member of a limited liability company subject to the income tax imposed under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265.
3. For all taxable years beginning on or after January 1, 2016, a taxpayer shall be allowed a deduction equal to fifty percent of the taxpayer's eligible insourcing expenses in the taxable year chosen under subsection 5 of this section. The amount of the deduction claimed shall not exceed the amount of:
- (1) For individuals, the taxpayer's Missouri adjusted gross income for the taxable year the deduction is claimed; and
 - (2) For corporations, the taxpayer's Missouri taxable income for the taxable year the deduction is claimed.
- However, any amount of the deduction that cannot be claimed in the taxable year may be carried over to the next five succeeding taxable years until the full deduction has been claimed.
4. No deduction shall be allowed under this section until the department determines that the number of full-time equivalent employees of the taxpayer in the taxable year the deduction is claimed exceeds the number of full-time equivalent employees of the taxpayer in the taxable year prior to the taxpayer incurring any eligible insourcing expenses.
5. Only eligible insourcing expenses that occur in the taxable year such expenses are paid or incurred and:
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(1) The taxpayer's insourcing plan is completed; or
(2) The first taxable year after the taxpayer's insourcing plan is completed;
shall be used to calculate the deduction allowed under this section.

6. Notwithstanding any other provision of law to the contrary, no deduction shall be allowed for any expenses incurred due to dissolving a business unit in Missouri and relocating such business unit to another state.

7. The total amount of deductions authorized under this section shall not exceed five million dollars in any taxable year. In the event that more than five million dollars in deductions are claimed in a taxable year, deductions shall be issued on a first-come, first-served filing basis.

8. A taxpayer who receives a deduction under the provisions of this section shall be ineligible to receive incentives under the provisions of any other state tax deduction program for the same expenses incurred.

9. Any taxpayer allowed a deduction under this section who, within ten years of receiving such deduction, eliminates the business unit for which the deduction was allowed shall repay the amount of tax savings realized from the deduction to the state, prorated by the number of years the business unit was in this state.

10. The department of economic development and the department of revenue 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, 2016, shall be invalid and void.

11. Under section 23.253:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after the effective date, 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.

143.2100. DEFINITIONS—REPORT, CONTENTS—RULEMAKING AUTHORITY. — 1. As used in sections 143.2100 to 143.2115, unless the context requires a different meaning, the following terms shall mean:

(1) "Deduction", an amount subtracted from the taxpayer's Missouri adjusted gross income to determine Missouri taxable income for the tax year in which such deduction is claimed;

(2) "Department", the department of economic development;

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

(4) "Taxpayer", a person, firm, partner in a firm, member of a limited liability company, corporation, or shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state under the provisions of chapter 148, or an express company which pays an annual tax on its gross receipts in this state under chapter 153.

2. Prior to March 1, 2018, and every two years thereafter, the department, with information provided by the port authorities, airports, and the department of revenue,

shall provide a report on the deductions claimed under sections 143.2100 to 143.2115. Such report shall include the following:

- (1) The names and locations of participating companies;
- (2) The annual amount of benefits provided;
- (3) The estimated net state fiscal impact, including both direct and indirect new state taxes derived from the program;
- (4) The number of new jobs created;
- (5) The average wages of each project; and
- (6) The types of qualified companies using the program.

3. The department shall promulgate rules to implement the provisions of sections 143.2100 to 143.2115. 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, 2016, shall be invalid and void.

143.2105. DEFINITIONS — INCOME TAX DEDUCTION FOR PORT CARGO VOLUME INCREASE, CALCULATION — CLAIMING PROCEDURE. — 1. As used in this section, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Airport", any publicly or privately owned facility located within Missouri through which cargo is transported by way of airplane to or from destinations outside the state and which handles cargo owned by third parties in addition to cargo owned by the airport's owner;

(2) "Base year port cargo volume", the total amount of net tons of noncontainerized cargo or twenty-foot equivalent units (TEUs) of cargo actually transported by way of a waterborne ship, waterborne vehicle, or airplane through a water port facility or airport during the period from January 1, 2015, through December 31, 2015. Base year port cargo volume shall be at least seventy-five net tons of noncontainerized cargo or ten loaded TEUs for a taxpayer to be eligible for the deductions claimed under this section. For a taxpayer that does not transport that amount in the year ending December 31, 2015, including a taxpayer who locates to Missouri after December 31, 2015, the base year port cargo volume will be measured by the initial January first through December thirty-first calendar year in which it meets the requirements of seventy-five net tons of noncontainerized cargo or ten loaded TEUs. Base year port cargo volume shall be recalculated each calendar year after the initial base year;

(3) "Major facility", a new facility to be located in Missouri that is projected to import or export cargo through a water port facility or airport in excess of twenty-five thousand TEUs or the noncontainerized cargo equivalent in its first calendar year;

(4) "Port cargo volume", the total amount of net tons of noncontainerized cargo or containers measured in TEUs of cargo transported by way of a waterborne ship, waterborne vehicle, or airplane through a water port facility or airport;

(5) "TEU" or "Twenty-foot equivalent unit", a volumetric measure based on the size of a container that is twenty feet long by eight feet wide by eight feet, six inches high. If using weight as a measure, then one TEU shall equal sixteen tons of noncontainerized cargo; and

(6) "Water port facility", any publicly or privately owned facility located within Missouri through which cargo is transported by way of a waterborne ship or vehicle to or from destinations outside the state and which handles cargo owned by third parties in addition to cargo owned by the water port facility's owner.

2. (1) For tax years beginning on or after January 1, 2017, but before January 1, 2023, a taxpayer engaged in the manufacturing of goods or the distribution of manufactured goods that uses water port facilities or airports in this state and increases its port cargo volume at these facilities by a minimum of five percent in a single calendar year over its base year port cargo volume shall be allowed to claim a deduction in an amount determined by the department. The department may waive the requirement that port cargo volume be increased by a minimum of five percent over base year port cargo volume for any taxpayer that qualifies as a major facility.

(2) Qualifying taxpayers that increase their port cargo volume by a minimum of five percent in a qualifying calendar year shall be allowed to claim a fifty-dollar deduction for each TEU or the noncontainerized cargo equivalent above the base year port cargo volume. A qualifying taxpayer that is a major facility as defined in this section shall be allowed to claim a fifty-dollar deduction for each TEU or the noncontainerized cargo equivalent transported through a water port facility or airport during the major facility's first calendar year. A qualifying taxpayer shall not claim a deduction of more than two hundred fifty thousand dollars for each calendar year except as provided for in subdivision (2) of subsection 3 of this section. The maximum amount of deductions for all qualifying taxpayers under this section shall not exceed three million five hundred thousand dollars for each calendar year.

(3) The deduction may be claimed by the taxpayer as provided in subdivision (1) of this subsection only if the taxpayer owns the cargo at the time the water port facilities or airports are used.

3. (1) For every year in which a taxpayer claims the deduction, the taxpayer shall submit an application to the department by March first of the calendar year after the calendar year in which the increase in port cargo volume occurs. The taxpayer shall attach a schedule to the taxpayer's application to the department with the following information and any other information requested by the department:

(a) A description of how the base year port cargo volume and the increase in port cargo volume were determined;

(b) The amount of the base year port cargo volume;

(c) The amount of the increase in port cargo volume for the tax year stated both as a percentage increase and as a total increase in net tons of noncontainerized cargo and TEUs of cargo, including information that demonstrates an increase in port cargo volume in excess of the minimum amount required to claim the deductions under this section; and

(d) Any deduction utilized by the taxpayer in prior years.

(2) The taxpayer shall claim the deduction on its income tax return in a manner prescribed by the department of revenue, and the department of revenue may require a copy of the certification form issued by a Missouri port authority or airport be attached to the return or otherwise provided.

143.2110. INCOME TAX DEDUCTION FOR CARGO — AMOUNT, CLAIMING PROCEDURE.

— 1. As used in this section, unless the context clearly indicates otherwise, the term "international trade facility" shall mean a company that:

(1) Is doing business in the state and engaged in water port or airport related activities including, but not limited to, warehousing, distribution, freight forwarding and handling, and goods processing;

(2) Has the sole discretion and authority to move cargo in containers or noncontainerized, originating or terminating in the state;

(3) Uses water-connected port facilities or airport facilities located in the state; and

(4) Uses airplanes, barges, trucks, or rail systems to move cargo, in containers or noncontainerized, through water port facilities or airports in the state.

2. For tax years beginning on or after January 1, 2017, but before January 1, 2023, a company that is an international trade facility shall be allowed a twenty-five-dollar

deduction per TEU or equivalent of noncontainerized cargo moved by airplane, barge, or rail.

3. In no case shall more than two million dollars in deductions be claimed under this section in any fiscal year of the state. The international trade facility shall not be allowed to claim any deduction under this section unless it has applied to the department for the deduction and the department has approved the deduction. The department shall determine the deduction amount allowable for the year and provide a written certification to the international trade facility, which certification shall report the amount of the deduction approved by the department. The international trade facility shall attach the certification to the applicable tax return.

143.2115. DEFINITIONS—INCOME TAX DEDUCTION FOR INCREASED QUALIFIED TRADE ACTIVITIES OR CAPITAL INVESTMENT FOR TRADE ACTIVITIES — AMOUNT, CLAIMING PROCEDURE, EXCLUSIONS—AGGREGATION OF CLAIMS—RECAPTURE—GUIDELINES.—

1. As used in this section, unless the context requires a different meaning, the following terms shall mean:

- (1) "Affiliated companies", two or more companies related to each other so that:
 - (a) One company owns at least eighty percent of the voting power of the other or others; or
 - (b) The same interest owns at least eighty percent of the voting power of two or more companies;
- (2) "Capital investment", the amount properly chargeable to a capital account for improvements to rehabilitate or expand depreciable real property placed in service during the tax year and the cost of machinery, tools, and equipment used in an international trade facility directly related to the movement of cargo. "Capital investment" includes expenditures associated with any exterior, structural, mechanical, or electrical improvements necessary to expand or rehabilitate a building for commercial or industrial use and excavations, grading, paving, driveways, roads, sidewalks, landscaping, or other land improvements. For purposes of this section, machinery, tools, and equipment shall be deemed to include only that property placed in service by the international trade facility on or after January 1, 2017. Machinery, tools, and equipment excludes property:
 - (a) For which a deduction under this section was previously granted;
 - (b) Placed in service by the taxpayer, a related party as defined in Subsection (b) of Section 267 of the Internal Revenue Code, as amended, or by a trade or business under common control as described in Subsection (b) of Section 52 of the Internal Revenue Code, as amended; or
 - (c) Previously in service in the state that has a basis in the hands of the person acquiring it, determined in whole or in part by reference to the basis of such property in the hands of the person from whom it was acquired or Subsection (a) of Section 1014 of the Internal Revenue Code, as amended. "Capital investment" shall not include:
 - a. The cost of acquiring any real property or building;
 - b. The cost of furnishings;
 - c. Any expenditure associated with appraisal, architectural, engineering, or interior design fees;
 - d. Loan fees, points, or capitalized interest;
 - e. Legal, accounting, realtor, sales and marketing, or other professional fees;
 - f. Closing costs, permit fees, user fees, zoning fees, impact fees, and inspection fees;
 - g. Bids, insurance, signage, utilities, bonding, copying, rent loss, or temporary facilities costs incurred during construction;
 - h. Utility hook-up or access fees;
 - i. Outbuildings; or
 - j. The cost of any well or septic system;

(3) "Deduction year", the first tax year following the tax year in which the international trade facility commenced or expanded its operations. A separate deduction year and a three-year allowance shall exist for each distinct international trade facility of a single taxpayer;

(4) "International trade facility", a company that:

(a) Is engaged in port related activities including, but not limited to, warehousing, distribution, freight forwarding and handling, and goods processing;

(b) Uses water-connected port facilities or airports located in the state; and

(c) Transports at least ten percent more cargo, measured in TEU containers or the noncontainerized cargo equivalent, through water-connected port facilities or airport in the state during the tax year than was transported by the company through such facilities during the preceding tax year;

(5) "New, permanent full-time position", a job of indefinite duration, created by the company after establishing or expanding an international trade facility in the state, requiring a minimum of thirty-five hours of employment per week for each employee for the entire normal year of the company's operations, or a position of indefinite duration that requires a minimum of thirty-five hours of employment per week for each employee for the portion of the tax year that the employee was initially hired for, or transferred to the international trade facility in the state. Seasonal or temporary positions, or a job created if a job function is shifted from an existing location in the state to the international trade facility, and positions in building and grounds maintenance, security, and other such positions that are ancillary to the principal activities performed by the employees at the international trade facility shall not qualify as new, permanent full-time positions;

(6) "Normal year", at least forty-eight weeks in a calendar year;

(7) "Qualified full-time employee", an employee filling a new, permanent full-time position in an international trade facility in the state;

(8) "Qualified trade activities", the completed exportation or importation of at least one International Organization for Standardization ocean container or the noncontainerized equivalent with a minimum twenty-foot length, through a Missouri port authority-operated cargo facility or an airport in this state. An export container or the noncontainerized cargo equivalent with an ultimate international destination shall be loaded on a barge or airplane and an import container or the noncontainerized cargo equivalent originating from an international destination shall be discharged from a barge or airplane at such facility.

2. For tax years beginning on or after January 1, 2017, but before January 1, 2023, a taxpayer satisfying the requirements of this section shall be allowed to claim a deduction in an amount equal to either three thousand five hundred dollars per qualified full-time employee that results from increased qualified trade activities by the taxpayer or an amount equal to two percent of the capital investment made by the taxpayer to facilitate the increased qualified trade activities. The election of which deduction amount to claim shall be the responsibility of the taxpayer. Both deductions shall not be claimed for the same activities that occur within a calendar year. The portion of the three thousand five hundred dollars deduction earned with respect to any qualified full-time employee who works in the state for less than twelve full months during the deduction year shall be determined by multiplying the deduction amount by a fraction, the numerator of which is the number of full months such employee worked for the international trade facility in the state during the deduction year and the denominator of which is twelve.

3. In no case shall more than five hundred thousands dollars in deductions be claimed under this section in any fiscal year of the state. The taxpayer shall not be allowed to claim any deduction under this section unless it has applied to the department for the deduction and the department has approved the deduction. The department shall determine the deduction amount allowable for the tax year and shall provide a written certification to the taxpayer, which certification shall report the amount of the deduction

approved by the department. The taxpayer shall attach the certification to the applicable income tax return.

4. The amount of the deduction allowed under this section shall not exceed fifty percent of the taxpayer's Missouri adjusted gross income.

5. No deduction shall be earned for any employee:

(1) For whom a deduction under this section was previously earned by a related party as defined in Subsection (b) of Section 267 of the Internal Revenue Code, as amended, or a trade or business under common control as described in Subsection (b) of Section 52 of the Internal Revenue Code, as amended;

(2) Who was previously employed in the same job function in Missouri by a related party as defined in Subsection (b) of Section 267 of the Internal Revenue Code, as amended, or a trade or business under common control as described in Subsection (b) of Section 52 of the Internal Revenue Code, as amended; or

(3) Whose job function was previously performed at a different location in Missouri by an employee of the taxpayer, by a related party as defined in Subsection (b) of Section 267 of the Internal Revenue Code, as amended, or by a trade or business under common control as described in Subsection (b) of Section 52 of the Internal Revenue Code, as amended.

6. For the purposes of this section, two or more affiliated companies may elect to aggregate the number of jobs created for qualified full-time employees or the amounts of capital investments as the result of the establishment or expansion by the individual companies in order to qualify for the deduction allowed under this section.

7. Recapture of the deduction amount under the following circumstances shall be accomplished by increasing the tax in any of the five years succeeding the tax year in which a deduction has been earned pursuant to this section if the number of qualified full-time employees falls below the average number of qualified full-time employees during the tax year. The Missouri taxable income increase amount shall be determined by recalculating the deduction that would have been earned for the original tax year using the decreased number of qualified full-time employees and subtracting the recalculated deduction amount from the amount previously earned. In the event that the average number of qualified full-time employees employed at an international trade facility falls below the number employed by the taxpayer prior to claiming any deductions under this section in any of the five tax years succeeding the year in which the deductions were earned, all deductions earned with respect to the international trade facility shall be recaptured. No deduction amount shall be recaptured more than once under this subsection. Any recapture under this subsection shall reduce deductions earned, but not yet allowed, before the taxpayer's Missouri taxable income is increased.

8. The department shall issue guidelines for:

(1) The computation and recapture of the deductions provided under this section;

(2) The establishment of criteria for:

(a) International trade facilities;

(b) Qualified full-time employees at such facilities; and

(c) Capital investments; and

(3) The computation, recapture, and redemption of the deductions by affiliated companies.

227.600. CITATION OF LAW — DEFINITIONS. — 1. Sections 227.600 to 227.669 shall be known and may be cited as the "Missouri Public-Private Partnerships Transportation Act".

2. As used in sections 227.600 to 227.669, unless the context clearly requires otherwise, the following terms mean:

(1) "Commission", the Missouri highways and transportation commission;

(2) "Comprehensive agreement", the final binding written comprehensive project agreement between a private partner and the commission required in section 227.621 to finance, develop, and/or operate the project;

(3) "Department", the Missouri department of transportation;

(4) "Develop" or "development", to plan, locate, relocate, establish, acquire, lease, design, or construct;

(5) "Finance", to fund the costs, expenses, liabilities, fees, profits, and all other charges incurred to finance, develop, and/or operate the project;

(6) "Interim agreement", a preliminary binding written agreement between a private partner and the commission that provides for completion of studies and any other activities to advance the financing, development, and/or operation of the project required by section 227.618;

(7) "Material default", any uncured default by a private partner in the performance of its duties that jeopardizes adequate service to the public from the project as determined by the commission;

(8) "Operate" or "operation", to improve, maintain, equip, modify, repair, administer, or collect user fees;

(9) "Private partner", any natural person, corporation, partnership, limited liability company, joint venture, business trust, nonprofit entity, other business entity, or any combination thereof;

(10) "Project", exclusively includes any pipeline, ferry, [river] port **facility, water facility, water way, water supply facility or pipeline, wastewater or wastewater treatment facility, public building**, airport, railroad, light rail, **vehicle parking facility, mass transit facility**, or other [mass transit facility,] **similar facility currently available or to be made available to a government entity for public use, including any structure, parking area, appurtenance and other property required to operate the structure or facility** to be financed, developed, and/or operated under agreement between the commission and a private partner. **The commission or private partner shall not have the authority to collect user fees in connection with the project from motor carriers as defined in section 227.630. "Project" shall not include any highway, interstate or bridge construction, or any rest area, rest stop, or truck parking facility connected to an interstate or other highway under the authority of the commission.** Any project not specifically included in this subdivision shall not be financed, developed, or operated by a private partner until such project is approved by a vote of the people;

(11) "Public use", a finding by the commission that the project to be financed, developed, and/or operated by a private partner under sections 227.600 to 227.669 will improve or is needed as a necessary addition to the state transportation system;

(12) "Revenues", include but are not limited to the following which arise out of or in connection with the financing, development, and/or operation of the project:

(a) Income;

(b) Earnings;

(c) Proceeds;

(d) User fees;

(e) Lease payments;

(f) Allocations;

(g) Federal, state, and local moneys; or

(h) Private sector moneys, grants, bond proceeds, and/or equity investments;

(13) "State", the state of Missouri;

(14) "State highway system", the state system of highways and bridges planned, located, relocated, established, acquired, constructed, and maintained by the commission under Section 30(b), Article IV, Constitution of Missouri;

(15) "State transportation system", the state system of nonhighway transportation programs, including but not limited to aviation, transit and mass transportation, railroads, ports, waterborne commerce, freight and intermodal connections;

(16) "User fees", tolls, fees, or other charges authorized to be imposed by the commission and collected by the private partner for the use of all or a portion of a project under a comprehensive agreement.

447.708. TAX CREDITS, CRITERIA, CONDITIONS — DEFINITIONS — ELIGIBILITY OF CERTAIN DEMOLITION COSTS. — 1. For eligible projects, the director of the department of economic development, with notice to the directors of the departments of natural resources and revenue, and subject to the other provisions of sections 447.700 to 447.718, may not create a new enterprise zone but may decide that a prospective operator of a facility being remedied and renovated pursuant to sections 447.700 to 447.718 may receive the tax credits and exemptions pursuant to sections 135.100 to 135.150 and sections 135.200 to 135.257. The tax credits allowed pursuant to this subsection shall be used to offset the tax imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or the tax otherwise imposed by chapter 147, or the tax otherwise imposed by chapter 148. For purposes of this subsection:

(1) For receipt of the ad valorem tax abatement pursuant to section 135.215, the eligible project must create at least ten new jobs or retain businesses which supply at least twenty-five existing jobs. The city, or county if the eligible project is not located in a city, must provide ad valorem tax abatement of at least fifty percent for a period not less than ten years and not more than twenty-five years;

(2) For receipt of the income tax exemption pursuant to section 135.220 and tax credit for new or expanded business facilities pursuant to sections 135.100 to 135.150, and 135.225, the eligible project must create at least ten new jobs or retain businesses which supply at least twenty-five existing jobs, or combination thereof. For purposes of sections 447.700 to 447.718, the tax credits described in section 135.225 are modified as follows: the tax credit shall be four hundred dollars per employee per year, an additional four hundred dollars per year for each employee exceeding the minimum employment thresholds of ten and twenty-five jobs for new and existing businesses, respectively, an additional four hundred dollars per year for each person who is a person difficult to employ as defined by section 135.240, and investment tax credits at the same amounts and levels as provided in subdivision (4) of subsection 1 of section 135.225;

(3) For eligibility to receive the income tax refund pursuant to section 135.245, the eligible project must create at least ten new jobs or retain businesses which supply at least twenty-five existing jobs, or combination thereof, and otherwise comply with the provisions of section 135.245 for application and use of the refund and the eligibility requirements of this section;

(4) The eligible project operates in compliance with applicable environmental laws and regulations, including permitting and registration requirements, of this state as well as the federal and local requirements;

(5) The eligible project operator shall file such reports as may be required by the director of economic development or the director's designee;

(6) The taxpayer may claim the state tax credits authorized by this subsection and the state income exemption for a period not in excess of ten consecutive tax years. For the purpose of this section, "taxpayer" means an individual proprietorship, partnership or corporation described in section 143.441 or 143.471 who operates an eligible project. The director shall determine the number of years the taxpayer may claim the state tax credits and the state income exemption based on the projected net state economic benefits attributed to the eligible project;

(7) For the purpose of meeting the new job requirement prescribed in subdivisions (1), (2) and (3) of this subsection, it shall be required that at least ten new jobs be created and maintained during the taxpayer's tax period for which the credits are earned, in the case of an eligible project that does not replace a similar facility in Missouri. "New job" means a person who was not previously employed by the taxpayer or related taxpayer within the twelve-month period immediately preceding the time the person was employed by that taxpayer to work at, or in connection with, the eligible project on a full-time basis. "Full-time basis" means the employee

works an average of at least thirty-five hours per week during the taxpayer's tax period for which the tax credits are earned. For the purposes of this section, related taxpayer has the same meaning as defined in subdivision (9) of section 135.100;

(8) For the purpose of meeting the existing job retention requirement, if the eligible project replaces a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, it shall be required that at least twenty-five existing jobs be retained at, and in connection with the eligible project, on a full-time basis during the taxpayer's tax period for which the credits are earned. "Retained job" means a person who was previously employed by the taxpayer or related taxpayer, at a facility similar to the eligible project that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, within the tax period immediately preceding the time the person was employed by the taxpayer to work at, or in connection with, the eligible project on a full-time basis. "Full-time basis" means the employee works an average of at least thirty-five hours per week during the taxpayer's tax period for which the tax credits are earned;

(9) In the case where an eligible project replaces a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, the owner and operator of the eligible project shall provide the director with a written statement explaining the reason for discontinuing operations at the closed facility. The statement shall include a comparison of the activities performed at the closed facility prior to the date the facility ceased operating, to the activities performed at the eligible project, and a detailed account describing the need and rationale for relocating to the eligible project. If the director finds the relocation to the eligible project significantly impaired the economic stability of the area in which the closed facility was located, and that such move was detrimental to the overall economic development efforts of the state, the director may deny the taxpayer's request to claim tax benefits;

(10) Notwithstanding any provision of law to the contrary, for the purpose of this section, the number of new jobs created and maintained, the number of existing jobs retained, and the value of new qualified investment used at the eligible project during any tax year shall be determined by dividing by twelve, in the case of jobs, the sum of the number of individuals employed at the eligible project, or in the case of new qualified investment, the value of new qualified investment used at the eligible project, on the last business day of each full calendar month of the tax year. If the eligible project is in operation for less than the entire tax year, the number of new jobs created and maintained, the number of existing jobs retained, and the value of new qualified investment created at the eligible project during any tax year shall be determined by dividing the sum of the number of individuals employed at the eligible project, or in the case of new qualified investment, the value of new qualified investment used at the eligible project, on the last business day of each full calendar month during the portion of the tax year during which the eligible project was in operation, by the number of full calendar months during such period;

(11) For the purpose of this section, "new qualified investment" means new business facility investment as defined and as determined in subdivision (7) of section 135.100 which is used at and in connection with the eligible project. "New qualified investment" shall not include small tools, supplies and inventory. "Small tools" means tools that are portable and can be hand held.

2. The determination of the director of economic development pursuant to subsection 1 of this section shall not affect requirements for the prospective purchaser to obtain the approval of the granting of real property tax abatement by the municipal or county government where the eligible project is located.

3. (1) The director of the department of economic development, with the approval of the director of the department of natural resources, may, in addition to the tax credits allowed in subsection 1 of this section, grant a remediation tax credit to the applicant for up to one hundred percent of the costs of materials, supplies, equipment, labor, professional engineering, consulting and architectural fees, permitting fees and expenses, demolition, asbestos abatement, and direct

utility charges for performing the voluntary remediation activities for the preexisting hazardous substance contamination and releases, including, but not limited to, the costs of performing operation and maintenance of the remediation equipment at the property beyond the year in which the systems and equipment are built and installed at the eligible project and the costs of performing the voluntary remediation activities over a period not in excess of four tax years following the taxpayer's tax year in which the system and equipment were first put into use at the eligible project, provided the remediation activities are the subject of a plan submitted to, and approved by, the director of natural resources pursuant to sections 260.565 to 260.575. The tax credit may also include up to one hundred percent of the costs of demolition that are not directly part of the remediation activities, provided that the demolition is on the property where the voluntary remediation activities are occurring, the demolition is necessary to accomplish the planned use of the facility where the remediation activities are occurring, and the demolition is part of a redevelopment plan approved by the municipal or county government and the department of economic development. The demolition may occur on an adjacent property if the project is located in a municipality which has a population less than twenty thousand and the above conditions are otherwise met. The adjacent property shall independently qualify as abandoned or underutilized. The amount of the credit available for demolition not associated with remediation cannot exceed the total amount of credits approved for remediation including demolition required for remediation.

(2) The amount of remediation tax credits issued shall be limited to the least amount necessary to cause the project to occur, as determined by the director of the department of economic development.

(3) The director may, with the approval of the director of natural resources, extend the tax credits allowed for performing voluntary remediation maintenance activities, in increments of three-year periods, not to exceed five consecutive three-year periods. The tax credits allowed in this subsection shall be used to offset the tax imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or the tax otherwise imposed by chapter 147, or the tax otherwise imposed by chapter 148. The remediation tax credit may be taken in the same tax year in which the tax credits are received or may be taken over a period not to exceed twenty years.

(4) The project facility shall be projected to create at least ten new jobs or at least twenty-five retained jobs, or a combination thereof, as determined by the department of economic development, to be eligible for tax credits pursuant to this section.

(5) No more than seventy-five percent of earned remediation tax credits may be issued when the remediation costs were paid, and the remaining percentage may be issued when the department of natural resources issues a letter of completion letter or covenant not to sue following completion of the voluntary remediation activities. It shall not include any costs associated with ongoing operational environmental compliance of the facility or remediation costs arising out of spills, leaks, or other releases arising out of the ongoing business operations of the facility. In the event the department of natural resources issues a letter of completion for a portion of a property, an impacted media such as soil or groundwater, or for a site or a portion of a site improvement, a prorated amount of the remaining percentage may be released based on the percentage of the total site receiving a letter of completion.

4. In the exercise of the sound discretion of the director of the department of economic development or the director's designee, the tax credits and exemptions described in this section may be terminated, suspended or revoked, if the eligible project fails to continue to meet the conditions set forth in this section. In making such a determination, the director shall consider the severity of the condition violation, actions taken to correct the violation, the frequency of any condition violations and whether the actions exhibit a pattern of conduct by the eligible facility owner and operator. The director shall also consider changes in general economic conditions and the recommendation of the director of the department of natural resources, or his or her designee, concerning the severity, scope, nature, frequency and extent of any violations of the

environmental compliance conditions. The taxpayer or person claiming the tax credits or exemptions may appeal the decision regarding termination, suspension or revocation of any tax credit or exemption in accordance with the procedures outlined in subsections 4 [to 6] and 5 of section 135.250. The director of the department of economic development shall notify the directors of the departments of natural resources and revenue of the termination, suspension or revocation of any tax credits as determined in this section or pursuant to the provisions of section 447.716.

5. Notwithstanding any provision of law to the contrary, no taxpayer shall earn the tax credits, exemptions or refund otherwise allowed in subdivisions (2), (3) and (4) of subsection 1 of this section and the tax credits otherwise allowed in section 135.110, or the tax credits, exemptions and refund otherwise allowed in sections 135.215, 135.220, 135.225 and 135.245, respectively, for the same facility for the same tax period.

6. The total amount of the tax credits allowed in subsection 1 of this section may not exceed the greater of:

- (1) That portion of the taxpayer's income attributed to the eligible project; or
- (2) One hundred percent of the total business' income tax if the eligible facility does not replace a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, and further provided the taxpayer does not operate any other facilities besides the eligible project in Missouri; fifty percent of the total business' income tax if the eligible facility replaces a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the credits are earned, and further provided the taxpayer does not operate any other facilities besides the eligible project in Missouri; or twenty-five percent of the total business income if the taxpayer operates, in addition to the eligible facility, any other facilities in Missouri. In no case shall a taxpayer operating more than one eligible project in Missouri be allowed to offset more than twenty-five percent of the taxpayer's business income in any tax period. That portion of the taxpayer's income attributed to the eligible project as referenced in subdivision (1) of this subsection, for which the credits allowed in sections 135.110 and 135.225 and subsection 3 of this section, may apply, shall be determined in the same manner as prescribed in subdivision (6) of section 135.100. That portion of the taxpayer's franchise tax attributed to the eligible project for which the remediation tax credit may offset, shall be determined in the same manner as prescribed in paragraph (a) of subdivision (6) of section 135.100.

7. Taxpayers claiming the state tax benefits allowed in subdivisions (2) and (3) of subsection 1 of this section shall be required to file all applicable tax credit applications, forms and schedules prescribed by the director during the taxpayer's tax period immediately after the tax period in which the eligible project was first put into use. Otherwise, the taxpayer's right to claim such state tax benefits shall be forfeited. Unused business facility and enterprise zone tax credits shall not be carried forward but shall be initially claimed for the tax period during which the eligible project was first capable of being used, and during any applicable subsequent tax periods.

8. Taxpayers claiming the remediation tax credit allowed in subsection 3 of this section shall be required to file all applicable tax credit applications, forms and schedules prescribed by the director during the taxpayer's tax period immediately after the tax period in which the eligible project was first put into use, or during the taxpayer's tax period immediately after the tax period in which the voluntary remediation activities were performed.

9. The recipient of remediation tax credits, for the purpose of this subsection referred to as assignor, may assign, sell or transfer, in whole or in part, the remediation tax credit allowed in subsection 3 of this section to any other person, for the purpose of this subsection referred to as assignee. To perfect the transfer, the assignor shall provide written notice to the director of the assignor's intent to transfer the tax credits to the assignee, the date the transfer is effective, the assignee's name, address and the assignee's tax period and the amount of tax credits to be transferred. The number of tax periods during which the assignee may subsequently claim the

tax credits shall not exceed twenty tax periods, less the number of tax periods the assignor previously claimed the credits before the transfer occurred.

10. In the case where an operator and assignor of an eligible project has been certified to claim state tax benefits allowed in subdivisions (2) and (3) of subsection 1 of this section, and sells or otherwise transfers title of the eligible project to another taxpayer or assignee who continues the same or substantially similar operations at the eligible project, the director shall allow the assignee to claim the credits for a period of time to be determined by the director; except that, the total number of tax periods the tax credits may be earned by the assignor and the assignee shall not exceed ten. To perfect the transfer, the assignor shall provide written notice to the director of the assignor's intent to transfer the tax credits to the assignee, the date the transfer is effective, the assignee's name, address, and the assignee's tax period, and the amount of tax credits to be transferred.

11. For the purpose of the state tax benefits described in this section, in the case of a corporation described in section 143.471 or partnership, in computing Missouri's tax liability, such state benefits shall be allowed to the following:

- (1) The shareholders of the corporation described in section 143.471;
- (2) The partners of the partnership. The credit provided in this subsection shall be apportioned to the entities described in subdivisions (1) and (2) of this subsection in proportion to their share of ownership on the last day of the taxpayer's tax period.

12. Notwithstanding any provision of law to the contrary, in any county of the first classification that has a charter form of government and that has a population of over nine hundred thousand inhabitants, all demolition costs incurred during the redevelopment of any former automobile manufacturing plant shall be allowable costs eligible for tax credits under sections 447.700 to 447.718 so long as the redevelopment of such former automobile manufacturing plant shall be projected to create at least two hundred fifty new jobs or at least three hundred retained jobs, or a combination thereof, as determined by the department of economic development. The amount of allowable costs eligible for tax credits shall be limited to the least amount necessary to cause the project to occur, as determined by the director of the department of economic development, provided that no tax credit shall be issued under this subsection until July 1, 2017. For purposes of this subsection, "former automobile manufacturing plant" means a redevelopment area that qualifies as an eligible project under section 447.700, that consists of at least one hundred acres, and that was used primarily for the manufacture of automobiles but, after 2007, ceased such manufacturing.

Approved July 1, 2016

SB 865 [CCS HCS SS SCS SBs 865 & 866]

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 relating to health care

AN ACT to repeal sections 338.270, 338.347, 374.185, 376.1237, 379.934, 379.936, 379.938, and 379.940, RSMo, and to enact in lieu thereof sixteen new sections relating to health care.

SECTION

- A. Enacting clause.
 - 191.1075. Definitions.
 - 191.1080. Council created, purpose, members, terms, duties — report — expiration date.
 - 191.1085. Program established, purpose, website information — rulemaking authority.
 - 338.075. Adverse actions against licensee, notification to board of pharmacy, when — rulemaking authority.
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- 338.202. Maintenance medications, pharmacist may exercise professional judgment on quantity dispensed, when.
- 338.270. Renewal applications to be made, when.
- 338.347. Renewal of license, application.
- 374.185. Uniformity of regulation, director to cooperate.
- 376.379. Medication synchronization services, offer of coverage required.
- 376.388. Maximum allowable costs — definitions — contract requirements — reimbursement — appeals process required.
- 376.465. Missouri health insurance rate transparency act — definitions — rate filing requirements, procedure — rulemaking authority.
- 376.1237. Refills for prescription eye drops, required, when — definitions — termination date.
- 379.934. Establishment of class of business, reasons — number of classes that may be established — promulgation of rules for period of transition — establishment of additional classes.
- 379.936. Premium rates, subject to conditions — no transfer out of class of business — disclosure required, contents — rating and renewal records required to be kept.
- 379.938. Renewability, exceptions — carrier not renewing prohibited from writing new business in market, when — application of section in certain geographic areas.
- 379.940. Carriers to offer all health plans in market — health benefit plans, requirements — exclusion of coverage for certain employees.

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

SECTION A. ENACTING CLAUSE. — Sections 338.270, 338.347, 374.185, 376.1237, 379.934, 379.936, 379.938, and 379.940, RSMo, are repealed and sixteen new sections enacted in lieu thereof, to be known as sections 191.1075, 191.1080, 191.1085, 338.075, 338.202, 338.270, 338.347, 374.185, 376.379, 376.388, 376.465, 376.1237, 379.934, 379.936, 379.938, and 379.940, to read as follows:

191.1075. DEFINITIONS. — As used in sections 191.1075 to 191.1085, the following terms shall mean:

- (1) "Department", the department of health and senior services;
- (2) "Health care professional", a physician or other health care practitioner licensed, accredited, or certified by the state of Missouri to perform specified health services;
- (3) "Hospital":
 - (a) A place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care of not less than twenty-four consecutive hours in any week of three or more nonrelated individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions; or
 - (b) A place devoted primarily to provide for not less than twenty-four consecutive hours in any week medical or nursing care for three or more unrelated individuals. "Hospital" does not include convalescent, nursing, shelter, or boarding homes as defined in chapter 198.

191.1080. COUNCIL CREATED, PURPOSE, MEMBERS, TERMS, DUTIES — REPORT — EXPIRATION DATE. — 1. There is hereby created within the department the "Missouri Palliative Care and Quality of Life Interdisciplinary Council", which shall be a palliative care consumer and professional information and education program to improve quality and delivery of patient-centered and family-focused care in this state.

2. On or before December 1, 2016, the following members shall be appointed to the council:

- (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) Two board-certified hospice and palliative medicine physicians licensed in this state, appointed by the governor with the advice and consent of the senate;
- (4) Two certified hospice and palliative nurses licensed in this state, appointed by the governor with the advice and consent of the senate;

(5) A certified hospice and palliative social worker, appointed by the governor with the advice and consent of the senate;

(6) A patient and family caregiver advocate representative, appointed by the governor with the advice and consent of the senate; and

(7) A spiritual professional with experience in palliative care and health care, appointed by the governor with the advice and consent of the senate.

3. Council members shall serve for a term of three years. The members of the council shall elect a chair and vice chair whose duties shall be established by the council. The department shall determine a time and place for regular meetings of the council, which shall meet at least biannually.

4. Members of the council shall serve without compensation, but shall, subject to appropriations, be reimbursed for their actual and necessary expenses incurred in the performance of their duties as members of the council.

5. The council shall consult with and advise the department on matters related to the establishment, maintenance, operation, and outcomes evaluation of palliative care initiatives in this state, including the palliative care consumer and professional information and education program established in section 191.1085.

6. The council shall submit an annual report to the general assembly, which includes an assessment of the availability of palliative care in this state for patients at early stages of serious disease and an analysis of barriers to greater access to palliative care.

7. The council authorized under this section shall automatically expire August 28, 2022.

191.1085. PROGRAM ESTABLISHED, PURPOSE, WEBSITE INFORMATION — RULEMAKING AUTHORITY. — 1. There is hereby established the "Palliative Care Consumer and Professional Information and Education Program" within the department.

2. The purpose of the program is to maximize the effectiveness of palliative care in this state by ensuring that comprehensive and accurate information and education about palliative care is available to the public, health care providers, and health care facilities.

3. The department shall publish on its website information and resources, including links to external resources, about palliative care for the public, health care providers, and health care facilities including, but not limited to:

(1) Continuing education opportunities for health care providers;

(2) Information about palliative care delivery in the home, primary, secondary, and tertiary environments; and

(3) Consumer educational materials and referral information for palliative care, including hospice.

4. Each hospital in this state is encouraged to have a palliative care presence on its intranet or internet website which provides links to one or more of the following organizations: the Institute of Medicine, the Center to Advance Palliative Care, the Supportive Care Coalition, the National Hospice and Palliative Care Organization, the American Academy of Hospice and Palliative Medicine, and the National Institute on Aging.

5. Each hospital in this state is encouraged to have patient education information about palliative care available for distribution to patients.

6. The department shall consult with the palliative care and quality of life interdisciplinary council established in section 191.1080 in implementing the section.

7. The department may promulgate rules to implement the provisions of sections 191.1075 to 191.1085. 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 191.1075 to 191.1085 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. Sections 191.1075 to 191.1085 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, 2016, shall be invalid and void.

8. Notwithstanding the provisions of section 23.253 to the contrary, the program authorized under this section shall automatically expire on August 28, 2022.

338.075. ADVERSE ACTIONS AGAINST LICENSEE, NOTIFICATION TO BOARD OF PHARMACY, WHEN—RULEMAKING AUTHORITY. — 1. All licensees, registrants, and permit holders of the board of pharmacy shall report to the board of pharmacy:

(1) Any final adverse action taken by another licensing state, jurisdiction, or government agency against any license, permit, or authorization held by the person or entity to practice or operate as a pharmacist, intern pharmacist, pharmacy technician, pharmacy, drug distributor, drug manufacturer, or drug outsourcing facility. For purposes of this section, "adverse action" shall include, but is not limited to, revocation, suspension, censure, probation, disciplinary reprimand, or disciplinary restriction of a license, permit, or other authorization or a voluntary surrender of such license, permit, or other authorization in lieu of discipline or adverse action;

(2) Any surrender of a license or authorization to practice or operate as a pharmacist, intern pharmacist, pharmacy technician, pharmacy, drug distributor, drug manufacturer, or drug outsourcing facility while under disciplinary investigation by another licensing state, jurisdiction, or governmental agency; and

(3) Any exclusion to participate in any state or federally funded health care program such as Medicare, Medicaid, or MO HealthNet for fraud, abuse, or submission of any false or fraudulent claim, payment, or reimbursement request.

2. Reports shall be submitted as provided by the board of pharmacy by rule.

3. The board of pharmacy 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, 2016, shall be invalid and void.

338.202. MAINTENANCE MEDICATIONS, PHARMACIST MAY EXERCISE PROFESSIONAL JUDGMENT ON QUANTITY DISPENSED, WHEN. — 1. Notwithstanding any other provision of law to the contrary, unless the prescriber has specified on the prescription that dispensing a prescription for a maintenance medication in an initial amount followed by periodic refills is medically necessary, a pharmacist may exercise his or her professional judgment to dispense varying quantities of maintenance medication per fill up to the total number of dosage units as authorized by the prescriber on the original prescription, including any refills. Dispensing of the maintenance medication based on refills authorized by the prescriber on the prescription shall be limited to no more than a ninety-day supply of the medication, and the maintenance medication shall have been previously prescribed to the patient for at least a three-month period.

2. For purposes of this section, "maintenance medication" means a medication prescribed for chronic, long-term conditions that is taken on a regular, recurring basis; except that, it shall not include controlled substances, as defined under section 195.010.

338.270. RENEWAL APPLICATIONS TO BE MADE, WHEN. — 1. Application blanks for renewal permits shall be mailed to each permittee on or before the first day of the month in

which the permit expires and, if application for renewal of permit is not made before the first day of the following month, the existing permit, or renewal thereof, shall lapse and become null and void upon the last day of that month.

2. The board of pharmacy shall not renew a nonresident pharmacy license if the renewal applicant does not hold a current pharmacy license or its equivalent in the state in which the nonresident pharmacy is located.

338.347. RENEWAL OF LICENSE, APPLICATION. — 1. Application blanks for renewal of license shall be mailed to each licensee on or before the first day of the month in which the license expires and, if application for renewal of license with required fee is not made before the first day of the following month, the existing license, or renewal thereof, shall lapse and become null and void upon the last day of that month.

2. The board of pharmacy shall not renew an out-of-state wholesale drug distributor, out-of-state pharmacy distributor, or drug distributor license or registration if the renewal applicant does not hold a current distributor license or its equivalent in the state or jurisdiction in which the distribution facility is located or, if a drug distributor registrant, the entity is not authorized and in good standing to operate as a drug manufacturer with the Food and Drug Administration or within the state or jurisdiction where the facility is located.

374.185. UNIFORMITY OF REGULATION, DIRECTOR TO COOPERATE. — 1. The director may cooperate, coordinate, and consult with other members of the National Association of Insurance Commissioners, the commissioner of securities, state securities regulators, the division of finance, the division of credit unions, the attorney general, federal banking and securities regulators, the National Association of Securities Dealers (NASD), the United States Department of Justice, the Commodity Futures Trading Commission, [and] the Federal Trade Commission, **and the United States Department of Health and Human Services** to effectuate greater uniformity in insurance and financial services regulation among state and federal governments, and self-regulatory organizations. The director may share records with any aforesaid entity, except that any record that is confidential, privileged, or otherwise protected from disclosure by law shall not be disclosed unless such entity agrees in writing prior to receiving such record to provide it the same protection. No waiver of any applicable privilege or claim of confidentiality regarding any record shall occur as the result of any disclosure.

2. In cooperating, coordinating, consulting, and sharing records and information under this section and in acting by rule, order, or waiver under the laws relating to insurance, the director shall, at the discretion of the director, take into consideration in carrying out the public interest the following general policies:

- (1) Maximizing effectiveness of regulation for the protection of insurance consumers;
- (2) Maximizing uniformity in regulatory standards; and
- (3) Minimizing burdens on the business of insurance, without adversely affecting essentials of consumer protection.

3. The cooperation, coordination, consultation, and sharing of records and information authorized by this section includes:

- (1) Establishing or employing one or more designees as a central electronic depository for licensing and rate and form filings with the director and for records required or allowed to be maintained;
 - (2) Encouraging insurance companies and producers to implement electronic filing through a central electronic depository;
 - (3) Developing and maintaining uniform forms;
 - (4) Conducting joint market conduct examinations and other investigations through collaboration and cooperation with other insurance regulators;
 - (5) Holding joint administrative hearings;
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- (6) Instituting and prosecuting joint civil or administrative enforcement proceedings;
- (7) Sharing and exchanging personnel;
- (8) Coordinating licensing under section 375.014;
- (9) Formulating rules, statements of policy, guidelines, forms, no action determinations, and bulletins; and
- (10) Formulating common systems and procedures.

376.379. MEDICATION SYNCHRONIZATION SERVICES, OFFER OF COVERAGE REQUIRED.

— 1. A health carrier or managed care plan offering a health benefit plan in this state that provides prescription drug coverage shall offer, as part of the plan, medication synchronization services developed by the health carrier or managed care plan that allow for the alignment of refill dates for an enrollee's prescription drugs that are covered benefits.

2. Under its medication synchronization services, a health carrier or managed care plan shall:

(1) Not charge an amount in excess of the otherwise applicable co-payment amount under the health benefit plan for dispensing a prescription drug in a quantity that is less than the prescribed amount if:

(a) The pharmacy dispenses the prescription drug in accordance with the medication synchronization services offered under the health benefit plan; and

(b) A participating provider dispenses the prescription drug; and

(2) Provide a full dispensing fee to the pharmacy that dispenses the prescription drug to the covered person.

3. For purposes of this section, the terms "health carrier", "managed care plan", "health benefit plan", "enrollee", and "participating provider" shall have the same meanings given to such terms under section 376.1350.

376.388. MAXIMUM ALLOWABLE COSTS — DEFINITIONS — CONTRACT REQUIREMENTS — REIMBURSEMENT — APPEALS PROCESS REQUIRED. — 1. As used in this section, unless the context requires otherwise, the following terms shall mean:

(1) "Contracted pharmacy" or "pharmacy", a pharmacy located in Missouri participating in the network of a pharmacy benefits manager through a direct or indirect contract;

(2) "Health carrier", an entity subject to the insurance laws and regulations of this state that contracts or offers to contract to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services, including a sickness and accident insurance company, a health maintenance organization, a nonprofit hospital and health service corporation, or any other entity providing a plan of health insurance, health benefits, or health services, except that such plan shall not include any coverage pursuant to a liability insurance policy, workers' compensation insurance policy, or medical payments insurance issued as a supplement to a liability policy;

(3) "Maximum allowable cost", the per unit amount that a pharmacy benefits manager reimburses a pharmacist for a prescription drug, excluding a dispensing or professional fee;

(4) "Maximum allowable cost list" or "MAC list", a listing of drug products that meet the standard described in this section;

(5) "Pharmacy", as such term is defined in chapter 338;

(6) "Pharmacy benefits manager", an entity that contracts with pharmacies on behalf of health carriers or any health plan sponsored by the state or a political subdivision of the state.

2. Upon each contract execution or renewal between a pharmacy benefits manager and a pharmacy or between a pharmacy benefits manager and a pharmacy's contracting

representative or agent, such as a pharmacy services administrative organization, a pharmacy benefits manager shall, with respect to such contract or renewal:

(1) Include in such contract or renewal the sources utilized to determine maximum allowable cost and update such pricing information at least every seven days; and

(2) Maintain a procedure to eliminate products from the maximum allowable cost list of drugs subject to such pricing or modify maximum allowable cost pricing at least every seven days, if such drugs do not meet the standards and requirements of this section, in order to remain consistent with pricing changes in the marketplace.

3. A pharmacy benefits manager shall reimburse pharmacies for drugs subject to maximum allowable cost pricing that has been updated to reflect market pricing at least every seven days as set forth under subdivision (1) of subsection 2 of this section.

4. A pharmacy benefits manager shall not place a drug on a maximum allowable cost list unless there are at least two therapeutically equivalent multi-source generic drugs, or at least one generic drug available from at least one manufacturer, generally available for purchase by network pharmacies from national or regional wholesalers.

5. All contracts between a pharmacy benefits manager and a contracted pharmacy or between a pharmacy benefits manager and a pharmacy's contracting representative or agent, such as a pharmacy services administrative organization, shall include a process to internally appeal, investigate, and resolve disputes regarding maximum allowable cost pricing. The process shall include the following:

(1) The right to appeal shall be limited to fourteen calendar days following the reimbursement of the initial claim; and

(2) A requirement that the pharmacy benefits manager shall respond to an appeal described in this subsection no later than fourteen calendar days after the date the appeal was received by such pharmacy benefits manager.

6. For appeals that are denied, the pharmacy benefits manager shall provide the reason for the denial and identify the national drug code of a drug product that may be purchased by contracted pharmacies at a price at or below the maximum allowable cost and, when applicable, may be substituted lawfully.

7. If the appeal is successful, the pharmacy benefits manager shall:

(1) Adjust the maximum allowable cost price that is the subject of the appeal effective on the day after the date the appeal is decided;

(2) Apply the adjusted maximum allowable cost price to all similarly situated pharmacies as determined by the pharmacy benefits manager; and

(3) Allow the pharmacy that succeeded in the appeal to reverse and rebill the pharmacy benefits claim giving rise to the appeal.

8. Appeals shall be upheld if:

(1) The pharmacy being reimbursed for the drug subject to the maximum allowable cost pricing in question was not reimbursed as required under subsection 3 of this section; or

(2) The drug subject to the maximum allowable cost pricing in question does not meet the requirements set forth under subsection 4 of this section.

376.465. MISSOURI HEALTH INSURANCE RATE TRANSPARENCY ACT — DEFINITIONS — RATE FILING REQUIREMENTS, PROCEDURE — RULEMAKING AUTHORITY. — 1. This section shall be known and may be cited as the "Missouri Health Insurance Rate Transparency Act".

2. It is the intent of the Missouri general assembly that the review of health insurance rates as specified in this section is consistent with the general powers of the department as outlined under section 374.010.

3. As used in this section, the following terms mean:

(1) "Director", the director of the department of insurance, financial institutions and professional registration, or his or her designee;

(2) "Excepted health benefit plan", a health benefit plan providing the following coverage or any combination thereof:

- (a) Coverage only for accident insurance, including accidental death and dismemberment insurance;
- (b) Coverage only for disability income insurance;
- (c) Credit-only insurance;
- (d) Short-term medical insurance of less than twelve months' duration; or
- (e) If provided under a separate policy, certificate, or contract of insurance, any of the following:

- a. Dental or vision benefits;
- b. Coverage only for a specified disease or illness; or
- c. Hospital indemnity or other fixed indemnity insurance;

(3) "Grandfathered health benefit plan", a health benefit plan in the small group market that was issued, or a health benefit plan in the individual market that was purchased, on or before March 23, 2010;

(4) "Health benefit plan", the same meaning given to such term under section 376.1350; however, for purposes of this section, the term shall exclude plans sold in the large group market, as that term is defined under section 376.450, and shall exclude long-term care and Medicare supplement plans;

(5) "Health carrier", the same meaning given to such term under section 376.1350;

(6) "Individual market", the market for health insurance coverage offered directly to individuals and their dependents and not in connection with a group health benefit plan;

(7) "Small group market", the health insurance market under which individuals obtain health insurance coverage, directly or through an arrangement on behalf of themselves and their dependents, through a group health plan maintained by a small employer, as defined under section 379.930.

4. No health carrier shall deliver, issue for delivery, continue, or renew any health benefit plan until rates have been filed with the director.

5. For excepted health benefit plans, such rates shall be filed, thirty days prior to use, for informational purposes only. Rates shall not be excessive, inadequate, or unfairly discriminatory.

6. For grandfathered health benefit plans, such rates shall be filed, thirty days prior to use, for informational purposes only.

7. (1) For health benefit plans that are not grandfathered health benefit plans or excepted health benefit plans, a health carrier may use rates on the earliest of:

- (a) The date the director determines the rates are reasonable;
- (b) The date the health carrier notifies the director of its intent to use rates that the director has deemed unreasonable; or
- (c) Sixty days after the date of filing rates with the director.

(2) The director may notify the health carrier within sixty days of the date of filing rates with the director that the health carrier has failed to provide sufficient rate filing documentation to review the proposed rates. The health carrier may, as described in this section, provide additional information to support the rate filing.

8. For health benefit plans described under subsection 7 of this section, all proposed rates and rate filing documentation shall be submitted in the form and content prescribed by rule, which is consistent with the requirements of 45 CFR 154, and shall include review standards and criteria consistent with 45 CFR 154.

9. The director shall determine by rule when rates filed under this section shall be made publicly available. Rate filing documentation and other supporting information that is a trade secret or of a proprietary nature, and has been designated as such by the health carrier, shall not be considered a public record.

10. For rates filed for health benefit plans described under subsection 7 of this section, the director shall:

(1) Provide a means by which the public can submit written comments concerning proposed rate increases;

(2) Review proposed rates and rate filing documentation;

(3) Determine that a proposed rate is an unreasonable rate if the increase is an excessive rate, an inadequate rate, an unfairly discriminatory rate, or an unjustified rate, consistent with 45 CFR 154; and

(4) Within sixty days after submission, provide a written notice to the health carrier detailing whether the proposed rates are reasonable or unreasonable. For proposed rates deemed unreasonable, the written notice shall specify deficiencies and provide detailed reasons for the director's decision that the proposed rate is excessive, inadequate, unjustified, or unfairly discriminatory.

11. Within thirty days after receiving written notice of the director's determination that the proposed rates are unreasonable, as described under subsection 10 of this section, a health carrier may amend its rates, request reconsideration based upon additional information, or implement the proposed rates. The health carrier shall notify the director of its intention no later than thirty days after its receipt of the written notice of the determination of unreasonable rates.

12. If a health carrier implements a rate that the director has determined is unreasonable under subsection 10 of this section, the department shall make such determination public, in a form and manner determined by rule.

13. For health benefit plans described under subsection 7 of this section, the director shall publish final rates on the department's website no earlier than thirty days prior to the first day of the annual open enrollment period in the individual market for the applicable calendar year. The final rate is the rate that will be implemented by the health carrier on a specified date.

14. Time frames described under this section may be extended upon mutual agreement between the director and the health carrier.

15. The director may promulgate rules to promote health insurance rate transparency including, but not limited to, prescribing the form and content of the information required to be submitted and of the standards of review that are consistent with 45 CFR 154. 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, 2016, shall be invalid and void.

16. This section shall apply to health benefit plans that are delivered, issued for delivery, continued, or renewed on or after January 1, 2018. In order to ensure that health benefit plans comply with the provisions of this section, the director shall promulgate rules regarding the initial implementation of the provisions of this section. Such rules shall be effective no later than March 1, 2017, and, for health benefit plans described under subsection 7 of this section, shall include, but not be limited to, the form and content of the information required to be submitted and of the standards of review, consistent with 45 CFR 154.

376.1237. REFILLS FOR PRESCRIPTION EYE DROPS, REQUIRED, WHEN — DEFINITIONS — TERMINATION DATE. — 1. Each health carrier or health benefit plan that offers or issues health benefit plans which are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2014, and that provides coverage for prescription eye drops shall provide

coverage for the refilling of an eye drop prescription prior to the last day of the prescribed dosage period without regard to a coverage restriction for early refill of prescription renewals as long as the prescribing health care provider authorizes such early refill, and the health carrier or the health benefit plan is notified.

2. For the purposes of this section, health carrier and health benefit plan shall have the same meaning as defined in section 376.1350.

3. The coverage required by this section shall not be subject to any greater deductible or co-payment than other similar health care services provided by the health benefit plan.

4. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months' or less duration, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

5. The provisions of this section shall terminate on January 1, [2017] **2020**.

379.934. ESTABLISHMENT OF CLASS OF BUSINESS, REASONS — NUMBER OF CLASSES THAT MAY BE ESTABLISHED — PROMULGATION OF RULES FOR PERIOD OF TRANSITION — ESTABLISHMENT OF ADDITIONAL CLASSES. — 1. For health benefit plans purchased on or before March 23, 2010, a small employer carrier may establish a class of business only to reflect substantial differences in expected claims experience or administrative costs related to the following reasons:

(1) The small employer carrier uses more than one type of system for the marketing and sale of health benefit plans to small employers;

(2) The small employer carrier has acquired a class of business from another small employer carrier; or

(3) The small employer carrier provides coverage to one or more association groups that meet the requirements of subdivision (5) of subsection 1 of section 376.421.

2. A small employer carrier may establish up to nine separate classes of business under subsection 1 of this section. A small employer carrier which immediately prior to the effective date of sections 379.930 to 379.952 had established more than nine separate classes of business may, on the effective date of sections 379.930 to 379.952, establish no more than twelve separate classes of business, and shall reduce the number of such classes to eleven within one year after the effective date of sections 379.930 to 379.952; ten within two years after such date; and nine within three years after such date.

3. The director may promulgate rules to provide for a period of transition in order for a small employer carrier to come into compliance with subsection 2 of this section in the instance of acquisition of an additional class of business from another small employer carrier.

4. The director may approve the establishment of additional classes of business upon application to the director and a finding by the director that such action would enhance the efficiency and fairness of the small employer marketplace.

379.936. PREMIUM RATES, SUBJECT TO CONDITIONS — NO TRANSFER OUT OF CLASS OF BUSINESS — DISCLOSURE REQUIRED, CONTENTS — RATING AND RENEWAL RECORDS REQUIRED TO BE KEPT. — 1. Premium rates for health benefit plans purchased on or before March 23, 2010, and that are subject to sections 379.930 to 379.952, shall be subject to the following provisions:

(1) The index rate for a rating period for any class of business shall not exceed the index rate for any other class of business by more than twenty percent;

(2) For a class of business, the premium rates charged during a rating period to small employers with similar case characteristics for the same or similar coverage, or the rates that

could be charged to such employers under the rating system for that class of business shall not vary from the index rate by more than thirty-five percent of the index rate;

(3) The percentage increase in the premium rate charged to a small employer for a new rating period may not exceed the sum of the following:

(a) The percentage change in the new business premium rate measured from the first day of the prior rating period to the first day of the new rating period. In the case of a health benefit plan into which the small employer carrier is no longer enrolling new small employers, the small employer carrier shall use the percentage change in the base premium rate, provided that such change does not exceed, on a percentage basis, the change in the new business premium rate for the most similar health benefit plan into which the small employer carrier is actively enrolling new small employers;

(b) Any adjustment, not to exceed fifteen percent annually and adjusted pro rata for rating periods of less than one year, due to the claim experience, health status or duration of coverage of the employees or dependents of the small employer as determined from the small employer carrier's rate manual for the class of business; and

(c) Any adjustment due to change in coverage or change in the case characteristics of the small employer, as determined from the small employer carrier's rate manual for the class of business;

(4) Adjustments in rates for claim experience, health status and duration of coverage shall not be charged to individual employees or dependents. Any such adjustment shall be applied uniformly to the rates charged for all employees and dependents of the small employer;

(5) Premium rates for health benefit plans shall comply with the requirements of this section notwithstanding any assessments paid or payable by small employer carriers pursuant to sections 379.942 and 379.943;

(6) A small employer carrier may utilize the employer's industry as a case characteristic in establishing premium rates, provided that the rate factor associated with any industry classification shall not vary by more than ten percent from the arithmetic mean of the highest and lowest rate factors associated with all industry classifications;

(7) In the case of health benefit plans issued prior to July 1, 1993, a premium rate for a rating period may exceed the ranges set forth in subdivisions (1) and (2) of this subsection for a period of three years following July 1, 1993. In such case, the percentage increase in the premium rate charged to a small employer for a new rating period shall not exceed the sum of the following:

(a) The percentage change in the new business premium rate measured from the first day of the prior rating period to the first day of the new rating period. In the case of a health benefit plan into which the small employer carrier is no longer enrolling new small employers, the small employer carrier shall use the percentage change in the base premium rate, provided that such change does not exceed, on a percentage basis, the change in the new business premium rate for the most similar health benefit plan into which the small employer carrier is actively enrolling new small employers;

(b) Any adjustment due to change in coverage or change in the case characteristics of the small employer, as determined from the carrier's rate manual for the class of business;

(8) (a) Small employer carriers shall apply rating factors, including case characteristics, consistently with respect to all small employers in a class of business. Rating factors shall produce premiums for identical groups which differ only by amounts attributable to plan design and do not reflect differences due to the nature of the groups assumed to select particular health benefit plans;

(b) A small employer carrier shall treat all health benefit plans issued or renewed in the same calendar month as having the same rating period;

(9) For the purposes of this subsection, a health benefit plan that utilizes a restricted provider network shall not be considered similar coverage to a health benefit plan that does not utilize such a network, provided that utilization of the restricted provider network results in substantial differences in claims costs;

(10) A small employer carrier shall not use case characteristics, other than age, sex, industry, geographic area, family composition, and group size without prior approval of the director;

(11) The director may promulgate rules to implement the provisions of this section and to assure that rating practices used by small employer carriers are consistent with the purposes of sections 379.930 to 379.952, including:

(a) Assuring that differences in rates charged for health benefit plans by small employer carriers are reasonable and reflect objective differences in plan design, not including differences due to the nature of the groups assumed to select particular health benefit plans; and

(b) Prescribing the manner in which case characteristics may be used by small employer carriers.

2. A small employer carrier shall not transfer a small employer involuntarily into or out of a class of business. A small employer carrier shall not offer to transfer a small employer into or out of a class of business unless such offer is made to transfer all small employers in the class of business without regard to case characteristics, claim experience, health status or duration of coverage.

3. The director may suspend for a specified period the application of subdivision (1) of subsection 1 of this section as to the premium rates applicable to one or more small employers included within a class of business of a small employer carrier for one or more rating periods upon a filing by the small employer carrier and a finding by the director either that the suspension is reasonable in light of the financial condition of the small employer carrier or that the suspension would enhance the efficiency and fairness of the marketplace for small employer health insurance.

4. In connection with the offering for sale of any health benefit plan to a small employer, a small employer carrier shall make a reasonable disclosure, as part of its solicitation and sales materials, of all of the following:

(1) The extent to which premium rates for a specified small employer are established or adjusted based upon the actual or expected variation in claims costs or actual or expected variation in health status of the employees of the small employer and their dependents;

(2) The provisions of the health benefit plan concerning the small employer carrier's right to change premium rates and factors, other than claim experience, that affect changes in premium rates;

(3) The provisions relating to renewability of policies and contracts; and

(4) The provisions relating to any preexisting condition provision.

5. (1) Each small employer carrier shall maintain at its principal place of business a complete and detailed description of its rating practices and renewal underwriting practices, including information and documentation that demonstrate that its rating methods and practices are based upon commonly accepted actuarial assumptions and are in accordance with sound actuarial principles.

(2) Each small employer carrier shall file with the director annually on or before March fifteenth an actuarial certification certifying that the carrier is in compliance with sections 379.930 to 379.952 and that the rating methods of the small employer carrier are actuarially sound. Such certification shall be in a form and manner, and shall contain such information, as specified by the director. A copy of the certification shall be retained by the small employer carrier at its principal place of business.

(3) A small employer carrier shall make the information and documentation described in subdivision (1) of this [section] **subsection** available to the director upon request.

379.938. RENEWABILITY, EXCEPTIONS — CARRIER NOT RENEWING PROHIBITED FROM WRITING NEW BUSINESS IN MARKET, WHEN — APPLICATION OF SECTION IN CERTAIN GEOGRAPHIC AREAS. — 1. A health benefit plan subject to sections 379.930 to 379.952 shall be renewable with respect to all eligible employees and dependents, at the option of the small employer, except in any of the following cases:

(1) The plan sponsor fails to pay a premium or contribution in accordance with the terms of a health benefit plan or the health carrier has not received a timely premium payment;

(2) The plan sponsor performs an act or practice that constitutes fraud, or makes an intentional misrepresentation of material fact under the terms of the coverage;

(3) Noncompliance with the carrier's minimum participation requirements;

(4) Noncompliance with the carrier's employer contribution requirements;

(5) In the case of a small employer carrier that offers coverage through a network plan, there is no longer any enrollee under the health benefit plan who lives, resides or works in the service area of the health insurance issuer and the small employer carrier would deny enrollment with respect to such plan under subsection 4 of this section;

(6) The small employer carrier elects to discontinue offering a [particular type of health benefit plan] **product, as defined in 45 CFR 144.103**, in the state's small group market. A type of [health benefit plan] **product** may be discontinued by a small employer carrier in such market only if such carrier:

(a) Issues a notice to each plan sponsor provided coverage of such type in the small group market (and participants and beneficiaries covered under such coverage) of the discontinuation at least ninety days prior to the date of discontinuation of the coverage;

(b) Offers to each plan sponsor provided coverage of such type the option to purchase all other health benefit plans currently being offered by the small employer carrier in the state's small group market; and

(c) Acts uniformly without regard to the claims experience of those plan sponsors or any health status-related factor relating to any participants or beneficiaries covered or new participants or beneficiaries who may become eligible for such coverage;

(7) A small employer carrier elects to discontinue offering all health insurance coverage in the small group market in this state. A small employer carrier shall not discontinue offering all health insurance coverage in the small employer market unless:

(a) The carrier provides notice of discontinuation to the director and to each plan sponsor (and participants and beneficiaries covered under such coverage) at least one hundred eighty days prior to the date of the discontinuation of coverage; and

(b) All health insurance issued or delivered for issuance in Missouri in the small employer market is discontinued and coverage under such health insurance is not renewed;

(8) In the case of health insurance coverage that is made available in the small group market only through one or more bona fide associations, the membership of an employer in the association (on the basis of which the coverage is provided) ceases but only if such coverage is terminated under this subdivision uniformly without regard to any health status-related factor relating to any covered individual;

(9) The director finds that the continuation of the coverage would:

(a) Not be in the best interests of the policyholders or certificate holders; or

(b) Impair the carrier's ability to meet its contractual obligations.

In such instance the director shall assist affected small employers in finding replacement coverage.

2. A small employer carrier that elects not to renew a health benefit plan under subdivision (7) of subsection 1 of this section shall be prohibited from writing new business in the small employer market in this state for a period of five years from the date of notice to the director.

3. In the case of a small employer carrier doing business in one established geographic service area of the state, the provisions of this section shall apply only to the carrier's operations in such service area.

4. At the time of coverage renewal, a health insurance issuer may modify the health insurance coverage for a product offered to a group health plan in the small group market if, for coverage that is available in such market other than only through one or more bona fide associations, such modification is consistent with state law and effective on a uniform basis among group health plans with that product. For purposes of this subsection, renewal shall be

deemed to occur not more often than annually on the anniversary of the effective date of the group health plan's health insurance coverage unless a longer term is specified in the policy or contract.

5. In the case of health insurance coverage that is made available by a small employer carrier only through one or more bona fide associations, references to plan sponsor in this section is deemed, with respect to coverage provided to a small employer member of the association, to include a reference to such employer.

379.940. CARRIERS TO OFFER ALL HEALTH PLANS IN MARKET — HEALTH BENEFIT PLANS, REQUIREMENTS — EXCLUSION OF COVERAGE FOR CERTAIN EMPLOYEES. — 1. (1) Every small employer carrier shall, as a condition of transacting business in this state with small employers, actively offer to small employers all health benefit plans it actively markets to small employers in this state, except for plans developed for health benefit trust funds.

(2) (a) A small employer carrier shall issue a health benefit plan to any eligible small employer that applies for either such plan and agrees to make the required premium payments and to satisfy the other reasonable provisions of the health benefit plan not inconsistent with sections 379.930 to 379.952.

(b) **For health benefit plans purchased on or before March 23, 2010**, in the case of a small employer carrier that establishes more than one class of business pursuant to section 379.934, the small employer carrier shall maintain and issue to eligible small employers all health benefit plans in each class of business so established. A small employer carrier may apply reasonable criteria in determining whether to accept a small employer into a class of business, provided that:

a. The criteria are not intended to discourage or prevent acceptance of small employers applying for a health benefit plan;

b. The criteria are not related to the health status or claim experience of the small employer;

c. The criteria are applied consistently to all small employers applying for coverage in the class of business; and

d. The small employer carrier provides for the acceptance of all eligible small employers into one or more classes of business. The provisions of this paragraph shall not apply to a class of business into which the small employer carrier is no longer enrolling new small employers.

2. Health benefit plans **purchased on or before March 23, 2010** covering small employers shall comply with the following provisions:

(1) A health benefit plan shall comply with the provisions of sections 376.450 and 376.451.

(2) (a) Except as provided in paragraph (d) of this subdivision, requirements used by a small employer carrier in determining whether to provide coverage to a small employer, including requirements for minimum participation of eligible employees and minimum employer contributions, shall be applied uniformly among all small employers with the same number of eligible employees applying for coverage or receiving coverage from the small employer carrier.

(b) A small employer carrier shall not require a minimum participation level greater than:

a. One hundred percent of eligible employees working for groups of three or less employees; and

b. Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer carrier shall not consider employees or dependents who have qualifying existing coverage in determining whether the applicable percentage of participation is met.

(d) A small employer carrier shall not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(3) (a) If a small employer carrier offers coverage to a small employer, the small employer carrier shall offer coverage to all of the eligible employees of a small employer and

their dependents who apply for enrollment during the period in which the employee first becomes eligible to enroll under the terms of the plan. A small employer carrier shall not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group.

(b) A small employer carrier shall not modify a health benefit plan with respect to a small employer or any eligible employee or dependent through riders, endorsements or otherwise, to restrict or exclude coverage for certain diseases or medical conditions otherwise covered by the health benefit plan.

(c) An eligible employee may choose to retain their individually underwritten health benefit plan at the time such eligible employee is entitled to enroll in a small employer health benefit plan. If the eligible employee retains their individually underwritten health benefit plan, a small employer may provide a defined contribution through the establishment of a cafeteria 125 plan under section 379.953. Small employers shall establish an equal amount of defined contribution for all plans. If an eligible employee retains their individually underwritten health benefit plan under this subdivision, the provisions of sections 379.930 to 379.952 shall not apply to the individually underwritten health benefit plan.

3. (1) Subject to subdivision (3) of this subsection, a small employer carrier shall not be required to offer coverage or accept applications pursuant to subsection 1 of this section in the case of the following:

(a) To a small employer, where the small employer is not physically located in the carrier's established geographic service area;

(b) To an employee, when the employee does not live, work or reside within the carrier's established geographic service area; or

(c) Within an area where the small employer carrier reasonably anticipates, and demonstrates to the satisfaction of the director, that it will not have the capacity within its established geographic service area to deliver service adequately to the members of such groups because of its obligations to existing group policyholders and enrollees.

(2) A small employer carrier that cannot offer coverage pursuant to paragraph (c) of subdivision (1) of this subsection may not offer coverage in the applicable area to new cases of employer groups with more than fifty eligible employees or to any small employer groups until the later of one hundred eighty days following each such refusal or the date on which the carrier notifies the director that it has regained capacity to deliver services to small employer groups.

(3) A small employer carrier shall apply the provisions of this subsection uniformly to all small employers without regard to the claims experience of a small employer and its employees and their dependents or any health status-related factor relating to such employees and their dependents.

4. A small employer carrier shall not be required to provide coverage to small employers pursuant to subsection 1 of this section for any period of time for which the director determines that requiring the acceptance of small employers in accordance with the provisions of subsection 1 of this section would place the small employer carrier in a financially impaired condition, and the small employer is applying this subsection uniformly to all small employers in the small group market in this state consistent with applicable state law and without regard to the claims experience of a small employer and its employees and their dependents or any health status-related factor relating to such employees and their dependents.

Approved July 5, 2016

SB 875 [SB 875]

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 pharmacist to select an interchangeable biological product when filling a biological product prescription

AN ACT to repeal sections 338.056, 338.059, and 338.100, RSMo, and to enact in lieu thereof four new sections relating to interchangeable biological products.

SECTION

- A. Enacting clause.
- 338.056. Generic substitutions may be made, when, form required for prescription blanks, exception — penalty.
- 338.059. Prescriptions, how labeled.
- 338.085. Interchangeable biological products, pharmacist may dispense as substitute, when — recordkeeping — rulemaking authority.
- 338.100. Records required to be kept — requirements.

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

SECTION A. ENACTING CLAUSE. — Sections 338.056, 338.059, and 338.100, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 338.056, 338.059, 338.085, and 338.100, to read as follows:

338.056. GENERIC SUBSTITUTIONS MAY BE MADE, WHEN, FORM REQUIRED FOR PRESCRIPTION BLANKS, EXCEPTION — PENALTY. — 1. Except as provided in subsection 2 of this section, the pharmacist filling prescription orders for drug products prescribed by trade or brand name may select another drug product with the same active chemical ingredients of the same strength, quantity and dosage form, and of the same generic drug **or interchangeable biological product** type, as determined by the United States Adopted Names and accepted by the Federal Food and Drug Administration. Selection pursuant to this section is within the discretion of the pharmacist, except as provided in subsection 2 of this section. The pharmacist who selects the drug **or interchangeable biological** product to be dispensed pursuant to this section shall assume the same responsibility for selecting the dispensed drug **or biological** product as would be incurred in filling a prescription for a drug **or interchangeable biological** product prescribed by generic **or interchangeable biologic** name. The pharmacist shall not select a drug **or interchangeable biological** product pursuant to this section unless the product selected costs the patient less than the prescribed product.

2. A pharmacist who receives a prescription for a brand name drug **or biological product** may, unless requested otherwise by the purchaser, select a less expensive generically equivalent **or interchangeable biological** product under the following circumstances:

(1) If a written prescription is involved, the prescription form used shall have two signature lines at opposite ends at the bottom of the form. Under the line at the right side shall be clearly printed the words: "Dispense as Written". Under the line at the left side shall be clearly printed the words "Substitution Permitted". The prescriber shall communicate the instructions to the pharmacist by signing the appropriate line. No prescription shall be valid without the signature of the prescriber on one of these lines;

(2) If an oral prescription is involved, the practitioner or the practitioner's agent, communicating the instructions to the pharmacist, shall instruct the pharmacist as to whether or not a therapeutically equivalent generic drug **or interchangeable biological product** may be substituted. The pharmacist shall note the instructions on the file copy of the prescription.

3. All prescriptions written in the state of Missouri by practitioners authorized to write prescriptions shall be on forms which comply with subsection 2 hereof.

4. Notwithstanding the provisions of subsection 2 of this section to the contrary, a pharmacist may fill a prescription for a brand name drug by substituting a generically equivalent drug **or interchangeable biological product** when [generic] substitution is allowed in accordance with the laws of the state where the prescribing practitioner is located.

5. Violations of this section are infractions.

338.059. PRESCRIPTIONS, HOW LABELED. — 1. It shall be the duty of a licensed pharmacist or a physician to affix or have affixed by someone under the pharmacist's or physician's supervision a label to each and every container provided to a consumer in which is placed any prescription drug or **biological product** upon which is typed or written the following information:

- (1) The date the prescription is filled;
- (2) The sequential number or other unique identifier;
- (3) The patient's name;
- (4) The prescriber's directions for usage;
- (5) The prescriber's name;
- (6) The name and address of the pharmacy;
- (7) The exact name and dosage of the drug dispensed;
- (8) There may be one line under the information provided in subdivisions (1) to (7) of this subsection stating "Refill" with a blank line or squares following or the words "No Refill";
- (9) When a generic or **interchangeable biological** substitution is dispensed, the name of the manufacturer or an abbreviation thereof shall appear on the label or in the pharmacist's records as required in section 338.100.

2. The label of any drug or **biological product** which is sold at wholesale in this state and which requires a prescription to be dispensed at retail shall contain the name of the manufacturer, expiration date, if applicable, batch or lot number and national drug code.

338.085. INTERCHANGEABLE BIOLOGICAL PRODUCTS, PHARMACIST MAY DISPENSE AS SUBSTITUTE, WHEN—RECORDKEEPING—RULEMAKING AUTHORITY. — 1. As used in this chapter, the following terms shall mean:

(1) "Biological product", the same meaning as such term is defined under 42 U.S.C. Section 262;

(2) "Interchangeable biological product", a biological product that the Food and Drug Administration:

(a) Has licensed and determined meets the standards for interchangeability under 42 U.S.C. Section 262(k)(4); or

(b) Has determined is therapeutically equivalent as set forth in the latest edition of or supplement to the Food and Drug Administration's Approved Drug Products with Therapeutic Equivalence Evaluations (Orange Book).

2. A pharmacist may substitute an interchangeable biological product for a prescribed product only if all of the following conditions are met:

(1) The substituted product has been determined by the Food and Drug Administration to be an interchangeable biological product with the prescribed biological product;

(2) The substitution occurs according to the provisions of section 338.056; and

(3) The pharmacy informs the patient of the substitution.

3. Within five business days following the dispensing of a biological product, the dispensing pharmacist or the pharmacist's designee shall make an entry of the specific product provided to the patient including the name of the product and manufacturer. The communication shall be conveyed by making an entry that can be electronically accessed by the prescriber through one of the following means:

(1) An interoperable electronic medical records system;

(2) An electronic prescribing technology;

(3) A pharmacy benefit management system; or

(4) A pharmacy record.

4. Entry into an electronic records system as described in this subsection is presumed to provide notice to the prescriber. Otherwise, if an entry cannot be made under the provisions of subsection 3 of this section, the pharmacist shall communicate the biological

product dispensed to the prescriber using facsimile, telephone, electronic transmission, or other prevailing means, except that communication shall not be required if:

(1) There is no Food and Drug Administration approved interchangeable biological product for the product prescribed; or

(2) A refill prescription is not changed from the product dispensed on the prior filling of the prescription.

5. The pharmacist shall maintain records in a manner consistent with section 338.100.

6. The pharmacist shall label prescriptions in a manner consistent with section 338.059.

7. The board of pharmacy shall maintain a link on its website to the current list of all biological products determined by the Food and Drug Administration to be interchangeable with a specific biological product.

8. The board of pharmacy may promulgate rules for compliance with 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, 2016, shall be invalid and void.

338.100. RECORDS REQUIRED TO BE KEPT—REQUIREMENTS.— 1. Every permit holder of a licensed pharmacy shall cause to be kept in a uniform fashion consistent with this section a suitable book, file, or electronic record-keeping system in which shall be preserved, for a period of not less than five years, the original or order of each drug **or biological product** which has been compounded or dispensed at such pharmacy, according to and in compliance with standards provided by the board, and shall produce the same in court or before any grand jury whenever lawfully required. A licensed pharmacy may maintain its prescription file on readable microfilm for records maintained over three years. After September, 1999, a licensed pharmacy may preserve prescription files on microfilm or by electronic media storage for records maintained over three years. The pharmacist in charge shall be responsible for complying with the permit holder's record-keeping system in compliance with this section. Records maintained by a pharmacy that contain medical or drug information on patients or their care shall be considered as confidential and shall only be released according to standards provided by the board. Upon request, the pharmacist in charge of such pharmacy shall furnish to the prescriber, and may furnish to the person for whom such prescription was compounded or dispensed, a true and correct copy of the original prescription. The file of original prescriptions kept in any format in compliance with this section, and other confidential records, as defined by law, shall at all times be open for inspection by board of pharmacy representatives. Records maintained in an electronic record-keeping system shall contain all information otherwise required in a manual record-keeping system. Electronic records shall be readily retrievable. Pharmacies may electronically maintain the original prescription or prescription order for each drug **or biological product** and may electronically annotate any change or alteration to a prescription record in the electronic record-keeping system as authorized by law; provided however, original written and faxed prescriptions shall be physically maintained on file at the pharmacy under state and federal controlled substance laws.

2. An institutional pharmacy located in a hospital shall be responsible for maintaining records of the transactions of the pharmacy as required by federal and state laws and as necessary to maintain adequate control and accountability of all drugs. This shall include a system of controls and records for the requisitioning and dispensing of pharmaceutical supplies where applicable to patients, nursing care units and to other departments or services of the institution.

Inspection performed pursuant to this subsection shall be consistent with the provisions of section 197.100.

3. "Electronic record-keeping system", as used in this section, shall mean a system, including machines, methods of organization, and procedures, that provides input, storage, processing, communications, output, and control functions for digitized images of original prescriptions.

Approved June 8, 2016

SB 905 [SCS SBs 905 & 992]

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 effective date of the repeal and enactment of certain provisions of the Uniform Interstate Family Support Act

AN ACT to repeal sections 454.849 and 454.1728, RSMo, and to enact in lieu thereof two new sections relating to the uniform interstate family support act, with an emergency clause.

SECTION

- A. Enacting clause.
- 454.849. Effective date of repeal of act.
- 454.1728. Effective date.
- B. Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Sections 454.849 and 454.1728, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 454.849 and 454.1728, to read as follows:

454.849. EFFECTIVE DATE OF REPEAL OF ACT. — The repeal of sections 454.850 to 454.999 shall become effective upon the [United States filing its instrument of ratification of The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, adopted at The Hague Conference on Private International Law on November 23, 2007] **effective date of this act.**

454.1728. EFFECTIVE DATE. — Sections 454.1500 to 454.1728 shall become effective upon the [United States filing its instrument of ratification of The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, adopted at The Hague Conference on Private International Law on November 23, 2007] **effective date of this act.**

SECTION B. EMERGENCY CLAUSE. — Because immediate action is necessary to prevent any loss of federal funding for the child support enforcement program, 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.

Approved June 15, 2016

SB 915 [SB 915]

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

Designates two memorial highways in Boone County

AN ACT to amend chapter 227, RSMo, by adding thereto two new sections relating to memorial highway designations.

SECTION

- A. Enacting clause.
- 227.436. U.S. Army Specialist Steven Paul Farnen Memorial Highway designated for a portion of U.S. Highway 63 in Boone County.
- 227.437. U.S. Navy Lieutenant Patrick Kelly Connor Memorial Highway designated for a portion of U.S. Highway 63 in Boone 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 two new sections, to be known as sections 227.436 and 227.437, to read as follows:

227.436. U.S. ARMY SPECIALIST STEVEN PAUL FARNEN MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF U.S. HIGHWAY 63 IN BOONE COUNTY. — **The portion of U.S. Highway 63 from Breedlove Drive to Peabody Road in Boone County shall be designated as "U.S. Army Specialist Steven Paul Farnen Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with costs to be paid by private donations.**

227.437. U.S. NAVY LIEUTENANT PATRICK KELLY CONNOR MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF U.S. HIGHWAY 63 IN BOONE COUNTY. — **The portion of U.S. Highway 63 from the interchange with Discovery Parkway to Interstate 70 in Boone County shall be designated as "U.S. Navy Lieutenant Patrick Kelly Connor Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with costs to be paid by private donations.**

Approved June 24, 2016

SB 919 [SS SCS SB 919]

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 intoxicating liquor

AN ACT to repeal sections 311.090, 311.195, 311.200, 311.205, 311.220, 311.328, and 311.665, RSMo, and to enact in lieu thereof ten new sections relating to intoxicating liquor, with an effective date for a certain section and penalty provisions.

SECTION

- A. Enacting clause.
- 311.090. Sale of liquor by the drink, cities, requirements.
- 311.195. Microbrewery, defined — license, fee — retail license allowed, procedure — sale to wholesalers allowed, when — certain exemptions, when.

- 311.198. Portable refrigeration units, lease to retail licensee, when — requirements — duration of lease — rulemaking authority — expiration date.
- 311.200. Licenses — retail liquor dealers — fees — applications.
- 311.201. Draft beer, sale of 32 to 128 fluid ounces dispensed on premises for consumption off premises — requirements.
- 311.205. Self-dispensing of beer permitted, when.
- 311.220. Counties and cities may charge for licenses — amount — display of license.
- 311.328. Identification, acceptable forms.
- 311.665. Sales and use tax must be paid to renew license — statement required.
- 311.915. Special permit for festivals — limit on shipment in state — excise taxes — duration of permit.
 - B. Delayed effective date.

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

SECTION A. ENACTING CLAUSE. — Sections 311.090, 311.195, 311.200, 311.205, 311.220, 311.328, and 311.665, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 311.090, 311.195, 311.198, 311.200, 311.201, 311.205, 311.220, 311.328, 311.665, and 311.915, to read as follows:

311.090. SALE OF LIQUOR BY THE DRINK, CITIES, REQUIREMENTS. — 1. Any person who possesses the qualifications required by this chapter, and who meets the requirements of and complies with the provisions of this chapter, and the ordinances, rules and regulations of the incorporated city in which such licensee proposes to operate his business, may apply for, and the supervisor of alcohol and tobacco control may issue, a license to sell intoxicating liquor, as defined in this chapter, by the drink at retail for consumption on the premises described in the application; provided, that no license shall be issued for the sale of intoxicating liquor, other than malt liquor [containing alcohol not in excess of five percent by weight] **as defined in section 311.490**, and light wines containing not in excess of fourteen percent of alcohol by weight made exclusively from grapes, berries and other fruits and vegetables, by the drink at retail for consumption on the premises where sold to any person other than a charitable, fraternal, religious, service or veterans' organization which has obtained an exemption from the payment of federal income taxes as provided in section 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(7), 501(c)(8), 501(c)(10), 501(c)(19), or 501(d) of the United States Internal Revenue Code of 1954, as amended, in any incorporated city having a population of less than nineteen thousand five hundred inhabitants, until the sale of such intoxicating liquor, by the drink at retail for consumption on the premises where sold, shall have been authorized by a vote of the majority of the qualified voters of the city. Such authority shall be determined by an election to be held in those cities having a population of less than nineteen thousand five hundred inhabitants as determined by the last preceding federal decennial census, under the provisions and methods set out in this chapter. Once such licenses are issued in a city with a population of at least nineteen thousand five hundred inhabitants, any subsequent loss of population shall not require the qualified voters of such a city to approve the sale of such intoxicating liquor prior to the issuance or renewal of such licenses. No license shall be issued for the sale of intoxicating liquor, other than malt liquor [containing alcohol not in excess of five percent by weight] **as defined in section 311.490**, and light wines containing not in excess of fourteen percent of alcohol by weight made exclusively from grapes, berries and other fruits and vegetables, by the drink at retail for consumption on the premises where sold, outside the limits of such incorporated cities unless the licensee is a charitable, fraternal, religious, service or veterans' organization which has obtained an exemption from the payment of federal income taxes as provided in section 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(7), 501(c)(8), 501(c)(10), 501(c)(19), or 501(d) of the United States Internal Revenue Code of 1954, as amended.

2. If any charitable, fraternal, religious, service, or veterans' organization has a license to sell intoxicating liquor on its premises pursuant to this section and such premises includes two or more buildings in close proximity, such permit shall be valid for the sale of intoxicating liquor at any such building.

311.195. MICROBREWERY, DEFINED — LICENSE, FEE — RETAIL LICENSE ALLOWED, PROCEDURE — SALE TO WHOLESALERS ALLOWED, WHEN — CERTAIN EXEMPTIONS, WHEN.

— 1. As used in this section, the term "microbrewery" means a business whose primary activity is the brewing and selling of beer, with an annual production of ten thousand barrels or less.

2. A microbrewer's license shall authorize the licensee to manufacture beer and malt liquor in quantities not to exceed ten thousand barrels per annum. In lieu of the charges provided in section 311.180, a license fee of five dollars for each one hundred barrels or fraction thereof, up to a maximum license fee of two hundred fifty dollars, shall be paid to and collected by the director of revenue.

3. Notwithstanding any other provision of this chapter to the contrary, the holder of a microbrewer's license may apply for, and the supervisor of alcohol and tobacco control may issue, a license to sell **all kinds of** intoxicating liquor, **as defined in this chapter**, by the drink at retail for consumption on the premises **of the microbrewery or in close proximity to the microbrewery**. No holder of a microbrewer's license, or any employee, officer, agent, subsidiary, or affiliate thereof, shall have more than ten licenses to sell intoxicating liquor by the drink at retail for consumption on the premises. [The authority for the collection of fees by cities and counties as provided in section 311.220, and all other laws and regulations relating to the sale of liquor by the drink for consumption on the premises where sold, shall apply to the holder of a license issued under the provisions of this section in the same manner as they apply to establishments licensed under the provisions of section 311.085, 311.090, 311.095, or 311.097.]

4. The holder of a microbrewer's license may also sell beer and malt liquor produced on the brewery premises to duly licensed wholesalers. However, holders of a microbrewer's license shall not, under any circumstances, directly or indirectly, have any financial interest in any wholesaler's business, and all such sales to wholesalers shall be subject to the restrictions of sections 311.181 and 311.182.

5. A microbrewer who is a holder of a license to sell intoxicating liquor by the drink at retail for consumption on the premises shall be exempt from the provisions of section 311.280, for such intoxicating liquor that is produced on the premises in accordance with the provisions of this chapter. For all other intoxicating liquor sold by the drink at retail for consumption on the premises that the microbrewer possesses a license for must be obtained in accordance with section 311.280.

311.198. PORTABLE REFRIGERATION UNITS, LEASE TO RETAIL LICENSEE, WHEN — REQUIREMENTS — DURATION OF LEASE — RULEMAKING AUTHORITY — EXPIRATION DATE.

— 1. **Notwithstanding any other provision of law, rule, or regulation to the contrary, a brewer may lease to the retail licensee and the retail licensee may accept portable refrigeration units at a total lease value equal to the cost of the unit to the brewer plus two percent of the total lease value as of the execution of the lease. Such portable refrigeration units shall remain the property of the brewer. The brewer may also enter into lease agreements with wholesalers, who may enter into sublease agreements with retail licensees in which the value contained in the sublease is equal to the unit cost to the brewer plus two percent of the total lease value as of the execution of the lease. If the lease agreement is with a wholesaler, the portable refrigeration units shall become the property of the wholesaler at the end of the lease period, which is to be defined between the brewer and the wholesaler. A wholesaler may not directly or indirectly fund the cost or maintenance of the portable refrigeration units. Brewers shall be responsible for maintaining adequate records of retailer payments to be able to verify fulfillment of lease agreements. No portable refrigeration unit may exceed forty cubic feet in storage space. A brewer may lease, or wholesaler may sublease, not more than one portable refrigeration unit per retail location. Such portable refrigeration unit may bear in a conspicuous manner substantial advertising matter about a product or products of the brewer and shall be visible to consumers inside the retail outlet. Notwithstanding any other provision**

of law, rule, regulation, or lease to the contrary, the retail licensee is hereby authorized to stock, display, and sell any product in and from the portable refrigeration units. No dispensing equipment shall be attached to a leased portable refrigeration unit, and no beer, wine, or intoxicating liquor shall be dispensed directly from a leased portable refrigeration unit. Any brewer or wholesaler that provides portable refrigeration units shall within thirty days thereafter notify the division of alcohol and tobacco control on forms designated by the division of the location, lease terms, and total cubic storage space of the units. The division is hereby given authority, including rulemaking authority, to enforce this section and to ensure compliance by having access to and copies of lease, payment, and portable refrigeration unit records and information.

2. Any lease or sublease executed under this section shall not exceed five years in duration and shall not contain any provision allowing for or requiring the automatic renewal of the lease or sublease.

3. 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 January 1, 2017, shall be invalid and void.

4. This section shall expire on January 1, 2020. Any lease or sublease executed under this section prior to January 1, 2020, shall remain in effect until the expiration of such lease or sublease.

311.200. LICENSES — RETAIL LIQUOR DEALERS — FEES — APPLICATIONS. — 1. No license shall be issued for the sale of intoxicating liquor in the original package, not to be consumed upon the premises where sold, except to a person engaged in, and to be used in connection with, the operation of one or more of the following businesses: a drug store, a cigar and tobacco store, a grocery store, a general merchandise store, a confectionery or delicatessen store, nor to any such person who does not have and keep in his store a stock of goods having a value according to invoices of at least one thousand dollars, exclusive of fixtures and intoxicating liquors. Under such license, no intoxicating liquor shall be consumed on the premises where sold nor shall any original package be opened on the premises of the vendor except as otherwise provided in this law. For every license for sale at retail in the original package, the licensee shall pay to the director of revenue the sum of one hundred dollars per year.

2. For a permit authorizing the sale of malt liquor [not in excess of five percent by weight], as defined in section 311.490, by grocers and other merchants and dealers in the original package direct to consumers but not for resale, a fee of fifty dollars per year payable to the director of the department of revenue shall be required. The phrase "original package" shall be construed and held to refer to any package containing one or more standard bottles, cans, or pouches of beer. Notwithstanding the provisions of section 311.290, any person licensed pursuant to this subsection may also sell malt liquor at retail between the hours of 9:00 a.m. and midnight on Sunday.

3. For every license issued for the sale of malt liquor, as defined in section 311.490, at retail by drink for consumption on the premises where sold, the licensee shall pay to the director of revenue the sum of fifty dollars per year. Notwithstanding the provisions of section 311.290, any person licensed pursuant to this subsection may also sell malt liquor at retail between the hours of 9:00 a.m. and midnight on Sunday.

4. For every license issued for the sale of malt liquor, as defined in section 311.490, and light wines containing not in excess of fourteen percent of alcohol by weight made exclusively

from grapes, berries and other fruits and vegetables, at retail by the drink for consumption on the premises where sold, the licensee shall pay to the director of revenue the sum of fifty dollars per year.

5. For every license issued for the sale of all kinds of intoxicating liquor, at retail by the drink for consumption on premises of the licensee, the licensee shall pay to the director of revenue the sum of three hundred dollars per year, which shall include the sale of intoxicating liquor in the original package.

6. For every license issued to any railroad company, railway sleeping car company operated in this state, for sale of all kinds of intoxicating liquor, as defined in this chapter, at retail for consumption on its dining cars, buffet cars and observation cars, the sum of one hundred dollars per year. A duplicate of such license shall be posted in every car where such beverage is sold or served, for which the licensee shall pay a fee of one dollar for each duplicate license.

7. All applications for licenses shall be made upon such forms and in such manner as the supervisor of alcohol and tobacco control shall prescribe. No license shall be issued until the sum prescribed by this section for such license shall be paid to the director of revenue.

311.201. DRAFT BEER, SALE OF 32 TO 128 FLUID OUNCES DISPENSED ON PREMISES FOR CONSUMPTION OFF PREMISES — REQUIREMENTS. — 1. Any person who is licensed to sell intoxicating liquor in the original package at retail as provided in subsection 1 of section 311.200 may sell from thirty-two to one hundred twenty-eight fluid ounces of draft beer to customers in containers filled by any employee of the retailer on the premises for consumption off such premises. Any employee of the licensee shall be at least twenty-one years of age to fill containers with draft beer.

2. No provision of law, rule, or regulation of the supervisor of alcohol and tobacco control shall be interpreted to allow any wholesaler, distributor, or manufacturer of intoxicating liquor to furnish dispensing or cooling equipment, or containers that are filled or refilled under subsection 1 of this section, to any person who is licensed to sell intoxicating liquor in the original package at retail as provided in subsection 1 of section 311.200.

3. (1) Containers that are filled or refilled under subsection 1 of this section shall be affixed with a label or a tag that shall contain the following information in type not smaller than three millimeters in height and not more than twelve characters per inch:

- (a) Brand name of the product dispensed;**
- (b) Name of brewer or bottler;**
- (c) Class of product, such as beer, ale, lager, bock, stout, or other brewed or fermented beverage;**
- (d) Net contents;**
- (e) Name and address of the business that filled or refilled the container;**
- (f) Date of fill or refill;**
- (g) The following statement: "This product may be unfiltered and unpasteurized. Keep refrigerated at all times."**

(2) Containers that are filled or refilled under subsection 1 of this section shall be affixed with the alcoholic beverage health warning statement as required by the Federal Alcohol Administration Act, 27 CFR Sections 16.20 to 16.22.

4. (1) The filling and refilling of containers shall only occur on demand by a customer and containers shall not be prefilled by the retailer or its employee.

- (2) Containers shall only be filled or refilled by an employee of the retailer.**
- (3) Containers shall be filled or refilled as follows:**
 - (a) Containers shall be filled or refilled with a tube as described in subdivision (4) of this subsection and:**

- a. Food grade sanitizer shall be used in accordance with the Environmental Protection Agency registered label use instructions;**

b. A container of liquid food-grade sanitizer shall be maintained for no more than ten malt beverage taps that will be used for filling and refilling containers;

c. Each container shall contain no less than five tubes that will be used only for filling and refilling containers;

d. The container shall be inspected visually for contamination;

e. After each filling or refilling of a container, the tube shall be immersed in the container with the liquid food-grade sanitizer; and

f. A different tube from the container shall be used for each filling or refilling of a container; or

(b) Containers shall be filled or refilled with a contamination-free process and:

a. The container shall be inspected visually for contamination;

b. The container shall only be filled or refilled by the retailer's employee; and

c. The filling or refilling shall be in compliance with the Food and Drug Administration Code 2009, Section 3-304.17(c).

(4) Containers shall be filled or refilled from the bottom of the container to the top with a tube that is attached to the malt beverage faucet and extends to the bottom of the container or with a commercial filling machine.

(5) When not in use, tubes to fill or refill shall be immersed and stored in a container with liquid food-grade sanitizer.

(6) After filling or refilling a container, the container shall be sealed as set forth in subsection 1 of this section.

311.205. SELF-DISPENSING OF BEER PERMITTED, WHEN. — 1. Any person licensed to sell liquor at retail by the drink for consumption on the premises where sold may use a [table tap dispensing] **self-dispensing** system [to allow], **which is monitored and controlled by the licensee and allows** patrons of the licensee to [dispense] **self-dispense** beer [at a table] **or wine**. Before a patron may dispense beer **or wine**, an employee of the licensee must first authorize an amount of beer **or wine**, not to exceed thirty-two ounces of **beer or sixteen ounces of wine** per patron per authorization, to be dispensed by the [table tap dispensing] **self-dispensing** system.

2. No provision of law or rule or regulation of the supervisor shall be interpreted to allow any wholesaler, distributor, or manufacturer of intoxicating liquor to furnish [table tap dispensing] **self-dispensing** or cooling equipment or provide services for the maintenance, sanitation, or repair of [table tap dispensing] **self-dispensing** systems.

311.220. COUNTIES AND CITIES MAY CHARGE FOR LICENSES — AMOUNT — DISPLAY OF LICENSE. — 1. In addition to the permit fees and license fees and inspection fees by this law required to be paid into the state treasury, every holder of a permit or license authorized by this law shall pay into the county treasury of the county wherein the premises described and covered by such permit or license are located, or in case such premises are located in the city of St. Louis, to the collector of revenue of said city, a fee in such sum not in excess of the amount by this law required to be paid into the state treasury for such state permit or license, as the county commission, or the corresponding authority in the city of St. Louis, as the case may be, shall by order of record determine, and shall pay into the treasury of the municipal corporation, wherein said premises are located, a license fee in such sum, not exceeding one and one-half times the amount by this law required to be paid into the state treasury for such state permit or license, as the lawmaking body of such municipality, including the city of St. Louis may by ordinance determine.

2. The board of aldermen, city council or other proper authorities of incorporated cities, may charge for licenses issued to manufacturers, distillers, brewers, wholesalers and retailers of all intoxicating liquor, located within their limits, fix the amount to be charged for such license, subject to the limitations of this law, and provide for the collection thereof, make and enforce ordinances for the regulation and control of the sale of all intoxicating liquors within their limits,

provide for penalties for the violation of such ordinances, where not inconsistent with the provisions of this law.

3. Every licensee shall keep displayed prominently at all times on their licensed premises any city or county license designating their premises as a place licensed by the city or county to sell intoxicating liquors. Nonetheless, no application shall be disapproved by the supervisor of alcohol and tobacco control for failure to possess a city or county license when making application for a license. Within ten days from the issuance of said city or county license, the licensee shall file with the supervisor of alcohol and tobacco control a copy of such city or county license.

311.328. IDENTIFICATION, ACCEPTABLE FORMS. — 1. A valid and unexpired operator's or chauffeur's license issued under the provisions of section 302.177, or a valid and unexpired operator's or chauffeur's license issued under the laws of any state or territory of the United States to residents of those states or territories, or a valid and unexpired identification card or **nondriver's license** as provided for under section 302.181, or a **valid and unexpired nondriver's license issued under the laws of any state or territory of the United States to residents of those states or territories**, or a valid and unexpired identification card issued by any uniformed service of the United States, or a valid and unexpired passport shall be presented by the holder thereof upon request of any agent of the division of alcohol and tobacco control or any licensee or the servant, agent or employee thereof for the purpose of aiding the licensee or the servant, agent or employee to determine whether or not the person is at least twenty-one years of age when such person desires to purchase or consume alcoholic beverages procured from a licensee. Upon such presentation the licensee or the servant, agent or employee thereof shall compare the photograph and physical characteristics noted on the license, identification card or passport with the physical characteristics of the person presenting the license, identification card or passport.

2. Upon proof by the licensee of full compliance with the provisions of this section, no penalty shall be imposed if the supervisor of the division of alcohol and tobacco control or the courts are satisfied that the licensee acted in good faith.

3. Any person who shall, without authorization from the department of revenue, reproduce, alter, modify, or misrepresent any chauffeur's license, motor vehicle operator's license or identification card shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than one thousand dollars, and confinement for not more than one year, or by both such fine and imprisonment.

311.665. SALES AND USE TAX MUST BE PAID TO RENEW LICENSE — STATEMENT REQUIRED. — 1. Before any license is [issued or] renewed under the provisions of this chapter, the supervisor of liquor control shall require a statement from the director of revenue that the applicant has paid all sales and use taxes due, including all penalties and interest or does not owe any sales or use tax.

2. Within ten days from the issuance of a sales and use tax statement by the director of revenue, the licensee shall file with the supervisor of alcohol and tobacco control a copy of such sales and use tax statement.

311.915. SPECIAL PERMIT FOR FESTIVALS — LIMIT ON SHIPMENT IN STATE — EXCISE TAXES — DURATION OF PERMIT. — A special permit shall be issued to an out of state manufacturer of intoxicating liquor who is not licensed in the state of Missouri for participation in festivals, bazaars, or similar events. Registration requirements under section 311.275 shall be waived for such event. The amount of intoxicating liquor shipped in the state under this permit shall not exceed two hundred gallons. Excise taxes shall be paid by the licensed manufacturer that holds a retail license organizing the event in the same manner as if it were produced or purchased by the manufacturer. A permit issued under this section by the division of alcohol and tobacco control shall be valid for no more

than seventy-two hours. An applicant shall complete a form provided by the supervisor of alcohol and tobacco control and pay a fee of twenty-five dollars before a special permit shall be issued.

SECTION B. DELAYED EFFECTIVE DATE. — The enactment of section 311.198 of section A of this act shall become effective January 1, 2017.

Approved July 1, 2016

SB 921 [CCS SCS SB 921]

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

Modifies requirements for the reporting of crimes and domestic violence incidents by law enforcement agencies

AN ACT to repeal sections 43.545, 455.543, 455.545, 595.030, and 595.209, RSMo, and to enact in lieu thereof seven new sections relating to victims of crime.

SECTION

- A. Enacting clause.
- 9.172. Teen dating violence awareness month, February designated as.
- 43.545. Highway patrol to include incidents of domestic violence in reporting system.
- 173.2050. Memorandum of understanding between institution and law enforcement agency, contents — rulemaking authority.
- 455.543. Homicides or suicides, determination of domestic violence, factors to be considered — reports made to highway patrol, forms.
- 455.545. Annual report by highway patrol.
- 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.
- 595.209. Rights of victims and witnesses — written notification, requirements.

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

SECTION A. ENACTING CLAUSE. — Sections 43.545, 455.543, 455.545, 595.030, and 595.209, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 9.172, 43.545, 173.2050, 455.543, 455.545, 595.030, and 595.209, to read as follows:

9.172. TEEN DATING VIOLENCE AWARENESS MONTH, FEBRUARY DESIGNATED AS. — **The month of February is hereby designated as "Teen Dating Violence Awareness Month" in the state of Missouri. One in three teens in the United States will experience physical, sexual, or emotional abuse by someone with whom they are in a relationship before they become adults. The citizens of this state are encouraged to observe the month with appropriate activities and events to raise awareness of abuse in teen relationships.**

43.545. HIGHWAY PATROL TO INCLUDE INCIDENTS OF DOMESTIC VIOLENCE IN REPORTING SYSTEM. — The state highway patrol shall include [in its voluntary system of reporting for compilation in the "Crime in Missouri"] all reported incidents of domestic violence as defined in section 455.010, whether or not an arrest is made, **in its system of reporting for compilation in the annual crime report published under section 43.505.** All incidents shall be reported on forms provided by the highway patrol and in a manner prescribed by the patrol.

173.2050. MEMORANDUM OF UNDERSTANDING BETWEEN INSTITUTION AND LAW ENFORCEMENT AGENCY, CONTENTS — RULEMAKING AUTHORITY. — 1. The governing board of each public institution of higher education in this state shall engage in discussions with law enforcement agencies with jurisdiction over the premises of an institution to develop and enter into a memorandum of understanding concerning sexual assault, domestic violence, dating violence, and stalking, as defined in the federal Higher Education Act of 1965, 20 U.S.C. Section 1092(f), involving students both on and off campus.

2. The memorandum of understanding shall contain detailed policies and protocols regarding sexual assault, domestic violence, dating violence, and stalking involving a student that comport with best practices and current professional practices. At a minimum, the memorandum shall set out procedural requirements for the reporting of an offense, protocol for establishing who has jurisdiction over an offense, and criteria for determining when an offense is to be reported to law enforcement.

3. The department of public safety in cooperation with the department of higher education shall promulgate rules and regulations to facilitate the implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void.

455.543. HOMICIDES OR SUICIDES, DETERMINATION OF DOMESTIC VIOLENCE, FACTORS TO BE CONSIDERED — REPORTS MADE TO HIGHWAY PATROL, FORMS. — 1. In any incident investigated by a law enforcement agency involving a homicide or suicide, the law enforcement agency shall make a determination as to whether the homicide or suicide is related to domestic violence.

2. In making such determination, the local law enforcement agency may consider a number of factors including, but not limited to, the following:

- (1) If the relationship between the perpetrator and the victim is or was that of a family or household member;
- (2) Whether the victim or perpetrator had previously filed for an order of protection;
- (3) Whether any of the subjects involved in the incident had previously been investigated for incidents of domestic violence; and
- (4) Any other evidence regarding the homicide or suicide that assists the agency in making its determination.

3. After making a determination as to whether the homicide or suicide is related to domestic violence, the law enforcement agency shall forward the information required [within fifteen days] to the Missouri state highway patrol on a form or format approved by the patrol. The required information shall include the gender and age of the victim, the type of incident investigated, the disposition of the incident and the relationship of the victim to the perpetrator. The state highway patrol shall develop a form for this purpose which shall be distributed by the department of public safety to all law enforcement agencies by October 1, 2000. [Completed forms shall be forwarded to the highway patrol without undue delay as required by section 43.500; except that all such reports shall be forwarded no later than seven days after an incident is determined or identified as a homicide or suicide involving domestic violence.]

455.545. ANNUAL REPORT BY HIGHWAY PATROL. — The highway patrol shall compile an annual report of homicides and suicides related to domestic violence. Such report shall be presented by [February] **March** first of the subsequent year to the governor, speaker of the house of representatives, and president pro tempore of the senate.

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; or

(5) Board certified psychiatric-mental health clinical nurse specialist or board certified psychiatric-mental health nurse practitioner licensed under chapter 335 or licensed in the state in which the service is provided.

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 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 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.

595.209. RIGHTS OF VICTIMS AND WITNESSES — WRITTEN NOTIFICATION, REQUIREMENTS. — 1. The following rights shall automatically be afforded to victims of dangerous felonies, as defined in section 556.061, victims of murder in the first degree, as defined in section 565.020, victims of voluntary manslaughter, as defined in section 565.023, [and] **victims of any offense under chapter 566**, victims of an attempt to commit one of the preceding crimes, as defined in section 564.011, **and victims of domestic assault, as defined in sections 565.072 to 565.076**; and, upon written request, the following rights shall be afforded to victims of all other crimes and witnesses of crimes:

(1) For victims, the right to be present at all criminal justice proceedings at which the defendant has such right, including juvenile proceedings where the offense would have been a felony if committed by an adult, even if the victim is called to testify or may be called to testify as a witness in the case;

(2) For victims, the right to information about the crime, as provided for in subdivision (5) of this subsection;

(3) For victims and witnesses, to be informed, in a timely manner, by the prosecutor's office of the filing of charges, preliminary hearing dates, trial dates, continuances and the final disposition of the case. Final disposition information shall be provided within five days;

(4) For victims, the right to confer with and to be informed by the prosecutor regarding bail hearings, guilty pleas, pleas under chapter 552 or its successors, hearings, sentencing and probation revocation hearings and the right to be heard at such hearings, including juvenile proceedings, unless in the determination of the court the interests of justice require otherwise;

(5) The right to be informed by local law enforcement agencies, the appropriate juvenile authorities or the custodial authority of the following:

(a) The status of any case concerning a crime against the victim, including juvenile offenses;

(b) The right to be informed by local law enforcement agencies or the appropriate juvenile authorities of the availability of victim compensation assistance, assistance in obtaining documentation of the victim's losses, including, but not limited to and subject to existing law concerning protected information or closed records, access to copies of complete, unaltered, unedited investigation reports of motor vehicle, pedestrian, and other similar accidents upon request to the appropriate law enforcement agency by the victim or the victim's representative, and emergency crisis intervention services available in the community;

(c) Any release of such person on bond or for any other reason;

(d) Within twenty-four hours, any escape by such person from a municipal detention facility, county jail, a correctional facility operated by the department of corrections, mental health facility, or the division of youth services or any agency thereof, and any subsequent recapture of such person;

(6) For victims, the right to be informed by appropriate juvenile authorities of probation revocation hearings initiated by the juvenile authority and the right to be heard at such hearings or to offer a written statement, video or audio tape, counsel or a representative designated by the victim in lieu of a personal appearance, the right to be informed by the board of probation and parole of probation revocation hearings initiated by the board and of parole hearings, the right to be present at each and every phase of parole hearings, the right to be heard at probation revocation and parole hearings or to offer a written statement, video or audio tape, counsel or a

representative designated by the victim in lieu of a personal appearance, and the right to have, upon written request of the victim, a partition set up in the probation or parole hearing room in such a way that the victim is shielded from the view of the probationer or parolee, and the right to be informed by the custodial mental health facility or agency thereof of any hearings for the release of a person committed pursuant to the provisions of chapter 552, the right to be present at such hearings, the right to be heard at such hearings or to offer a written statement, video or audio tape, counsel or a representative designated by the victim in lieu of personal appearance;

(7) For victims and witnesses, upon their written request, the right to be informed by the appropriate custodial authority, including any municipal detention facility, juvenile detention facility, county jail, correctional facility operated by the department of corrections, mental health facility, division of youth services or agency thereof if the offense would have been a felony if committed by an adult, postconviction or commitment pursuant to the provisions of chapter 552 of the following:

(a) The projected date of such person's release from confinement;

(b) Any release of such person on bond;

(c) Any release of such person on furlough, work release, trial release, electronic monitoring program, or to a community correctional facility or program or release for any other reason, in advance of such release;

(d) Any scheduled parole or release hearings, including hearings under section 217.362, regarding such person and any changes in the scheduling of such hearings. No such hearing shall be conducted without thirty days' advance notice;

(e) Within twenty-four hours, any escape by such person from a municipal detention facility, county jail, a correctional facility operated by the department of corrections, mental health facility, or the division of youth services or any agency thereof, and any subsequent recapture of such person;

(f) Any decision by a parole board, by a juvenile releasing authority or by a circuit court presiding over releases pursuant to the provisions of chapter 552, or by a circuit court presiding over releases under section 217.362, to release such person or any decision by the governor to commute the sentence of such person or pardon such person;

(g) Notification within thirty days of the death of such person;

(8) For witnesses who have been summoned by the prosecuting attorney and for victims, to be notified by the prosecuting attorney in a timely manner when a court proceeding will not go on as scheduled;

(9) For victims and witnesses, the right to reasonable protection from the defendant or any person acting on behalf of the defendant from harm and threats of harm arising out of their cooperation with law enforcement and prosecution efforts;

(10) For victims and witnesses, on charged cases or submitted cases where no charge decision has yet been made, to be informed by the prosecuting attorney of the status of the case and of the availability of victim compensation assistance and of financial assistance and emergency and crisis intervention services available within the community and information relative to applying for such assistance or services, and of any final decision by the prosecuting attorney not to file charges;

(11) For victims, to be informed by the prosecuting attorney of the right to restitution which shall be enforceable in the same manner as any other cause of action as otherwise provided by law;

(12) For victims and witnesses, to be informed by the court and the prosecuting attorney of procedures to be followed in order to apply for and receive any witness fee to which they are entitled;

(13) When a victim's property is no longer needed for evidentiary reasons or needs to be retained pending an appeal, the prosecuting attorney or any law enforcement agency having possession of the property shall, upon request of the victim, return such property to the victim within five working days unless the property is contraband or subject to forfeiture proceedings, or provide written explanation of the reason why such property shall not be returned;

(14) An employer may not discharge or discipline any witness, victim or member of a victim's immediate family for honoring a subpoena to testify in a criminal proceeding, attending a criminal proceeding, or for participating in the preparation of a criminal proceeding, or require any witness, victim, or member of a victim's immediate family to use vacation time, personal time, or sick leave for honoring a subpoena to testify in a criminal proceeding, attending a criminal proceeding, or participating in the preparation of a criminal proceeding;

(15) For victims, to be provided with creditor intercession services by the prosecuting attorney if the victim is unable, as a result of the crime, temporarily to meet financial obligations;

(16) For victims and witnesses, the right to speedy disposition of their cases, and for victims, the right to speedy appellate review of their cases, provided that nothing in this subdivision shall prevent the defendant from having sufficient time to prepare such defendant's defense. The attorney general shall provide victims, upon their written request, case status information throughout the appellate process of their cases. The provisions of this subdivision shall apply only to proceedings involving the particular case to which the person is a victim or witness;

(17) For victims and witnesses, to be provided by the court, a secure waiting area during court proceedings and to receive notification of the date, time and location of any hearing conducted by the court for reconsideration of any sentence imposed, modification of such sentence or recall and release of any defendant from incarceration;

(18) For victims, the right to receive upon request from the department of corrections a photograph taken of the defendant prior to release from incarceration.

2. The provisions of subsection 1 of this section shall not be construed to imply any victim who is incarcerated by the department of corrections or any local law enforcement agency has a right to be released to attend any hearing or that the department of corrections or the local law enforcement agency has any duty to transport such incarcerated victim to any hearing.

3. Those persons entitled to notice of events pursuant to the provisions of subsection 1 of this section shall provide the appropriate person or agency with their current addresses and telephone numbers or the addresses or telephone numbers at which they wish notification to be given.

4. Notification by the appropriate person or agency utilizing the statewide automated crime victim notification system as established in section 650.310 shall constitute compliance with the victim notification requirement of this section. If notification utilizing the statewide automated crime victim notification system cannot be used, then written notification shall be sent by certified mail to the most current address provided by the victim.

5. Victims' rights as established in Section 32 of Article I of the Missouri Constitution or the laws of this state pertaining to the rights of victims of crime shall be granted and enforced regardless of the desires of a defendant and no privileges of confidentiality shall exist in favor of the defendant to exclude victims or prevent their full participation in each and every phase of parole hearings or probation revocation hearings. The rights of the victims granted in this section are absolute and the policy of this state is that the victim's rights are paramount to the defendant's rights. The victim has an absolute right to be present at any hearing in which the defendant is present before a probation and parole hearing officer.

Approved July 1, 2016

SB 932 [HCS SB 932]

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 credit union account verification

AN ACT to repeal sections 370.230, 486.245, 486.275, 486.285, 486.305, 486.310, and 486.375, RSMo, and to enact in lieu thereof eight new sections relating to regulation of bonded entities, with a penalty provision.

SECTION

- A. Enacting clause.
- 370.230. Powers and duties of supervisory committee.
- 375.971. Definitions — federal home loan bank duties and procedures upon delinquency proceedings of insurer — member — receiver duties during delinquency proceedings.
- 486.245. Register of notaries to be kept — bond, signature and oath to secretary of state — secretary of state notary seal database.
- 486.275. Signature of notary required, when — electronic signature sufficient, when — rulemaking authority.
- 486.285. Notary public seal manufacturer registration, penalty for violation seal, contents, form — application — property of notary.
- 486.305. Loss of seal or journal, notice to secretary of state — new commission issued, notice to public — destruction of seal, notice to secretary of state.
- 486.310. Resignation, notice to public, future applications — amendment of commission.
- 486.375. Impersonation of a notary, penalty for.

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

SECTION A. ENACTING CLAUSE. — Sections 370.230, 486.245, 486.275, 486.285, 486.305, 486.310, and 486.375, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 370.230, 375.971, 486.245, 486.275, 486.285, 486.305, 486.310, and 486.375, to read as follows:

370.230. POWERS AND DUTIES OF SUPERVISORY COMMITTEE. — 1. The supervisory committee shall make, or cause to be made, an examination of the affairs of the credit union, at least annually, including its books and accounts, and shall make or cause to be made, a [direct] verification of members' share and loan accounts [at least every two years with a reasonable statistical sampling of members accounts being made in alternate years] **in the same manner and with the same frequency as required by federal law for federal credit unions**, and shall review the acts of the board of directors, credit committee and officers, any or all of whom the supervisory committee may suspend at any time by a majority vote.

2. Within seven days after such suspension, the supervisory committee shall cause notice to be given the members of a special meeting to take action on such suspension, the call for the meeting to indicate clearly its purpose.

3. By a majority vote the committee may call a meeting of the members to consider any violation of this chapter or of the bylaws, or any practice of the credit union which, in the opinion of said committee, is unsafe and unauthorized.

4. During the fiscal year, the supervisory committee shall make or cause to be made a thorough audit of the receipts, disbursements, income, assets, and liabilities of the credit union, and shall make a full report on such audit to the directors. In the event that a credit union has over one million dollars in assets, an independent audit shall be required in lieu of the audit by the supervisory committee, and a report on such audit shall be read at the annual meeting and shall be filed and preserved with the records of the credit union.

5. The supervisory committee shall fill vacancies in their own number until the next annual meeting or, if the bylaws so provide, vacancies may be filled by appointment by the board of directors.

375.971. DEFINITIONS — FEDERAL HOME LOAN BANK DUTIES AND PROCEDURES UPON DELINQUENCY PROCEEDINGS OF INSURER — MEMBER — RECEIVER DUTIES DURING DELINQUENCY PROCEEDINGS. — 1. **As used in this section, the following terms mean:**

(1) **"Federal home loan bank", a federal home loan bank established under the federal Home Loan Bank Act, 12 U.S.C. Section 1421, et seq.;**

- (2) "Insurer-member", an insurer who is a member of a federal home loan bank.
2. Notwithstanding any other provision to the contrary, no federal home loan bank shall be stayed or prohibited from exercising its rights regarding collateral pledged by an insurer-member.
3. If a federal home loan bank exercises its rights regarding collateral pledged by an insurer-member who is subject to a delinquency proceeding, the federal home loan bank shall repurchase any outstanding capital stock that is in excess of that amount of federal home loan bank stock that the insurer-member is required to hold as a minimum investment, to the extent the federal home loan bank in good faith determines the repurchase to be permissible under applicable laws, regulations, regulatory obligations, and the federal home loan bank's capital plan, and consistent with the federal home loan bank's current capital stock practices applicable to its entire membership.
4. Following the appointment of a receiver for an insurer-member, the federal home loan bank shall, within ten business days after a request from the receiver, provide a process and establish a timeline for the following:
- (1) The release of collateral that exceeds the amount required to support secured obligations remaining after any repayment of loans as determined in accordance with the applicable agreements between the federal home loan bank and the insurer-member;
 - (2) The release of any of the insurer-member's collateral remaining in the federal home loan bank's possession following repayment of all outstanding secured obligations of the insurer-member in full;
 - (3) The payment of fees owed by the insurer-member and the operation of deposits and other accounts of the insurer-member with the federal home loan bank; and
 - (4) The possible redemption or repurchase of federal home loan bank stock or excess stock of any class that an insurer-member is required to own.
5. Upon request from a receiver, the federal home loan bank shall provide any available options for an insurer-member subject to a delinquency proceeding to renew or restructure a loan to defer associated prepayment fees, subject to market conditions, the terms of any loans outstanding to the insurer-member, the applicable policies of the federal home loan bank, and the federal home loan bank's compliance with federal laws and regulations.
6. Notwithstanding any other provision of law to the contrary, the receiver for an insurer-member shall not void any transfer of, or any obligation to transfer, money or any other property arising under or in connection with any federal home loan bank security agreement, or any pledge, security, collateral, or guarantee agreement, or any other similar arrangement or credit enhancement relating to a federal home loan bank security agreement made in the ordinary course of business and in compliance with the applicable federal home loan bank agreement. However, a transfer may be avoided under this subsection if the transfer was made with intent to hinder, delay, or defraud the insurer-member, the receiver for the insurer-member, or existing or future creditors. This subsection shall not affect a receiver's rights regarding advances to an insurer-member in delinquency proceedings under 12 CFR Part 1266.4.

486.245. REGISTER OF NOTARIES TO BE KEPT — BOND, SIGNATURE AND OATH TO SECRETARY OF STATE — SECRETARY OF STATE NOTARY SEAL DATABASE. — 1. The county clerk shall keep a register, listing the name and address of each person to whom he awards a notary commission and the date upon which he awards the commission. Within thirty days after receiving a bond, signature and oath, the county clerk shall forward the bond, signature and oath to the secretary of state by certified mail. All such bonds, signatures and oaths shall be preserved permanently by the secretary of state.

2. The secretary of state shall maintain a database that includes, but is not limited to, information that is contained on each notary's seal or any lost seal of a notary public.

486.275. SIGNATURE OF NOTARY REQUIRED, WHEN — ELECTRONIC SIGNATURE SUFFICIENT, WHEN — RULEMAKING AUTHORITY. — 1. At the time of notarization a notary public shall sign his or her official signature on each notary certificate.

2. If a signature or record is required to be notarized, acknowledged, verified, or made under oath, notwithstanding the provisions of section 486.285 to the contrary, the requirement is satisfied if the electronic signature of the person authorized to perform such acts, together with all other information required to be included, is attached to or logically associated with the signature or record.

3. The secretary of state 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 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void.

486.285. NOTARY PUBLIC SEAL MANUFACTURER REGISTRATION, PENALTY FOR VIOLATION SEAL, CONTENTS, FORM — APPLICATION — PROPERTY OF NOTARY. — 1. (1) A manufacturer of a notary public's seal shall register with the secretary of state and communicate to the secretary of state when it has issued a seal to a person in this state. After such communication, the secretary of state shall approve any seal issued by the manufacturer within ten days.

(2) A copy of the notary's commission shall be maintained by such manufacturer.

(3) If a manufacturer violates the provisions of this subsection, the manufacturer shall be subject to a one thousand dollar fine for each violation.

2. Each notary public shall provide, keep, and use a seal which is either an engraved embosser seal or a black inked rubber stamp seal to be used on the document being notarized. The seal shall contain the notary's name exactly as indicated on the commission and the words "Notary Seal", "Notary Public", and "State of Missouri" and, after August 28, 2004, the commission number assigned by the secretary of state, provided that the notary public has been issued a commission number by the secretary of state, all of which shall be in print not smaller than eight-point type.

[2.] **3.** The indentations made by the seal embosser or printed by the black inked rubber stamp seal shall not be applied on the notarial certificate or document to be notarized in a manner that will render illegible or incapable of photographic reproduction any of the printed marks or writing on the certificate or document.

[3.] **4.** Every notary shall keep an official notarial seal that is the exclusive property of the notary and the seal may not be used by any other person or surrendered to an employer upon termination of employment.

486.305. LOSS OF SEAL OR JOURNAL, NOTICE TO SECRETARY OF STATE — NEW COMMISSION ISSUED, NOTICE TO PUBLIC — DESTRUCTION OF SEAL, NOTICE TO SECRETARY OF STATE. — 1. Any notary public who loses or misplaces his or her journal of notarial acts or official seal shall [forthwith mail or deliver] **immediately provide written notice of the fact to the secretary of state. For a lost or misplaced official seal, upon receipt of the written notice, the secretary of state shall issue the notary a new commission number for the notary to order a new seal. The secretary of state may post notice on the secretary of state's website notifying the general public that the lost or misplaced notary seal and commission number of such notary is invalid and is not an acceptable notary commission number.**

2. If a notary public's official seal is destroyed, broken, damaged, or otherwise rendered inoperable, the notary shall immediately provide written notice of that fact to the secretary of state.

486.310. RESIGNATION, NOTICE TO PUBLIC, FUTURE APPLICATIONS—AMENDMENT OF COMMISSION. — 1. If any notary public no longer desires to be a notary public, he or she shall forthwith mail or deliver to the secretary of state a letter of resignation **and his or her notary seal**, and his or her commission shall thereupon cease to be in effect. **The secretary of state may post notice on the secretary of state's website notifying the general public that the notary is no longer a commissioned notary public in the state of Missouri.** If a notary public resigns following the receipt of a complaint by the secretary of state regarding the notary public's conduct, the secretary of state may deny any future applications by such person for appointment and commission as a notary public.

2. If any notary public seeks to amend his or her commission, he or she shall forthwith mail or deliver to the secretary of state his or her notary seal unless a person, business, or manufacturer alters the existing seal in compliance with subsection 4 of section 486.285.

486.375. IMPERSONATION OF A NOTARY, PENALTY FOR. — Any person who acts as, or otherwise willfully impersonates, a notary public while not lawfully appointed and commissioned to perform notarial acts is guilty of a misdemeanor and punishable upon conviction by a fine not exceeding five hundred dollars or by imprisonment for not more than six months or both, **unless such act results in a fraudulent act involving property, such person shall be guilty of a class E felony.**

Approved July 1, 2016

SB 947 [SB 947]

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

Creates regulations for insurance requirements for transportation network companies and transportation network company drivers

AN ACT to amend chapter 379, RSMo, by adding thereto five new sections relating to transportation network company insurance.

SECTION

- A. Enacting clause.
- 379.1700. Definitions.
- 379.1702. Primary automobile insurance to be maintained, requirements — lapsed coverage, effect of — proof of insurance required.
- 379.1704. Disclosure of insurance coverage, how made.
- 379.1706. Disclosure statement — display.
- 379.1708. Exclusions and limitations on coverage.

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

SECTION A. ENACTING CLAUSE. — Chapter 379, RSMo, is amended by adding thereto five new sections, to be known as sections 379.1700, 379.1702, 379.1704, 379.1706, and 379.1708, to read as follows:

379.1700. DEFINITIONS. — As used in sections 379.1700 to 379.1708, the following terms shall mean:

(1) "Digital network", any online-enabled application, software, website, or system offered or utilized by a transportation network company that enables the prearrangement of rides with transportation network company drivers;

(2) "Personal vehicle", a vehicle that is used by a transportation network company driver and is:

(a) Owned, leased, or otherwise authorized for use by the transportation network company driver; and

(b) Not a taxicab, limousine, or for-hire vehicle under chapter 390;

(3) "Prearranged ride", the provision of transportation by a driver to a rider, beginning when a driver accepts a ride requested by a rider through a digital network controlled by a transportation network company, continuing while the driver transports a requesting rider, and ending when the last requesting rider departs from the personal vehicle. A prearranged ride shall not include shared expense carpool or vanpool arrangements or transportation provided using a taxi, limousine, or other for-hire vehicle under chapter 390;

(4) "Transportation network company", a corporation, partnership, sole proprietorship, or other entity that is licensed and operating in Missouri that uses a digital network to connect transportation network company riders to transportation network company drivers who provide prearranged rides. A transportation network company shall not be deemed to control, direct, or manage the personal vehicles or transportation network company drivers that connect to its digital network, except if agreed to by written contract;

(5) "Transportation network company driver" or "driver", an individual who:

(a) Receives connections to potential riders and related services from a transportation network company in exchange for payment of a fee to the transportation network company; and

(b) Uses a personal vehicle to offer or provide a prearranged ride to riders upon connection through a digital network controlled by a transportation network company in return for compensation or payment of a fee;

(6) "Transportation network company rider" or "rider", an individual or persons who use a transportation network company's digital network to connect with a transportation network driver who provides prearranged rides to the rider in the driver's personal vehicle between points chosen by the rider.

379.1702. PRIMARY AUTOMOBILE INSURANCE TO BE MAINTAINED, REQUIREMENTS — LAPSED COVERAGE, EFFECT OF — PROOF OF INSURANCE REQUIRED. — **1.** Beginning April 1, 2017, a transportation network company driver or transportation network company on the driver's behalf shall maintain primary automobile insurance that:

(1) Recognizes that the driver is a transportation network company driver or otherwise uses a vehicle to transport riders for compensation; and

(2) Covers the driver while the driver is logged on to the transportation network company's digital network or while the driver is engaged in a prearranged ride.

2. The following automobile insurance requirements shall apply while a participating transportation network company driver is logged on to the transportation network company's digital network and is available to receive transportation requests but is not engaged in a prearranged ride:

(1) Primary automobile liability insurance in the amount of at least fifty thousand dollars for death and bodily injury per person, one hundred thousand dollars for death and bodily injury per incident, and twenty-five thousand dollars for property damage;

(2) Uninsured motorist coverage in an amount not less than the limits set forth in section 379.203;

(3) The coverage requirements of this subsection may be satisfied by any of the following:

- (a) Automobile insurance maintained by the transportation network company driver;
- (b) Automobile insurance maintained by the transportation network company; or
- (c) Any combination of paragraphs (a) and (b) of this subdivision.

3. The following automobile insurance requirements shall apply while a transportation network company driver is engaged in a prearranged ride:

(1) Primary automobile liability insurance in the amount of at least one million dollars for death, bodily injury, and property damage;

(2) Uninsured motorist coverage in an amount not less than the limits set forth in section 379.203;

(3) The coverage requirements of this subsection may be satisfied by any of the following:

- (a) Automobile insurance maintained by the transportation network company driver;
- (b) Automobile insurance maintained by the transportation network company; or
- (c) Any combination of paragraphs (a) and (b) of this subdivision.

4. If insurance maintained by a driver in subsection 2 or 3 of this section has lapsed or does not provide the required coverage, insurance maintained by a transportation network company shall provide the coverage required by this section beginning with the first dollar of a claim and shall have the duty to defend such claim. If the insurance maintained by the driver does not otherwise exclude coverage for loss or injury while the driver is logged on to a transportation network's digital network or while the driver provides a prearranged ride, but does not provide insurance coverage at the minimum limits required by subsection 2 or 3 of this section, the transportation network company shall maintain insurance coverage that provides excess coverage beyond the driver's policy limits up to the limits required by subsection 2 or 3 of this section, as applicable.

5. Coverage under an automobile insurance policy maintained by the transportation network company shall not be dependent on a personal automobile insurer first denying a claim nor shall a personal automobile insurance policy be required to first deny a claim.

6. Insurance required by this section may be placed with an insurer authorized to issue policies of automobile insurance in the state of Missouri or with an eligible surplus lines insurer under chapter 384.

7. Insurance satisfying the requirements of this section shall be deemed to satisfy the motor vehicle financial responsibility requirements for a motor vehicle under chapter 303.

8. A transportation network company driver shall carry proof of coverage satisfying subsections 2 and 3 of this section with him or her at all times during his or her use of a vehicle in connection with a transportation network company's digital network. In the event of an accident, a transportation network company driver shall provide this insurance coverage information to the directly interested parties, automobile insurers, and investigating police officers, upon request under section 303.024. Upon such request, a transportation network company driver shall also disclose to directly interested parties, automobile insurers, and investigating police officers whether the driver was logged on to the transportation network company's digital network or on a prearranged ride at the time of an accident.

379.1704. DISCLOSURE OF INSURANCE COVERAGE, HOW MADE. — The transportation network company shall disclose in writing to transportation network company drivers the following before they are allowed to accept a request for a prearranged ride on the transportation network company's digital network:

(1) The insurance coverage, including the types of coverage and the limits for each coverage, that the transportation network company provides while the transportation network company driver uses a personal vehicle in connection with a transportation network company's digital network; and

(2) That the transportation network company driver's own automobile insurance policy might not provide any coverage while the driver is logged on to the transportation network company's digital network and is available to receive transportation requests or is engaged in a prearranged ride depending on the policy's terms.

379.1706. DISCLOSURE STATEMENT — DISPLAY. — A transportation network company shall make the following disclosure to a prospective driver in the prospective driver's terms of service:

IF THE VEHICLE THAT YOU PLAN TO USE TO PROVIDE TRANSPORTATION NETWORK COMPANY SERVICES HAS A LIEN AGAINST IT, USING THE VEHICLE FOR TRANSPORTATION NETWORK COMPANY SERVICES MAY VIOLATE THE TERMS OF YOUR CONTRACT WITH THE LIENHOLDER.

IF A TRANSPORTATION NETWORK COMPANY'S INSURER MAKES A PAYMENT FOR A CLAIM COVERED UNDER COMPREHENSIVE COVERAGE OR COLLISION COVERAGE, THE TRANSPORTATION NETWORK COMPANY SHALL CAUSE ITS INSURER TO ISSUE THE PAYMENT DIRECTLY TO THE BUSINESS REPAIRING THE VEHICLE OR JOINTLY TO THE OWNER OF THE VEHICLE AND THE PRIMARY LIENHOLDER ON THE COVERED VEHICLE.

The disclosure set forth in this subsection shall be placed prominently in the prospective driver's written terms of service, and the prospective driver shall acknowledge the terms of service electronically or by signature.

379.1708. EXCLUSIONS AND LIMITATIONS ON COVERAGE. — 1. Insurers that write automobile insurance in Missouri may exclude or limit any and all coverage afforded under an automobile insurance policy, including a motor vehicle liability policy, issued to an owner or operator of a personal vehicle for any loss or injury that occurs while:

- (1) A driver is logged on to a transportation network company's digital network;
- (2) A driver provides a prearranged ride; or
- (3) A motor vehicle is being used to transport or carry persons or property for any compensation or suggested donation;

2. The right to exclude all coverage under subsection 1 of this section may apply to any coverage included in an automobile insurance policy including, but not limited to:

- (1) Liability coverage for bodily injury and property damage;
- (2) Uninsured and underinsured motorist coverage;
- (3) Medical payments coverage;
- (4) Comprehensive physical damage coverage; and
- (5) Collision physical damage coverage.

Such exclusions shall apply notwithstanding any financial responsibility requirement or uninsured motorist coverage requirement under the motor vehicle financial responsibility law, chapter 303 or section 379.203, respectively. Nothing in this section implies or requires that a personal automobile insurance policy provide coverage while the driver is logged on to the transportation network company's digital network, while the driver is engaged in a prearranged ride, or while the driver otherwise uses a vehicle to transport passengers or property for compensation.

3. Nothing shall be deemed to preclude an insurer from providing coverage for the transportation network company driver's vehicle, if it chooses to do so by contract or endorsement.

4. Automobile insurers that exclude the coverage described in section 379.1702 shall have no duty to defend or indemnify any claim expressly excluded thereunder. Nothing in this section shall be deemed to invalidate or limit an exclusion contained in a policy, including any policy in use or approved for use in Missouri prior to the enactment of this section that excludes coverage for vehicles used to carry persons or property for a charge or available for hire by the public.

5. An automobile insurer that defends or indemnifies a claim against a driver that is excluded under the terms of its policy shall have a right of contribution against other insurers that provide automobile insurance to the same driver in satisfaction of the coverage requirements of section 379.1702 at the time of loss.

6. In a claims coverage investigation, transportation network companies and any insurer potentially providing coverage under section 379.1702 shall cooperate to facilitate the exchange of relevant information with each other and any insurer of the transportation network company driver if applicable, including the precise times that a transportation network company driver logged on and off of the transportation network company's digital network in the twelve-hour period immediately preceding and in the twelve-hour period immediately following the accident and disclose to one another a clear description of the coverage, exclusions, and limits provided under any automobile insurance maintained under section 379.1702.

Approved June 23, 2016

SB 968 [SCS SB 968]

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

Allows current members of the Missouri National Guard and reserve components of the U.S. Armed Forces to receive instate residency status for the purposes of tuition at higher education institutions

AN ACT to repeal sections 173.234 and 173.900, RSMo, and to enact in lieu thereof three new sections relating to tuition rates for members of the military, with an emergency clause for a certain section.

SECTION

- A. Enacting clause.
 173.234. Definitions — grants to be awarded, when, duration — duties of the board — rulemaking authority — eligibility criteria — sunset provision.
 173.900. Combat veteran defined — tuition limit for combat veterans, procedure.
 173.1153. In-state tuition — Missouri National Guard members and U.S. Armed Forces reservists deemed domiciled in this state — effect of — rulemaking authority.
 B. Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Sections 173.234 and 173.900, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 173.234, 173.900, and 173.1153, to read as follows:

173.234. DEFINITIONS — GRANTS TO BE AWARDED, WHEN, DURATION — DUTIES OF THE BOARD — RULEMAKING AUTHORITY — ELIGIBILITY CRITERIA — SUNSET PROVISION. — 1. As used in this section, unless the context clearly requires otherwise, the following terms mean:

- (1) "Board", the coordinating board for higher education;
- (2) "Books", any books required for any course for which tuition was paid by a grant awarded under this section;
- (3) "Eligible student", the natural, adopted, or stepchild of a qualifying military member, who is less than twenty-five years of age and who was a dependent of a qualifying military

member at the time of death or injury **or within five years subsequent to the injury**, or the spouse of a qualifying military member which was the spouse of a veteran at the time of death or injury **or within five years subsequent to the injury**;

(4) "Grant", the veteran's survivors grant as established in this section;

(5) "Institution of postsecondary education", any approved Missouri public institution of postsecondary education, as defined in subdivision (3) of section 173.1102;

(6) "Qualifying military member", any member of the military of the United States, whether active duty, reserve, or National Guard, who served in the military after September 11, 2001, during time of war and for whom the following criteria apply:

(a) A veteran was a Missouri resident when first entering the military service or at the time of death or injury;

(b) A veteran died or was injured as a result of combat action or a veteran's death or injury was certified by the Department of Veterans' Affairs medical authority to be attributable to an illness or accident that occurred while serving in combat, or became eighty percent disabled as a result of injuries or accidents sustained in combat action after September 11, 2001; and

(c) "Combat veteran", a Missouri resident who is discharged for active duty service having served since September 11, 2001, and received a DD214 in a geographic area entitled to receive combat pay tax exclusion exemption, hazardous duty pay, or imminent danger pay, or hostile fire pay;

(7) "Survivor", an eligible student of a qualifying military member;

(8) "Tuition", any tuition or incidental fee, or both, charged by an institution of postsecondary education for attendance at the institution by a student as a resident of this state. The tuition grant shall not exceed the amount of tuition charged a Missouri resident at the University of Missouri-Columbia for attendance.

2. Within the limits of the amounts appropriated therefor, the coordinating board for higher education shall award annually up to twenty-five grants to survivors of qualifying military members to attend institutions of postsecondary education in this state, which shall continue to be awarded annually to eligible recipients as long as the recipient achieves and maintains a cumulative grade point average of at least two and one-half on a four-point scale, or its equivalent. If the waiting list of eligible survivors exceeds fifty, the coordinating board may petition the general assembly to expand the quota. If the quota is not expanded, then the eligibility of survivors on the waiting list shall be extended.

3. A survivor may receive a grant under this section only so long as the survivor is enrolled in a program leading to a certificate, or an associate or baccalaureate degree. In no event shall a survivor receive a grant beyond the completion of the first baccalaureate degree, regardless of age.

4. The coordinating board for higher education shall:

(1) Promulgate all necessary rules and regulations for the implementation of this section;

and

(2) Provide the forms and determine the procedures necessary for a survivor to apply for and receive a grant under this section.

5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

6. In order to be eligible to receive a grant under this section, a survivor shall be certified as eligible by the Missouri veterans' commission.

7. A survivor who is enrolled or has been accepted for enrollment as an undergraduate postsecondary student at an approved institution of postsecondary education, and who is selected to receive a grant under this section, shall receive the following:

(1) An amount not to exceed the actual tuition charged at the approved institution of postsecondary education where the survivor is enrolled or accepted for enrollment;

(2) An allowance of up to two thousand dollars per semester for room and board; and

(3) The actual cost of books, up to a maximum of five hundred dollars per semester.

8. A survivor who is a recipient of a grant may transfer from one approved public institution of postsecondary education to another without losing his or her entitlement under this section. The board shall make necessary adjustments in the amount of the grant. If a grant recipient at any time withdraws from the institution of postsecondary education so that under the rules and regulations of that institution he or she is entitled to a refund of any tuition, fees, room and board, books, or other charges, the institution shall pay the portion of the refund to which he or she is entitled attributable to the grant for that semester or similar grading period to the board.

9. If a survivor is granted financial assistance under any other student aid program, public or private, the full amount of such aid shall be reported to the board by the institution and the eligible survivor.

10. Nothing in this section shall be construed as a promise or guarantee that a person will be admitted to an institution of postsecondary education or to a particular institution of postsecondary education, will be allowed to continue to attend an institution of postsecondary education after having been admitted, or will be graduated from an institution of postsecondary education.

11. The benefits conferred by this section shall be available to any academically eligible student of a qualifying military member. Surviving children who are eligible shall be permitted to apply for full benefits conferred by this section until they reach twenty-five years of age.

12. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall [sunset automatically six years after August 28, 2008] **be reauthorized as of the effective date of this act and shall expire on August 28, 2020**, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall sunset automatically 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.

173.900. COMBAT VETERAN DEFINED — TUITION LIMIT FOR COMBAT VETERANS, PROCEDURE. — 1. This act shall be known and may be cited as the "Missouri Returning Heroes' Education Act".

2. For the purpose of this section, the term "combat veteran" shall mean a person who served in armed combat in the military after September 11, 2001, and to whom the following criteria shall apply:

(1) The veteran was a Missouri resident when first entering the military; and

(2) The veteran was discharged from military service under honorable conditions.

3. All public institutions of higher education that receive any state funds appropriated by the general assembly shall limit the amount of tuition such institutions charge to combat veterans to fifty dollars per credit hour, as long as the veteran achieves and maintains a cumulative grade point average of at least two and one-half on a four-point scale, or its equivalent. The tuition limitation shall only be applicable if the combat veteran is enrolled in a program leading to a certificate, or an associate or baccalaureate degree. The period during which a combat veteran is eligible for a tuition limitation under this section shall expire at the end of the ten-year period beginning on the date of such veteran's last discharge from service.

4. The coordinating board for higher education shall ensure that all applicable institutions of higher education in this state comply with the provisions of this section and may promulgate rules for the efficient implementation of this section.

5. If a combat veteran is eligible to receive financial assistance under any other federal or state student aid program, public or private, the full amount of such aid shall be reported to the board by the institution and the veteran. The tuition limitation under this section shall be provided [after] **before** all other federal and state aid for which the veteran is eligible has been applied[, and no combat veteran shall receive more than the actual cost of attendance when the limitation is combined with other aid made available to such veteran].

6. Each institution may report to the board the amount of tuition waived in the previous fiscal year under the provisions of this act. This information may be included in each institution's request for appropriations to the board for the following year. The board may include this information in its appropriations recommendations to the governor and the general assembly. The general assembly may reimburse institutions for the cost of the waiver for the previous year as part of the operating budget. Nothing in this subsection shall be construed to deny a combat veteran a tuition limitation if the general assembly does not appropriate money for reimbursement to an institution.

7. 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.

173.1153. IN-STATE TUITION — MISSOURI NATIONAL GUARD MEMBERS AND U.S. ARMED FORCES RESERVISTS DEEMED DOMICILED IN THIS STATE — EFFECT OF — RULEMAKING AUTHORITY. — 1. Notwithstanding any provision of law to the contrary, any individual who is currently serving in the Missouri National Guard or in a reserve component of the Armed Forces of the United States shall be deemed to be domiciled in this state for purposes of eligibility for in-state tuition at any approved public institution in Missouri.

2. To be eligible for in-state tuition under this section, any such individual shall demonstrate presence within the state of Missouri. For purposes of attending a community college, an individual shall demonstrate presence within the taxing district of the community college he or she attends.

3. If any such individual is eligible to receive financial assistance under any other federal or state student aid program, public or private, the full amount of such aid shall be reported to the coordinating board for higher education by the institution and the individual. The tuition limitation under this section shall be provided after all other federal and state aid for which the individual is eligible has been applied, and no individual shall receive more than the actual cost of attendance when the limitation is combined with other aid made available to such individual.

4. The coordinating board for higher education shall promulgate rules to implement this section.

5. For purposes of this section, "approved public institution" shall have the same meaning as provided in subdivision (3) of section 173.1102.

6. 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, 2016, shall be invalid and void.

SECTION B. EMERGENCY CLAUSE. — Because of the importance of providing educational assistance to members of the military and their families, the repeal and reenactment of section 173.234 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, the repeal and reenactment of section 173.234 shall be in full force and effect upon its passage and approval.

Approved June 13, 2016

SB 973 [CCS HCS SCS SB 973]

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 a pharmacist may dispense varying quantities of medication

AN ACT to repeal sections 197.315, 376.1237, and 536.031, RSMo, and to enact in lieu thereof seventeen new sections relating to health care.

SECTION

- A. Enacting clause.
- 197.065. Life safety code standards — waiver, when — rulemaking authority.
- 197.315. Certificate of need granted, when — forfeiture, grounds — application for certificate, fee — certificate not required, when.
- 334.1200. Purpose.
- 334.1203. Definitions.
- 334.1206. State participation in the compact.
- 334.1209. Compact privilege.
- 334.1212. Active duty military personnel or their spouses.
- 334.1215. Adverse actions.
- 334.1218. Establishment of the physical therapy compact commission.
- 334.1221. Data system.
- 334.1224. Rulemaking.
- 334.1227. Oversight, dispute resolution, and enforcement.
- 334.1230. Date of implementation of the interstate commission for physical therapy practice and associated rules, withdrawal, and amendment.
- 334.1233. Construction and severability.
- 338.202. Maintenance medications, pharmacist may exercise professional judgment on quantity dispensed, when.
- 376.1237. Refills for prescription eye drops, required, when — definitions — termination date.
- 536.031. Code to be published — to be revised monthly — incorporation by reference authorized, courts to take judicial notice — incorporation by reference of certain rules, how.

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

SECTION A. ENACTING CLAUSE. — Sections 197.315, 376.1237, and 536.031, RSMo, are repealed and seventeen new sections enacted in lieu thereof, to be known as sections 197.065, 197.315, 334.1200, 334.1203, 334.1206, 334.1209, 334.1212, 334.1215, 334.1218, 334.1221, 334.1224, 334.1227, 334.1230, 334.1233, 338.202, 376.1237, and 536.031, to read as follows:

197.065. LIFE SAFETY CODE STANDARDS — WAIVER, WHEN — RULEMAKING AUTHORITY. — 1. The department of health and senior services shall promulgate regulations for the construction and renovation of hospitals that include life safety code standards for hospitals that exclusively reflect the life safety code standards imposed by the federal Medicare program under Title XVIII of the Social Security Act and its conditions of participation in the Code of Federal Regulations.

2. The department shall not require a hospital to meet the standards contained in the Facility Guidelines Institute for the Design and Construction of Health Care Facilities, but any hospital that complies with the 2010 or later version of such guidelines for the construction and renovation of hospitals shall not be required to comply with any regulation that is inconsistent or conflicts in any way with such guidelines.

3. The department may waive enforcement of the standards for licensed hospitals imposed by this section if the department determines that:

(1) Compliance with those specific standards would result in unreasonable hardship for the facility and if the health and safety of hospital patients would not be compromised by such waiver or waivers; or

(2) The hospital has used other standards that provide for equivalent design criteria.

4. Regulations promulgated by the department to establish and enforce hospital licensure regulations under this chapter that conflict with the standards established under subsections 1 and 3 of this section shall lapse on and after January 1, 2018.

5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void.

197.315. CERTIFICATE OF NEED GRANTED, WHEN — FORFEITURE, GROUNDS — APPLICATION FOR CERTIFICATE, FEE — CERTIFICATE NOT REQUIRED, WHEN. — 1. Any person who proposes to develop or offer a new institutional health service within the state must obtain a certificate of need from the committee prior to the time such services are offered.

2. Only those new institutional health services which are found by the committee to be needed shall be granted a certificate of need. Only those new institutional health services which are granted certificates of need shall be offered or developed within the state. No expenditures for new institutional health services in excess of the applicable expenditure minimum shall be made by any person unless a certificate of need has been granted.

3. After October 1, 1980, no state agency charged by statute to license or certify health care facilities shall issue a license to or certify any such facility, or distinct part of such facility, that is developed without obtaining a certificate of need.

4. If any person proposes to develop any new institutional health care service without a certificate of need as required by sections 197.300 to 197.366, the committee shall notify the attorney general, and he shall apply for an injunction or other appropriate legal action in any court of this state against that person.

5. After October 1, 1980, no agency of state government may appropriate or grant funds to or make payment of any funds to any person or health care facility which has not first obtained every certificate of need required pursuant to sections 197.300 to 197.366.

6. A certificate of need shall be issued only for the premises and persons named in the application and is not transferable except by consent of the committee.

7. Project cost increases, due to changes in the project application as approved or due to project change orders, exceeding the initial estimate by more than ten percent shall not be incurred without consent of the committee.

8. Periodic reports to the committee shall be required of any applicant who has been granted a certificate of need until the project has been completed. The committee may order the forfeiture of the certificate of need upon failure of the applicant to file any such report.

9. A certificate of need shall be subject to forfeiture for failure to incur a capital expenditure on any approved project within six months after the date of the order. The

applicant may request an extension from the committee of not more than six additional months based upon substantial expenditure made.

10. Each application for a certificate of need must be accompanied by an application fee. The time of filing commences with the receipt of the application and the application fee. The application fee is one thousand dollars, or one-tenth of one percent of the total cost of the proposed project, whichever is greater. All application fees shall be deposited in the state treasury. Because of the loss of federal funds, the general assembly will appropriate funds to the Missouri health facilities review committee.

11. In determining whether a certificate of need should be granted, no consideration shall be given to the facilities or equipment of any other health care facility located more than a fifteen-mile radius from the applying facility.

12. When a nursing facility shifts from a skilled to an intermediate level of nursing care, it may return to the higher level of care if it meets the licensure requirements, without obtaining a certificate of need.

13. In no event shall a certificate of need be denied because the applicant refuses to provide abortion services or information.

14. A certificate of need shall not be required for the transfer of ownership of an existing and operational health facility in its entirety.

15. A certificate of need may be granted to a facility for an expansion, an addition of services, a new institutional service, or for a new hospital facility which provides for something less than that which was sought in the application.

16. The provisions of this section shall not apply to facilities operated by the state, and appropriation of funds to such facilities by the general assembly shall be deemed in compliance with this section, and such facilities shall be deemed to have received an appropriate certificate of need without payment of any fee or charge. **The provisions of this subsection shall not apply to hospitals operated by the state and licensed under chapter 197, except for department of mental health state-operated psychiatric hospitals.**

17. Notwithstanding other provisions of this section, a certificate of need may be issued after July 1, 1983, for an intermediate care facility operated exclusively for the intellectually disabled.

18. To assure the safe, appropriate, and cost-effective transfer of new medical technology throughout the state, a certificate of need shall not be required for the purchase and operation of:

(1) Research equipment that is to be used in a clinical trial that has received written approval from a duly constituted institutional review board of an accredited school of medicine or osteopathy located in Missouri to establish its safety and efficacy and does not increase the bed complement of the institution in which the equipment is to be located. After the clinical trial has been completed, a certificate of need must be obtained for continued use in such facility; or

(2) Equipment that is to be used by an academic health center operated by the state in furtherance of its research or teaching missions.

334.1200. PURPOSE.—PURPOSE

The purpose of this compact is to facilitate interstate practice of physical therapy with the goal of improving public access to physical therapy services. The practice of physical therapy occurs in the state where the patient/client is located at the time of the patient/client encounter. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

This compact is designed to achieve the following objectives:

1. Increase public access to physical therapy services by providing for the mutual recognition of other member state licenses;
2. Enhance the states' ability to protect the public's health and safety;
3. Encourage the cooperation of member states in regulating multistate physical therapy practice;

4. Support spouses of relocating military members;
5. Enhance the exchange of licensure, investigative, and disciplinary information between member states; and
6. Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards.

334.1203. DEFINITIONS.—DEFINITIONS

As used in this compact, and except as otherwise provided, the following definitions shall apply:

1. "Active Duty Military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Section 1209 and 1211.
 2. "Adverse Action" means disciplinary action taken by a physical therapy licensing board based upon misconduct, unacceptable performance, or a combination of both.
 3. "Alternative Program" means a nondisciplinary monitoring or practice remediation process approved by a physical therapy licensing board. This includes, but is not limited to, substance abuse issues.
 4. "Compact privilege" means the authorization granted by a remote state to allow a licensee from another member state to practice as a physical therapist or work as a physical therapist assistant in the remote state under its laws and rules. The practice of physical therapy occurs in the member state where the patient/client is located at the time of the patient/client encounter.
 5. "Continuing competence" means a requirement, as a condition of license renewal, to provide evidence of participation in, and/or completion of, educational and professional activities relevant to practice or area of work.
 6. "Data system" means a repository of information about licensees, including examination, licensure, investigative, compact privilege, and adverse action.
 7. "Encumbered license" means a license that a physical therapy licensing board has limited in any way.
 8. "Executive Board" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission.
 9. "Home state" means the member state that is the licensee's primary state of residence.
 10. "Investigative information" means information, records, and documents received or generated by a physical therapy licensing board pursuant to an investigation.
 11. "Jurisprudence requirement" means the assessment of an individual's knowledge of the laws and rules governing the practice of physical therapy in a state.
 12. "Licensee" means an individual who currently holds an authorization from the state to practice as a physical therapist or to work as a physical therapist assistant.
 13. "Member state" means a state that has enacted the compact.
 14. "Party state" means any member state in which a licensee holds a current license or compact privilege or is applying for a license or compact privilege.
 15. "Physical therapist" means an individual who is licensed by a state to practice physical therapy.
 16. "Physical therapist assistant" means an individual who is licensed/certified by a state and who assists the physical therapist in selected components of physical therapy.
 17. "Physical therapy", "physical therapy practice", and "the practice of physical therapy" mean the care and services provided by or under the direction and supervision of a licensed physical therapist.
 18. "Physical therapy compact commission" or "commission" means the national administrative body whose membership consists of all states that have enacted the compact.
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19. "Physical therapy licensing board" or "licensing board" means the agency of a state that is responsible for the licensing and regulation of physical therapists and physical therapist assistants.

20. "Remote state" means a member state other than the home state, where a licensee is exercising or seeking to exercise the compact privilege.

21. "Rule" means a regulation, principle, or directive promulgated by the commission that has the force of law.

22. "State" means any state, commonwealth, district, or territory of the United States of America that regulates the practice of physical therapy.

334.1206. STATE PARTICIPATION IN THE COMPACT.— STATE PARTICIPATION IN THE COMPACT

A. To participate in the compact, a state must:

1. Participate fully in the commission's data system, including using the commission's unique identifier as defined in rules;

2. Have a mechanism in place for receiving and investigating complaints about licensees;

3. Notify the commission, in compliance with the terms of the compact and rules, of any adverse action or the availability of investigative information regarding a licensee;

4. Fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the Federal Bureau of Investigation record search on criminal background checks and use the results in making licensure decisions in accordance with section 334.1206.B.;

5. Comply with the rules of the commission;

6. Utilize a recognized national examination as a requirement for licensure pursuant to the rules of the commission; and

7. Have continuing competence requirements as a condition for license renewal.

B. Upon adoption of sections 334.1200 to 334.1233, the member state shall have the authority to obtain biometric-based information from each physical therapy licensure applicant and submit this information to the Federal Bureau of Investigation for a criminal background check in accordance with 28 U.S.C. Section 534 and 42 U.S.C. Section 14616.

C. A member state shall grant the compact privilege to a licensee holding a valid unencumbered license in another member state in accordance with the terms of the compact and rules.

D. Member states may charge a fee for granting a compact privilege.

334.1209. COMPACT PRIVILEGE.— COMPACT PRIVILEGE

A. To exercise the compact privilege under the terms and provisions of the compact, the licensee shall:

1. Hold a license in the home state;

2. Have no encumbrance on any state license;

3. Be eligible for a compact privilege in any member state in accordance with section 334.1209D, G and H;

4. Have not had any adverse action against any license or compact privilege within the previous 2 years;

5. Notify the commission that the licensee is seeking the compact privilege within a remote state(s);

6. Pay any applicable fees, including any state fee, for the compact privilege;

7. Meet any jurisprudence requirements established by the remote state(s) in which the licensee is seeking a compact privilege; and

8. Report to the commission adverse action taken by any nonmember state within thirty days from the date the adverse action is taken.

B. The compact privilege is valid until the expiration date of the home license. The licensee must comply with the requirements of section 334.1209.A. to maintain the compact privilege in the remote state.

C. A licensee providing physical therapy in a remote state under the compact privilege shall function within the laws and regulations of the remote state.

D. A licensee providing physical therapy in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's compact privilege in the remote state for a specific period of time, impose fines, and/or take any other necessary actions to protect the health and safety of its citizens. The licensee is not eligible for a compact privilege in any state until the specific time for removal has passed and all fines are paid.

E. If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until the following occur:

1. The home state license is no longer encumbered; and
2. Two years have elapsed from the date of the adverse action.

F. Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of section 334.1209A to obtain a compact privilege in any remote state.

G. If a licensee's compact privilege in any remote state is removed, the individual shall lose the compact privilege in any remote state until the following occur:

1. The specific period of time for which the compact privilege was removed has ended;
2. All fines have been paid; and
3. Two years have elapsed from the date of the adverse action.

H. Once the requirements of section 334.1209G have been met, the license must meet the requirements in section 334.1209A to obtain a compact privilege in a remote state.

334.1212. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES. — ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

A licensee who is active duty military or is the spouse of an individual who is active duty military may designate one of the following as the home state:

- A. Home of record;
- B. Permanent change of station (PCS); or
- C. State of current residence if it is different than the PCS state or home of record.

334.1215. ADVERSE ACTIONS. — ADVERSE ACTIONS

A. A home state shall have exclusive power to impose adverse action against a license issued by the home state.

B. A home state may take adverse action based on the investigative information of a remote state, so long as the home state follows its own procedures for imposing adverse action.

C. Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain nonpublic if required by the member state's laws. Member states must require licensees who enter any alternative programs in lieu of discipline to agree not to practice in any other member state during the term of the alternative program without prior authorization from such other member state.

D. Any member state may investigate actual or alleged violations of the statutes and rules authorizing the practice of physical therapy in any other member state in which a physical therapist or physical therapist assistant holds a license or compact privilege.

E. A remote state shall have the authority to:

1. Take adverse actions as set forth in section 334.1209.D. against a licensee's compact privilege in the state;

2. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, and the production of evidence. Subpoenas issued by a physical therapy licensing board in a party state for the attendance and testimony of witnesses, and/or the production of evidence from another party state, shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses and/or evidence are located; and

3. If otherwise permitted by state law, recover from the licensee the costs of investigations and disposition of cases resulting from any adverse action taken against that licensee.

F. Joint Investigations

1. In addition to the authority granted to a member state by its respective physical therapy practice act or other applicable state law, a member state may participate with other member states in joint investigations of licensees.

2. Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

334.1218. ESTABLISHMENT OF THE PHYSICAL THERAPY COMPACT COMMISSION. — ESTABLISHMENT OF THE PHYSICAL THERAPY COMPACT COMMISSION.

A. The compact member states hereby create and establish a joint public agency known as the physical therapy compact commission:

1. The commission is an instrumentality of the compact states.

2. Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3. Nothing in this compact shall be construed to be a waiver of sovereign immunity.

B. Membership, Voting, and Meetings

1. Each member state shall have and be limited to one delegate selected by that member state's licensing board.

2. The delegate shall be a current member of the licensing board, who is a physical therapist, physical therapist assistant, public member, or the board administrator.

3. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed.

4. The member state board shall fill any vacancy occurring in the commission.

5. Each delegate shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission.

6. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

7. The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

C. The commission shall have the following powers and duties:

1. Establish the fiscal year of the commission;

2. Establish bylaws;

3. Maintain its financial records in accordance with the bylaws;

4. Meet and take such actions as are consistent with the provisions of this compact and the bylaws;

5. Promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all member states;

6. Bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state physical therapy licensing board to sue or be sued under applicable law shall not be affected;

7. Purchase and maintain insurance and bonds;

8. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a member state;

9. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

10. Accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the commission shall avoid any appearance of impropriety and/or conflict of interest;

11. Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the commission shall avoid any appearance of impropriety;

12. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

13. Establish a budget and make expenditures;

14. Borrow money;

15. Appoint committees, including standing committees comprised of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws;

16. Provide and receive information from, and cooperate with, law enforcement agencies;

17. Establish and elect an executive board; and

18. Perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of physical therapy licensure and practice.

D. The Executive Board

The executive board shall have the power to act on behalf of the commission according to the terms of this compact.

1. The executive board shall be comprised of nine members:

a. Seven voting members who are elected by the commission from the current membership of the commission;

b. One ex officio, nonvoting member from the recognized national physical therapy professional association; and

c. One ex officio, nonvoting member from the recognized membership organization of the physical therapy licensing boards.

2. The ex officio members will be selected by their respective organizations.

3. The commission may remove any member of the executive board as provided in bylaws.

4. The executive board shall meet at least annually.

5. The executive board shall have the following duties and responsibilities:

a. Recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact member states such as annual dues, and any commission compact fee charged to licensees for the compact privilege;

b. Ensure compact administration services are appropriately provided, contractual or otherwise;

- c. Prepare and recommend the budget;
- d. Maintain financial records on behalf of the commission;
- e. Monitor compact compliance of member states and provide compliance reports to the commission;
- f. Establish additional committees as necessary; and
- g. Other duties as provided in rules or bylaws.

E. Meetings of the Commission

1. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in section 334.1224.

2. The commission or the executive board or other committees of the commission may convene in a closed, nonpublic meeting if the commission or executive board or other committees of the commission must discuss:

- a. Noncompliance of a member state with its obligations under the compact;
- b. The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;
- c. Current, threatened, or reasonably anticipated litigation;
- d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;
- e. Accusing any person of a crime or formally censuring any person;
- f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;
- g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- h. Disclosure of investigative records compiled for law enforcement purposes;
- i. Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact; or
- j. Matters specifically exempted from disclosure by federal or member state statute.

3. If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

4. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

F. Financing of the Commission

1. The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

3. The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states.

4. The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state.

5. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission.

G. Qualified Immunity, Defense, and Indemnification

1. The members, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

2. The commission shall defend any member, officer, executive director, employee or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

334.1221. DATA SYSTEM.—DATA SYSTEM

A. The commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.

B. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the commission, including:

1. Identifying information;
2. Licensure data;
3. Adverse actions against a license or compact privilege;
4. Nonconfidential information related to alternative program participation;
5. Any denial of application for licensure, and the reason(s) for such denial; and
6. Other information that may facilitate the administration of this compact, as determined by the rules of the commission.

C. Investigative information pertaining to a licensee in any member state will only be available to other party states.

D. The commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state will be available to any other member state.

E. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

F. Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

334.1224. RULEMAKING.—RULEMAKING

A. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

B. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.

C. Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

D. Prior to promulgation and adoption of a final rule or rules by the commission, and at least thirty days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

1. On the website of the commission or other publicly accessible platform; and
2. On the website of each member state physical therapy licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

E. The notice of proposed rulemaking shall include:

1. The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;
2. The text of the proposed rule or amendment and the reason for the proposed rule;
3. A request for comments on the proposed rule from any interested person; and
4. The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

F. Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

G. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

1. At least twenty-five persons;
2. A state or federal governmental subdivision or agency; or
3. An association having at least twenty-five members.

H. If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the commission shall publish the mechanism for access to the electronic hearing.

1. All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing.

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

3. All hearings will be recorded. A copy of the recording will be made available on request.

4. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

I. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

J. If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

K. The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

L. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;
2. Prevent a loss of commission or member state funds;
3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
4. Protect public health and safety.

M. The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

334.1227. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT. — OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Oversight

1. The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the commission.

3. The commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact, or promulgated rules.

B. Default, Technical Assistance, and Termination

1. If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

a. Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default and/or any other action to be taken by the commission; and

b. Provide remedial training and specific technical assistance regarding the default.

2. If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the member states, and all rights, privileges and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

3. Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

4. A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

5. The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

6. The defaulting state may appeal the action of the commission by petitioning the United States District Court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

C. Dispute Resolution

1. Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.

2. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

D. Enforcement

1. The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

2. By majority vote, the commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

334.1230. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR PHYSICAL THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT. — DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR PHYSICAL THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

A. The compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

B. Any state that joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

C. Any member state may withdraw from this compact by enacting a statute repealing the same.

1. A member state's withdrawal shall not take effect until six months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing state's physical therapy licensing board to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

D. Nothing contained in this compact shall be construed to invalidate or prevent any physical therapy licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.

E. This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

334.1233. CONSTRUCTION AND SEVERABILITY. — CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any party state, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

338.202. MAINTENANCE MEDICATIONS, PHARMACIST MAY EXERCISE PROFESSIONAL JUDGMENT ON QUANTITY DISPENSED, WHEN. — 1. Notwithstanding any other provision of law to the contrary, unless the prescriber has specified on the prescription that dispensing a prescription for a maintenance medication in an initial amount followed by periodic refills is medically necessary, a pharmacist may exercise his or her professional judgment to dispense varying quantities of maintenance medication per fill up to the total number of dosage units as authorized by the prescriber on the original prescription, including any refills. Dispensing of the maintenance medication based on refills authorized by the prescriber on the prescription shall be limited to no more than a ninety-day supply of the medication, and the maintenance medication shall have been previously prescribed to the patient for at least a three-month period.

2. For the purposes of this section "maintenance medication" is a medication prescribed for chronic, long-term conditions and is taken on a regular, recurring basis, except that it shall not include controlled substances as defined in section 195.010.

376.1237. REFILLS FOR PRESCRIPTION EYE DROPS, REQUIRED, WHEN — DEFINITIONS — TERMINATION DATE. — 1.

Each health carrier or health benefit plan that offers or issues health benefit plans which are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2014, and that provides coverage for prescription eye drops shall provide coverage for the refilling of an eye drop prescription prior to the last day of the prescribed dosage period without regard to a coverage restriction for early refill of prescription renewals as long as the prescribing health care provider authorizes such early refill, and the health carrier or the health benefit plan is notified.

2. For the purposes of this section, health carrier and health benefit plan shall have the same meaning as defined in section 376.1350.

3. The coverage required by this section shall not be subject to any greater deductible or co-payment than other similar health care services provided by the health benefit plan.

4. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months' or less duration, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

5. The provisions of this section shall terminate on January 1, [2017] **2020**.

536.031. CODE TO BE PUBLISHED — TO BE REVISED MONTHLY — INCORPORATION BY REFERENCE AUTHORIZED, COURTS TO TAKE JUDICIAL NOTICE — INCORPORATION BY REFERENCE OF CERTAIN RULES, HOW. — 1. There is established a publication to be known as the "Code of State Regulations", which shall be published in a format and medium as prescribed and in writing upon request by the secretary of state as soon as practicable after ninety days following January 1, 1976, and may be republished from time to time thereafter as determined by the secretary of state.

2. The code of state regulations shall contain the full text of all rules of state agencies in force and effect upon the effective date of the first publication thereof, and effective September 1, 1990, it shall be revised no less frequently than monthly thereafter so as to include all rules of state agencies subsequently made, amended or rescinded. The code may also include citations, references, or annotations, prepared by the state agency adopting the rule or by the secretary of state, to any intraagency ruling, attorney general's opinion, determination, decisions, order, or other action of the administrative hearing commission, or any determination, decision, order, or other action of a court interpreting, applying, discussing, distinguishing, or otherwise affecting any rule published in the code.

3. The code of state regulations shall be published in looseleaf form in one or more volumes upon request and a format and medium as prescribed by the secretary of state with an appropriate index, and revisions in the text and index may be made by the secretary of state as necessary and provided in written format upon request.

4. An agency may incorporate by reference rules, regulations, standards, and guidelines of an agency of the United States or a nationally or state-recognized organization or association without publishing the material in full. The reference in the agency rules shall fully identify the incorporated material by publisher, address, and date in order to specify how a copy of the material may be obtained, and shall state that the referenced rule, regulation, standard, or guideline does not include any later amendments or additions; **except that, hospital licensure regulations governing life safety code standards promulgated under this chapter and chapter 197 to implement section 197.065 may incorporate, by reference, later additions or amendments to such rules, regulations, standards, or guidelines as needed to consistently apply current standards of safety and practice.** The agency adopting a rule, regulation, standard, or guideline under this section shall maintain a copy of the referenced rule, regulation, standard, or guideline at the headquarters of the agency and shall make it available to the public for inspection and copying at no more than the actual cost of reproduction. The secretary of state may omit from the code of state regulations such material incorporated by reference in any rule the publication of which would be unduly cumbersome or expensive.

5. The courts of this state shall take judicial notice, without proof, of the contents of the code of state regulations.

Approved July 5, 2016

SB 986 [CCS HCS SS SCS SB 986]

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 certain state properties

AN ACT to authorize the conveyance of certain state properties, with an emergency clause for a certain section.

SECTION

- A. Enacting clause.
 - 1. Governor authorized to convey the Highlands II DMH Group Home in Jackson County.
 - 2. Governor authorized to convey property in the City of Rolla, Phelps County.
 - 3. Governor authorized to convey property in the City of Macon, Macon County.
 - 4. Governor authorized to convey property in Kansas City, Jackson County.
 - 5. Governor authorized to convey property in Jefferson City, Cole County, to F & F Development, LLC.
 - 6. Governor authorized to convey property in the City of St. Joseph, Buchanan County.
 - 7. Governor authorized to convey property in Jefferson City, Cole County, to Waters Realty Associates, Inc.
- B. Emergency clause.

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

SECTION 1. GOVERNOR AUTHORIZED TO CONVEY THE HIGHLANDS II DMH GROUP HOME IN JACKSON COUNTY. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim to all interest of the state of Missouri in property known as the Highlands II DMH Group Home, Jackson County, Missouri, described as follows:

Part of the Southeast 1/4 of Section 34, Township 50, Range 32 in Independence, Jackson County, Missouri described as follows:

Beginning at a point 310 feet West and 25 feet South of the Northeast corner of said 1/4 section, said point being the Northwest corner of Lot 1, PRINE'S ADDITION, thence South 0 degrees 2 minutes 10 seconds East along West line of said Lot 1, 200 feet; thence South 89 degrees 55 minutes 40 seconds West parallel with North line of said 1/4 section, a distance of 150 feet, thence North 0 degrees 2 minutes 10 seconds West, parallel with West line of Lot 1, a distance of 200 feet to a point on the South line of Jones Street, as now established, thence North 89 degrees 55 minutes 40 seconds East along said South line a distance of 150 feet to the point of beginning.

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. GOVERNOR AUTHORIZED TO CONVEY PROPERTY IN THE CITY OF ROLLA, PHELPS COUNTY. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim to all interest of the state of Missouri in property located in the City of Rolla, Phelps County, Missouri, described as follows:

A fractional part of the West Half of Railroad Lot 120 of the Railroad Addition to the City of Rolla, Missouri described as follows:

Beginning at a point on the North Line of said Lot 120, 10 feet East of the Northwest corner of said Lot 120; thence South parallel to the West line of said Lot 120 a distance of 136 feet; thence East a distance of 320 feet, more or less,

thence North a distance of 136 feet to the North line of said Lot 120; thence West along said North line a distance of 320 feet, more or less, to the place of beginning; containing one acre, more or less.

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 3. GOVERNOR AUTHORIZED TO CONVEY PROPERTY IN THE CITY OF MACON, MACON COUNTY. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim to all interest of the state of Missouri in property located in the City of Macon, Macon County, Missouri, described as follows:

All that part of the Northwest Quarter of the Northwest Quarter of Section 19, Township 56 North, Range 14 West of the 5th P.M. and all that part of the Northeast Quarter of the Northeast Quarter of Section 24, Township 56 North, Range 15 West of the 5th P.M. described as follows: Beginning at Northeast corner of the Northeast Quarter of the Northeast Quarter of said Section 24; thence South $01^{\circ}19'50''$ West, 89.76 feet along the East line of the Northeast Quarter of said Northeast Quarter to the Northwest corner of the Northwest Quarter of the Northwest Quarter of said Section 19; thence South $88^{\circ}50'39''$ East, 378.0 feet, more or less, along the North line of the Northwest Quarter of said Northwest Quarter to the thread of the Chariton River; thence in a Southerly direction along and with the thread of the Chariton River to its intersection with the South line of the Northwest Quarter of said Northwest Quarter; thence North $88^{\circ}38'14''$ West, 783.0 feet, more or less, along said South line to the Southwest corner of the Northwest Quarter of said Northwest Quarter; thence North $01^{\circ}23'18''$ East, 67.64 feet along the West line of the Northwest Quarter of said Northwest Quarter to the Southeast Corner of the Northeast Quarter of the Northeast Quarter of aforesaid Section 24; thence North $89^{\circ}55'29''$ West, 171.71 feet along the South line of the Northeast Quarter of said Northeast Quarter to the centerline of Icebox Road; thence North $05^{\circ}00'59''$ West, 183.13 feet and North $21^{\circ}11'46''$ West, 62.34 feet and North $22^{\circ}57'12''$ West, 407.79 feet and North $22^{\circ}37'59''$ West, 309.14 feet and North $15^{\circ}35'19''$ West, 158.92 feet and North $06^{\circ}36'54''$ West, 130.65 feet and North $22^{\circ}09'30''$ West, 138.59 feet all along said centerline to the North line of the Northeast Quarter of said Northeast Quarter; thence North $89^{\circ}59'12''$ East, 630.12 feet along said North line to the point of beginning. Contains 26.0 acres, more or less, per Survey No. L-390 by Lortz Surveying, LLC.

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 4. GOVERNOR AUTHORIZED TO CONVEY PROPERTY IN KANSAS CITY, JACKSON COUNTY. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim to all interest of the state of Missouri in property located in Kansas City, Jackson County, Missouri, described as follows:

All that part of the Southwest quarter of the Northwest quarter of Section 3, Township 49, Range 33, in Kansas City, Jackson County, Missouri, described as

beginning at the Northeast corner of Prospect Avenue and 12th Street, said corner being 30 feet East and 40 feet North of the Southwest corner of said quarter quarter section, run East along the North line of 12th Street 267 feet, thence North parallel with the East line of Prospect Avenue 256.75 feet to the South line of Peery Avenue, thence West along the South line of Peery Avenue 267 feet to the East line of Prospect Avenue and thence South along the East line of Prospect Avenue 256.75 feet to the point of beginning, subject to the right of way of Montgall Avenue over the East twenty-five feet thereof.

Subject to covenants, conditions, restrictions, easements and any other matters of public 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 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 5. GOVERNOR AUTHORIZED TO CONVEY PROPERTY IN JEFFERSON CITY, COLE COUNTY, TO F & F DEVELOPMENT, LLC. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim to all interest of the state of Missouri in property located in the City of Jefferson, Cole County, Missouri, described as follows to F & F Development, LLC.

Tract 1:

Part of Inlots Nos. 664, 665, 666, 668 and 669; part of an un-named 20 foot wide alley between the southerly line of said Inlots 664, 665 and 666 and the northerly line of said Inlots 668 and 669; part of the West Elm Street Right-of-Way; and part of the Original Wears Creek as per plat of Jefferson City, Missouri, including all of Tracts 1 and 2 of a certain survey of record in Survey Record Book A, page 104, being Tracts II and III of the deed of record in Book 418, page 487, Cole County Recorder's Office, also including all of the property described by quit-claim deed of record in Book 418, page 488, Cole County Recorder's Office, the combined boundary of all the aforesaid being more particularly described as follows:

BEGINNING at the most westerly corner of Tract 1 of the aforesaid survey of record in Survey Record Book A, page 104, being a point on the southerly line of the Business 50/Missouri Boulevard right-of-way; thence northeasterly, along said right-of-way line, on a curve to the right, having a radius of 459.91 feet, an arc distance of 261.44 feet (the chord of said curve being N58°51'20"E, 257.94 feet) to a point 40 feet left of Highway Plan Centerline PC Sta. 7+69.30; thence N75°08'28"E, along said right-of-way line, 12.75 feet to the most northerly corner of Tract 2 of the aforesaid survey of record in Survey Record Book A, page 104, also being the most northerly corner of Tract II of the aforesaid deed of record in Book 418, page 487, common to the most westerly corner of the property described by deed of record in Book 660, page 276, Cole County Recorder's Office; thence S47°26'49"E, along the common boundary thereof, being the northerly boundary of Tract 2 of said survey in Survey Record Book A, page 104, 215.19 feet to the most easterly corner thereof, being a point on the northerly high bank of the relocated Wears Creek channel; thence westerly, along the northerly high bank of said relocated Wears Creek channel, the following courses: S78°50'01"W, along the southerly boundary of Tract 2 of said survey in Survey Record Book A, page 104, 99.73 feet to the most southerly corner thereof; thence S86°27'00"W, 27.90 feet to the southeasterly corner of the property described by quit-claim deed of record in Book 418, page 488, Cole County Recorder's Office; thence continuing westerly, along the northerly high

bank of said relocated Wears Creek channel, being the southerly boundary of said property described in Book 418, page 488 the following courses: S79°45'34"W, 28.53 feet; thence S69°57'44"W, 25.00 feet; thence S64°48'14"W, 20.00 feet; thence S50°06'54"W, 20.00 feet; thence S42°02'44"W, 40.00 feet; thence S36°48'34"W, 40.00 feet; thence S22°43'14"W, 40.00 feet to a point on the northerly line of the aforesaid West Elm Street right-of-way, being the most southerly corner of said property described in Book 418, page 488; thence leaving the southerly boundary of said property described in Book 418, page 488, continuing S22°43'14"W, 42.17 feet, to a point on the centerline of said West Elm Street right-of-way; thence leaving the northerly high bank of said relocated Wears Creek channel, N47°38'44"W, along the centerline of said West Elm Street right-of-way, 50.25 feet to a point on the easterly line of the U.S. Route 54 and Business 50 / Missouri Boulevard connection right-of-way; thence N22°07'57"W, along said connection right-of-way, 117.03 feet; thence N15°57'19"W, along said connection right-of-way, 62.54 feet to the POINT OF BEGINNING.

Tract 2:

Parts of Inlots 772, 773, 775, 776 and 777; part of an Un-labeled Inlot; Part of a 20 foot wide vacated Alley vacated by City Ord. No. 11723, in Book 336, page 584, Cole County Recorder's Office; and part of the Original Wears Creek as per plat of Jefferson City, Missouri, being all the properties described by deed of record in Book 336, page 608 & 609, Cole County Recorder's Office, more particularly described as follows:

From the southwesterly corner of the aforesaid Inlot 775; thence S47°33'56"E, along the southerly line of said Inlot 775, 42.90 feet to a corner on the southwesterly boundary of the aforesaid properties described by deed of record in Book 336, page 609, Cole County Recorder's Office, being a point 40.85 feet left of the Dunklin Street centerline at PT Sta. 1+43.65, as per the Missouri Highway and Transportation Commission Plans of Job No. 5-U-54-258B and said point being the POINT OF BEGINNING for this description; thence, along said Highway plan right-of-ways, being the boundary of said properties described in Book 336, page 609, the following courses: N9°14'44"W, 46.29 feet to a point 76.0 feet left of Sta. 15+40 of the Missouri Boulevard centerline; thence N38°14'47"E, 50.32 feet to a point 54.00 feet left of Sta. 15+00 of said Missouri Boulevard centerline; thence Northeasterly, on a curve to the left, having a radius of 553.06 feet, an arc distance of 205.41 feet (the chord of said curve being N51°12'34"E, 204.23 feet) to a point 54.0 feet left of PC Sta. 13+14.92 of said Missouri Boulevard centerline; thence N40°34'09"E, 34.92 feet to a point 54.0 feet left of Sta. 12+80 of said Missouri Boulevard centerline; thence N65°35'10"E, 49.66 feet to a point 75.0 feet left of Sta. 12+35 of said Missouri Boulevard centerline; thence S65°54'55"E, 50.30 feet to a point 20.0 feet left of Sta. 9+50 of the Ramp 4 base line; thence S4°51'13"W, 89.43 feet to a point 40.0 feet left of Sta. 8+00 of said Ramp 4 base line; thence S18°40'19"W, 84.88 feet to a point 45.0 feet left of Sta. 7+00 of said Ramp 4 base line; thence S47°43'45"W, 82.66 feet to a point 63.0 feet left of Sta. 6+00 of said Ramp 4 base line; thence S59°45'50"W, 51.57 feet to a point 70.0 feet left of Sta. 5+33.3 of said Ramp 4 base line; thence S59°42'35"W, 74.45 feet to a point 71.33 feet left of Sta. 4+58.19 of said Ramp 4 base line, being on the southerly line of the aforesaid Inlot 776, being the northerly line of the Dunklin Street right-of-way; thence N47°33'56"W, along the southerly line of said Inlot 776 and 775, being the northerly line of said Dunklin Street right-of-way, 139.27 feet to the POINT OF BEGINNING.

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 6. GOVERNOR AUTHORIZED TO CONVEY PROPERTY IN THE CITY OF ST. JOSEPH, BUCHANAN 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 Buchanan County to the City of St. Joseph, Missouri. The property to be conveyed is more particularly described as follows:

Tract A.

A tract located in the East half of Section 10 Township 57 North Range 35 West Buchanan County, Missouri. Beginning 17.57 feet East and 541.50 feet South of the center of Section 10 Township 57 North Range 35 West, thence on a curve to the left with a radius of 622.96 feet to a point that is 356.41 feet East and 421.10 feet South of center of said Section 10, thence at a right angle to the right 10 feet, thence North 53° 40' East 392.22 feet to a point 678.29 feet East and 196.78 feet South of center of said Section 10, thence North 75° 24' East 344.17 feet to a point that is 1011.35 feet East and 110 feet South of the center of said Section 10, thence East to a point on the West line of 36th Street 110 feet South of the East and West center line of said Section 10, then North along the West line of 36th Street 210 feet to a point 100 feet North of the East and West center line of said Section 10, thence West parallel to the East and West center line of said Section 10 to a point 100 feet North and 1011.35 feet East of Center of said Section 10, thence South 27.5 feet to a point 72.5 feet North and 1011.35 feet East of the center of said Section 10, thence on a curve to the left with a radius of 1195.92 feet to a point 616.07 feet East and 10.29 feet North of the center of said Section 10, thence South 70° 42' West 274.56 feet to a point 356.94 feet East and 80.45 feet South of center of said Section 10, thence on a curve to the right with a radius of 1095.92 feet to the East line of 32nd Street, thence South on the East line of 32nd Street to the point of beginning.

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. GOVERNOR AUTHORIZED TO CONVEY PROPERTY IN JEFFERSON CITY, COLE COUNTY, TO WATERS REALTY ASSOCIATES, INC. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim to all interest of the state of Missouri in property located in the City of Jefferson, Cole County, Missouri, to Waters Realty Associates Inc., described as follows:

Part of the 80 foot wide Walnut Street right-of-way and part of the 20 foot wide Alley right-of-way, having been vacated by the City of Jefferson by City Ordinance No. 7735 and all of an un-named triangular shaped Lot or Inlot that lies northwesterly of, along and adjacent to the aforesaid vacated right-of-ways and southerly of the southerly line of the property platted as Wears Creek, as shown on a certain plat of said City of Jefferson, Cole County, Missouri; all being more particularly described as follows:

BEGINNING at the northwesterly corner of Inlot No. 885 in the aforesaid City of Jefferson, Missouri; thence N47° 43'30"W, along the easterly extension of the northerly line of Inlot No. 880 and along said northerly line thereof, 153.40 feet, more or less to a point on the southerly line of the aforesaid property platted as Wears Creek; thence N81° 45'01"E, along the southerly line of said Wears

Creek, 241.10 feet, more or less to a point on the westerly line of Inlot No. 881, being the easterly line of the aforesaid vacated Walnut Street right-of-way; thence S42° 14'14"W, along said vacated Walnut Street right-of-way line, being the westerly line of said Inlot No. 881 and its southerly extension thereof, 186.11 feet, more or less to the POINT OF BEGINNING.

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 B. EMERGENCY CLAUSE. — Because the City of St. Joseph needs property to place a fire station to ensure public safety, the enactment of section 6 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 the enactment of section 6 of this act shall be in full force and effect upon its passage and approval.

Approved June 17, 2016

SB 988 [CCS SB 988]

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

Prohibits the Department of Health and Senior Services from requiring hospitals to have fences around helipads

AN ACT to repeal sections 190.060, 190.241, and 197.315, RSMo, and to enact in lieu thereof six new sections relating to health care providers, with an emergency clause for certain sections.

SECTION

- A. Enacting clause.
- 96.192. Investment of hospital funds, limitations.
- 190.060. Powers of district.
- 190.241. Trauma, STEMI, or stroke centers, designation by department — on-site reviews — grounds for suspension or revocation of designation — data submission and analysis — fees — administrative hearing commission to hear persons aggrieved by designation.
- 190.265. Helipads, hospitals not required to have fencing or barriers.
- 197.315. Certificate of need granted, when — forfeiture, grounds — application for certificate, fee — certificate not required, when.
- 205.165. Investment of moneys in an investment company, when.
- B. Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Sections 190.060, 190.241, and 197.315, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 96.192, 190.060, 190.241, 190.265, 197.315, and 205.165, to read as follows:

96.192. INVESTMENT OF HOSPITAL FUNDS, LIMITATIONS. — **1. The board of trustees of any hospital authorized under subsection 2 of this section, and established and organized under the provisions of sections 96.150 to 96.229, may invest up to twenty-five**

percent of the hospital's funds not required for immediate disbursement in obligations or for the operation of the hospital in any United States investment grade fixed income funds or any diversified stock funds, or both.

2. The provisions of this section shall only apply if the hospital:

(1) Receives less than one percent of its annual revenues from municipal, county, or state taxes; and

(2) Receives less than one percent of its annual revenue from appropriated funds from the municipality in which such hospital is located.

190.060. POWERS OF DISTRICT. — 1. An ambulance district shall have the following governmental powers, and all other powers incidental, necessary, convenient or desirable to carry out and effectuate the express powers:

(1) To establish and maintain an ambulance service within its corporate limits, and to acquire for, develop, expand, extend and improve such service;

(2) To acquire land in fee simple, rights in land and easements upon, over or across land and leasehold interests in land and tangible and intangible personal property used or useful for the location, establishment, maintenance, development, expansion, extension or improvement of an ambulance service. The acquisition may be by dedication, purchase, gift, agreement, lease, use or adverse possession;

(3) To operate, maintain and manage the ambulance service, and to make and enter into contracts for the use, operation or management of and to provide rules and regulations for the operation, management or use of the ambulance service;

(4) To fix, charge and collect reasonable fees and compensation for the use of the ambulance service according to the rules and regulations prescribed by the board from time to time;

(5) To borrow money and to issue bonds, notes, certificates, or other evidences of indebtedness for the purpose of accomplishing any of its corporate purposes, subject to compliance with any condition or limitation set forth in sections 190.001 to 190.090 or otherwise provided by the Constitution of the state of Missouri;

(6) To employ or enter into contracts for the employment of any person, firm, or corporation, and for professional services, necessary or desirable for the accomplishment of the objects of the district or the proper administration, management, protection or control of its property;

(7) To maintain the ambulance service for the benefit of the inhabitants of the area comprising the district regardless of race, creed or color, and to adopt such reasonable rules and regulations as may be necessary to render the highest quality of emergency medical care; to exclude from the use of the ambulance service all persons who willfully disregard any of the rules and regulations so established; to extend the privileges and use of the ambulance service to persons residing outside the area of the district upon such terms and conditions as the board of directors prescribes by its rules and regulations;

(8) To provide for health, accident, disability and pension benefits for the salaried members of its organized ambulance district and such other benefits for the members' spouses and minor children, through either, or both, a contributory or noncontributory plan. The type and amount of such benefits shall be determined by the board of directors of the ambulance district within the level of available revenue of the pension program and other available revenue of the district. If an employee contributory plan is adopted, then at least one voting member of the board of trustees shall be a member of the ambulance district elected by the contributing members. The board of trustees shall not be the same as the board of directors;

(9) To purchase insurance indemnifying the district and its employees, officers, volunteers and directors against liability in rendering services incidental to the furnishing of ambulance services. Purchase of insurance pursuant to this section is not intended to waive sovereign immunity, official immunity or the Missouri public duty doctrine defenses; and

(10) To provide for life insurance, accident, sickness, health, disability, annuity, length of service, pension, retirement and other employee-type fringe benefits, subject to the provisions of section 70.615, for the volunteer members of any organized ambulance district and such other benefits for their spouses and eligible unemancipated children, either through a contributory or noncontributory plan, or both. For purposes of this section, "eligible unemancipated child" means a natural or adopted child of an insured, or a stepchild of an insured who is domiciled with the insured, who is less than twenty-three years of age, who is not married, not employed on a full-time basis, not maintaining a separate residence except for full-time students in an accredited school or institution of higher learning, and who is dependent on parents or guardians for at least fifty percent of his or her support. The type and amount of such benefits shall be determined by the board of directors of the ambulance district within available revenues of the district, including the pension program of the district. The provision and receipt of such benefits shall not make the recipient an employee of the district. Directors who are also volunteer members may receive such benefits while serving as a director of the district.

2. The use of any ambulance service of a district shall be subject to the reasonable regulation and control of the district and upon such reasonable terms and conditions as shall be established by its board of directors.

3. A regulatory ordinance of a district adopted pursuant to any provision of this section may provide for a suspension or revocation of any rights or privileges within the control of the district for a violation of any regulatory ordinance.

4. Nothing in this section or in other provisions of sections 190.001 to 190.245 shall be construed to authorize the district or board to establish or enforce any regulation or rule in respect to the operation or maintenance of the ambulance service within its jurisdiction which is in conflict with any federal or state law or regulation applicable to the same subject matter.

5. After August 28, 1998, the board of directors of an ambulance district that proposes to contract for the total management and operation of the ambulance service, when that ambulance district has not previously contracted out for said service, shall hold a public hearing within a thirty-day period and shall make a finding that the proposed contract to manage and operate the ambulance service will:

- (1) Provide benefits to the public health that outweigh the associated costs;
- (2) Maintain or enhance public access to ambulance service;
- (3) Maintain or improve the public health and promote the continued development of the regional emergency medical services system.

6. (1) Upon a satisfactory finding following the public hearing in subsection 5 of this section and after a sixty-day period, the ambulance district may enter into the proposed contract, however said contract shall not be implemented for at least thirty days.

(2) The provisions of subsection 5 of this section shall not apply to contracts which were executed prior to August 28, 1998, or to the renewal or modification of such contracts or to the signing of a new contract with an ambulance service provider for services that were previously contracted out.

7. All ambulance districts authorized to adopt laws, ordinances, or regulations regarding basic life support ambulances shall require such ambulances to be equipped with an automated external defibrillator and be staffed by at least one individual trained in the use of an automated external defibrillator.

8. The ambulance district may adopt procedures for conducting fingerprint background checks on current and prospective employees, contractors, and volunteers. The ambulance district may submit applicant fingerprints to the Missouri state highway patrol, Missouri criminal records repository, for the purpose of checking the person's criminal history. The fingerprints shall be used to search the Missouri criminal records repository and shall be submitted to the Federal Bureau of Investigation to be used for searching the federal criminal history files. The fingerprints shall be submitted on forms and in the manner prescribed by the Missouri state highway patrol. Fees shall be as set forth in section 43.530.

190.241. TRAUMA, STEMI, OR STROKE CENTERS, DESIGNATION BY DEPARTMENT — ON-SITE REVIEWS — GROUNDS FOR SUSPENSION OR REVOCATION OF DESIGNATION — DATA SUBMISSION AND ANALYSIS — FEES — ADMINISTRATIVE HEARING COMMISSION TO HEAR PERSONS AGGRIEVED BY DESIGNATION. — 1. The department shall designate a hospital as an adult, pediatric or adult and pediatric trauma center when a hospital, upon proper application submitted by the hospital and site review, has been found by the department to meet the applicable level of trauma center criteria for designation in accordance with rules adopted by the department as prescribed by section 190.185.

2. **Except as provided for in subsection 4 of this section,** the department shall designate a hospital as a STEMI or stroke center when such hospital, upon proper application and site review, has been found by the department to meet the applicable level of STEMI or stroke center criteria for designation in accordance with rules adopted by the department as prescribed by section 190.185. In developing STEMI center and stroke center designation criteria, the department shall use, as it deems practicable, appropriate peer-reviewed or evidence-based research on such topics including, but not limited to, the most recent guidelines of the American College of Cardiology and American Heart Association for STEMI centers, or the Joint Commission's Primary Stroke Center Certification program criteria for stroke centers, or Primary and Comprehensive Stroke Center Recommendations as published by the American Stroke Association.

3. The department of health and senior services shall, not less than once every five years, conduct an on-site review of every trauma, STEMI, and stroke center through appropriate department personnel or a qualified contractor, **with the exception of stroke centers designated pursuant to subsection 4 of this section; however, this provision is not intended to limit the department's ability to conduct a complaint investigation pursuant to subdivision (3) of subsection 2 of section 197.080 of any trauma, STEMI, or stroke center.** On-site reviews shall be coordinated for the different types of centers to the extent practicable with hospital licensure inspections conducted under chapter 197. No person shall be a qualified contractor for purposes of this subsection who has a substantial conflict of interest in the operation of any trauma, STEMI, or stroke center under review. The department may deny, place on probation, suspend or revoke such designation in any case in which it has reasonable cause to believe that there has been a substantial failure to comply with the provisions of this chapter or any rules or regulations promulgated pursuant to this chapter. If the department of health and senior services has reasonable cause to believe that a hospital is not in compliance with such provisions or regulations, it may conduct additional announced or unannounced site reviews of the hospital to verify compliance. If a trauma, STEMI, or stroke center fails two consecutive on-site reviews because of substantial noncompliance with standards prescribed by sections 190.001 to 190.245 or rules adopted by the department pursuant to sections 190.001 to 190.245, its center designation shall be revoked.

4. **Instead of applying for stroke center designation pursuant to the provisions of subsection 2 of this section, a hospital may apply for stroke center designation pursuant to this subsection. Upon receipt of an application from a hospital on a form prescribed by the department, the department shall designate such hospital:**

(1) **A level I stroke center if such hospital has been certified as a comprehensive stroke center by the Joint Commission or any other certifying organization designated by the department when such certification is in accordance with the American Heart Association/American Stroke Association guidelines;**

(2) **A level II stroke center if such hospital has been certified as a primary stroke center by the Joint Commission or any other certifying organization designated by the department when such certification is in accordance with the American Heart Association/American Stroke Association guidelines; or**

(3) **A level III stroke center if such hospital has been certified as an acute stroke-ready hospital by the Joint Commission or any other certifying organization designated**

by the department when such certification is in accordance with the American Heart Association/American Stroke Association guidelines.

Except as provided by subsection 5 of this section, the department shall not require compliance with any additional standards for establishing or renewing stroke designations. The designation shall continue if such hospital remains certified. The department may remove a hospital's designation as a stroke center if the hospital requests removal of the designation or the department determines that the certificate recognizing the hospital as a stroke center has been suspended or revoked. Any decision made by the department to withdraw its designation of a stroke center pursuant to this subsection that is based on the revocation or suspension of a certification by a certifying organization shall not be subject to judicial review. The department shall report to the certifying organization any complaint it receives related to the stroke center certification of a stroke center designated pursuant to this subsection. The department shall also advise the complainant which organization certified the stroke center and provide the necessary contact information should the complainant wish to pursue a complaint with the certifying organization.

5. Any hospital receiving designation as a stroke center pursuant to subsection 4 of this section shall:

(1) Annually and within thirty days of any changes submit to the department proof of stroke certification and the names and contact information of the medical director and the program manager of the stroke center;

(2) Submit to the department a copy of the certifying organization's final stroke certification survey results within thirty days of receiving such results;

(3) Submit every four years an application on a form prescribed by the department for stroke center review and designation;

(4) Participate in the emergency medical services regional system of stroke care in its respective emergency medical services region as defined in rules promulgated by the department;

(5) Participate in local and regional emergency medical services systems by reviewing and sharing outcome data and providing training and clinical educational resources.

Any hospital receiving designation as a level III stroke center pursuant to subsection 4 of this section shall have a formal agreement with a level I or level II stroke center for physician consultative services for evaluation of stroke patients for thrombolytic therapy and the care of the patient post-thrombolytic therapy.

6. Hospitals designated as a STEMI or stroke center by the department, including those designated pursuant to subsection 4 of this section, shall submit data to meet the data submission requirements specified by rules promulgated by the department. Such submission of data may be done by the following methods:

(1) Entering hospital data directly into a state registry by direct data entry;

(2) Downloading hospital data from a nationally-recognized registry or data bank and importing the data files into a state registry; or

(3) Authorizing a nationally-recognized registry or data bank to disclose or grant access to the department facility-specific data held by the registry or data bank.

A hospital submitting data pursuant to subdivisions (2) or (3) of this subsection shall not be required to collect and submit any additional STEMI or stroke center data elements.

7. When collecting and analyzing data pursuant to the provisions of this section, the department shall comply with the following requirements:

(1) Names of any health care professionals, as defined in section 376.1350, shall not be subject to disclosure;

(2) The data shall not be disclosed in a manner that permits the identification of an individual patient or encounter;

(3) The data shall be used for the evaluation and improvement of hospital and emergency medical services' trauma, stroke, and STEMI care;

(4) The data collection system shall be capable of accepting file transfers of data entered into to any national recognized trauma, stroke, or STEMI registry or data bank to fulfill trauma, stroke, or STEMI certification reporting requirements;

(5) STEMI and stroke center data elements shall conform to nationally recognized performance measures, such as the American Heart Association's Get With the Guidelines, and include published detailed measure specifications, data coding instructions, and patient population inclusion and exclusion criteria to ensure data reliability and validity; and

(6) Generate from the trauma, stroke, and STEMI registries quarterly regional and state outcome data reports for trauma, stroke, and STEMI designated centers, the state advisory council on EMS, and regional EMS committees to review for performance improvement and patient safety.

8. The board of registration for the healing arts shall have sole authority to establish education requirements for physicians who practice in an emergency department of a facility designated as a trauma, STEMI, or stroke center by the department under this section. The department shall deem such education requirements promulgated by the board of registration for the healing arts sufficient to meet the standards for designations under this section.

9. The department of health and senior services may establish appropriate fees to offset the costs of trauma, STEMI, and stroke center reviews.

[5.] 10. No hospital shall hold itself out to the public as a STEMI center, stroke center, adult trauma center, pediatric trauma center, or an adult and pediatric trauma center unless it is designated as such by the department of health and senior services.

[6.] 11. Any person aggrieved by an action of the department of health and senior services affecting the trauma, STEMI, or stroke center designation pursuant to this chapter, including the revocation, the suspension, or the granting of, refusal to grant, or failure to renew a designation, may seek a determination thereon by the administrative hearing commission under chapter 621. It shall not be a condition to such determination that the person aggrieved seek a reconsideration, a rehearing, or exhaust any other procedure within the department.

190.265. HELIPADS, HOSPITALS NOT REQUIRED TO HAVE FENCING OR BARRIERS. — 1. In order to ensure that the skids of a helicopter do not get caught in a fence or other barriers and cause a potentially catastrophic outcome, any rules and regulations promulgated by the department of health and senior services pursuant to sections 190.185, 190.241, and 192.006, chapter 197, or any other provision of Missouri law shall not require hospitals to have a fence, or other barriers, around such hospital's helipad. Any regulation requiring fencing, or other barriers, or any interpretation of such regulation shall be null and void.

2. In addition to the prohibition in subsection 1 of this section, the department shall not promulgate any rules and regulations with respect to the operation or construction of a helipad located at a hospital.

3. Hospitals shall ensure that helipads are free of obstruction and safe for use by a helicopter while on the ground, during approach, and takeoff.

4. As used in this section, the term "hospital" shall have the same meaning as in section 197.020.

197.315. CERTIFICATE OF NEED GRANTED, WHEN — FORFEITURE, GROUNDS — APPLICATION FOR CERTIFICATE, FEE — CERTIFICATE NOT REQUIRED, WHEN. — 1. Any person who proposes to develop or offer a new institutional health service within the state must obtain a certificate of need from the committee prior to the time such services are offered.

2. Only those new institutional health services which are found by the committee to be needed shall be granted a certificate of need. Only those new institutional health services which

are granted certificates of need shall be offered or developed within the state. No expenditures for new institutional health services in excess of the applicable expenditure minimum shall be made by any person unless a certificate of need has been granted.

3. After October 1, 1980, no state agency charged by statute to license or certify health care facilities shall issue a license to or certify any such facility, or distinct part of such facility, that is developed without obtaining a certificate of need.

4. If any person proposes to develop any new institutional health care service without a certificate of need as required by sections 197.300 to 197.366, the committee shall notify the attorney general, and he shall apply for an injunction or other appropriate legal action in any court of this state against that person.

5. After October 1, 1980, no agency of state government may appropriate or grant funds to or make payment of any funds to any person or health care facility which has not first obtained every certificate of need required pursuant to sections 197.300 to 197.366.

6. A certificate of need shall be issued only for the premises and persons named in the application and is not transferable except by consent of the committee.

7. Project cost increases, due to changes in the project application as approved or due to project change orders, exceeding the initial estimate by more than ten percent shall not be incurred without consent of the committee.

8. Periodic reports to the committee shall be required of any applicant who has been granted a certificate of need until the project has been completed. The committee may order the forfeiture of the certificate of need upon failure of the applicant to file any such report.

9. A certificate of need shall be subject to forfeiture for failure to incur a capital expenditure on any approved project within six months after the date of the order. The applicant may request an extension from the committee of not more than six additional months based upon substantial expenditure made.

10. Each application for a certificate of need must be accompanied by an application fee. The time of filing commences with the receipt of the application and the application fee. The application fee is one thousand dollars, or one-tenth of one percent of the total cost of the proposed project, whichever is greater. All application fees shall be deposited in the state treasury. Because of the loss of federal funds, the general assembly will appropriate funds to the Missouri health facilities review committee.

11. In determining whether a certificate of need should be granted, no consideration shall be given to the facilities or equipment of any other health care facility located more than a fifteen-mile radius from the applying facility.

12. When a nursing facility shifts from a skilled to an intermediate level of nursing care, it may return to the higher level of care if it meets the licensure requirements, without obtaining a certificate of need.

13. In no event shall a certificate of need be denied because the applicant refuses to provide abortion services or information.

14. A certificate of need shall not be required for the transfer of ownership of an existing and operational health facility in its entirety.

15. A certificate of need may be granted to a facility for an expansion, an addition of services, a new institutional service, or for a new hospital facility which provides for something less than that which was sought in the application.

16. The provisions of this section shall not apply to facilities operated by the state, and appropriation of funds to such facilities by the general assembly shall be deemed in compliance with this section, and such facilities shall be deemed to have received an appropriate certificate of need without payment of any fee or charge. **The provisions of this subsection shall not apply to hospitals operated by the state and licensed under chapter 197, except for department of mental health state-operated psychiatric hospitals.**

17. Notwithstanding other provisions of this section, a certificate of need may be issued after July 1, 1983, for an intermediate care facility operated exclusively for the intellectually disabled.

18. To assure the safe, appropriate, and cost-effective transfer of new medical technology throughout the state, a certificate of need shall not be required for the purchase and operation of:

(1) **Research equipment that is to be used in a clinical trial that has received written approval from a duly constituted institutional review board of an accredited school of medicine or osteopathy located in Missouri to establish its safety and efficacy and does not increase the bed complement of the institution in which the equipment is to be located. After the clinical trial has been completed, a certificate of need must be obtained for continued use in such facility; or**

(2) **Equipment that is to be used by an academic health center operated by the state in furtherance of its research or teaching missions.**

205.165. INVESTMENT OF MONEYS IN AN INVESTMENT COMPANY, WHEN. — 1. The board of trustees of any hospital authorized under subsection 1 of this section and organized under the provisions of sections 205.160 to 205.340 may invest up to fifteen percent of their funds not required for immediate disbursement in obligations or for the operation of the hospital into any mutual fund, in the form of an investment company, in which shareholders combine money to invest in a variety of stocks, bonds, and money-market investments.

2. The provisions of this section shall only apply if the hospital:

(1) **Is located within a county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants; and**

(2) **Receives less than one percent of its annual revenues from county or state taxes.**

SECTION B. EMERGENCY CLAUSE. — Because immediate action is necessary to preserve access to quality health care facilities for the citizens of Missouri and because immediate action may prevent a tragic occurrence from happening, the enactment of section 190.265 and the repeal and reenactment of section 197.315 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 the enactment of section 190.265 and the repeal and reenactment of section 197.315 of this act shall be in full force and effect upon its passage and approval.

Approved July 5, 2016

SB 997 [CCS HCS SB 997]

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

Establishes several provisions relating to higher education

AN ACT to repeal sections 103.003, 103.079, 167.223, 173.005, 173.234, and 178.780, RSMo, and to enact in lieu thereof nineteen new sections relating to higher education, with an emergency clause for certain sections, with existing penalty provisions.

SECTION

- A. Enacting clause.
 - 103.003. Definitions.
 - 103.079. Health care programs sponsored by other state agencies may become part of consolidated plan, procedure — departments may review plan and withdraw, when — higher education entities may become part of consolidated plan, procedure.
 - 105.1445. Notice to public employees, eligibility for loan forgiveness — public employers to adopt policy, notice.
 - 167.223. High school may offer postsecondary course options — fees.
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- 173.005. Department of higher education created—agencies, divisions, transferred to department—coordinating board, appointment qualifications, terms, compensation, duties, advisory committee, members.
- 173.035. Resources, website directing students to—rulemaking authority.
- 173.234. Definitions—grants to be awarded, when, duration—duties of the board—rulemaking authority—eligibility criteria—sunset provision.
- 173.2500. Dual credit providers—definitions—application procedure—rulemaking authority—fund created.
- 173.2505. Scholarship eligibility—amount of scholarship, limitation—fund created.
- 173.2510. On-time completion of degree programs, policies to be created to promote—report.
- 173.2515. Guided pathways to success—definitions—pilot program to be developed—grants, when, rules for procedure.
- 173.2520. Pilot program established—report.
- 178.780. Coordinating board for higher education to supervise colleges—duties.
- 178.785. Higher education core curriculum transfer act—definitions.
- 178.786. Lower division core curriculum, recommendation—common course numbering equivalency matrix.
- 178.787. Forty-two credit hour block, adoption of—transfer of course credits.
- 178.788. Transfer practices, criteria to evaluate—requirements for credit transfers.
- 178.789. Rulemaking authority.
1. Out-of-state travel costs for full-time employees, reporting requirements.
 - B. Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Sections 103.003, 103.079, 167.223, 173.005, 173.234, and 178.780, RSMo, are repealed and nineteen new sections enacted in lieu thereof, to be known as sections 103.003, 103.079, 105.1445, 167.223, 173.005, 173.035, 173.234, 173.2500, 173.2505, 173.2510, 173.2515, 173.2520, 178.780, 178.785, 178.786, 178.787, 178.788, 178.789, and 1, to read as follows:

103.003. DEFINITIONS. — As used in sections 103.003 to 103.175, the following terms mean:

- (1) "Actuarial reserves", the necessary funding required to pay all the medical expenses for services provided to members of the plan but for which the claims have not yet been received by the claims administrator;
- (2) "Actuary", a member of the American Academy of Actuaries or who is an enrolled actuary under the Employee Retirement Income Security Act of 1974;
- (3) "Agency", a state-sponsored institution of higher learning, political subdivision or governmental entity or instrumentality;
- (4) "Alternative delivery health care program", a plan of covered benefits that pays medical expenses through an alternate mechanism rather than on a fee-for-service basis. This includes, but is not limited to, health maintenance organizations and preferred provider organizations, all of which shall include chiropractic physicians licensed under chapter 331, in the provider networks or organizations;
- (5) "Board", the board of trustees of the Missouri consolidated health care plan;
- (6) "Claims administrator", an agency contracted to process medical claims submitted from providers or members of the plan and their dependents;
- (7) "Coordination of benefits", to work with another group-sponsored health care plan which also covers a member of the plan to ensure that both plans pay their appropriate amount of the health care expenses incurred by the member;
- (8) "Covered benefits", a schedule of covered services, including chiropractic services, which are payable under the plan;
- (9) "Employee", any person employed full time by the state or a participating member agency, or a person eligible for coverage by a state-sponsored retirement system or a retirement system sponsored by a participating member agency of the plan;
- (10) "Evidence of good health", medical information supplied by a potential member of the plan that is reviewed to determine the financial risk the person represents to the plan and the corresponding determination of whether or not he or she should be accepted into the plan;

(11) "Health care plan", any group medical benefit plan providing coverage on an expense-incurred basis, any HMO, any group service or indemnity contract issued by a health plan of any type or description;

(12) "Medical benefits coverages" shall include services provided by chiropractic physicians as well as physicians licensed under chapter 334;

(13) "Medical expenses", costs for services performed by a provider and covered under the plan;

(14) "Missouri consolidated health care plan benefit fund account", the benefit trust fund account containing all payroll deductions, payments, and income from all sources for the plan;

(15) "Officer", an elected official of the state of Missouri;

(16) **"Participating higher education entity", a state-sponsored institution of higher learning;**

(17) **"Participating member agency", a [state-sponsored institution of higher learning,] political subdivision or governmental entity that has elected to join the plan and has been accepted by the board;**

[(17)] (18) "Plan year", a twelve-month period designated by the board which is used to calculate the annual rate categories and the appropriate coverage;

[(18)] (19) "Provider", a physician, hospital, pharmacist, psychologist, chiropractic physician or other licensed practitioner who or which provides health care services within the respective scope of practice of such practitioner pursuant to state law and regulation;

[(19)] (20) "Retiree", a person who is not an employee and is receiving or is entitled to receive an annuity benefit from a state-sponsored retirement system or a retirement system of a participating member agency of the plan or becomes eligible for retirement benefits because of service with a participating member agency.

103.079. HEALTH CARE PROGRAMS SPONSORED BY OTHER STATE AGENCIES MAY BECOME PART OF CONSOLIDATED PLAN, PROCEDURE — DEPARTMENTS MAY REVIEW PLAN AND WITHDRAW, WHEN — HIGHER EDUCATION ENTITIES MAY BECOME PART OF CONSOLIDATED PLAN, PROCEDURE. — 1. The health care programs sponsored by the departments of transportation and conservation shall become a part of this plan only upon request to and acceptance by the board of trustees by the highways and transportation commission or the conservation commission and any such transfer into this plan shall be deemed reviewable by such department every three years. Such department may withdraw from the plan upon approval by such department's commission and by providing the board a minimum of six months' notice prior to the end of the then current plan year and termination of coverage will become effective at the end of the then current plan year. For any of the foregoing state agencies choosing to participate, the plan shall not assume responsibility for any liabilities incurred by the agency or its eligible employees, retirees, or dependents prior to its effective date.

2. Any participating higher education entity may, by its own election, become part of this plan. The board of trustees shall accept the participating higher education entity. The board of trustees may request the participating higher education entity pay a first year adjustment if the population being brought into the plan is actuarially substantial and materially different than the current population in the state plan. Once a participating higher education entity comes into the plan, it may not leave the plan for a period of five years. Such participating higher education entity may withdraw from the plan upon approval by such participating higher education entity governing board and by providing the board a minimum of six month's notice prior to the end of the then current plan year and termination of coverage will become effective at the end of the then current plan year. For any of the foregoing participating higher education entities choosing to participate, the plan shall not assume responsibility for any liabilities incurred by the participating higher education entity or its eligible employees, retirees, or dependents prior to its effective date.

105.1445. NOTICE TO PUBLIC EMPLOYEES, ELIGIBILITY FOR LOAN FORGIVENESS — PUBLIC EMPLOYERS TO ADOPT POLICY, NOTICE. — 1. On or before January 1, 2017, the department of higher education shall create guidance regarding notice of public employee eligibility for public service loan forgiveness. Public employers may use the guidance in providing notice to employees under subsection 2 of this section. The guidance shall include, but not be limited to, the following:

(1) Up-to-date, accurate, and complete information regarding eligibility for participation in existing public service loan forgiveness programs;

(2) Contact information and relevant forms for applying for existing public service loan forgiveness programs; and

(3) Other relevant information as determined by the department of higher education.

2. On or before April 1, 2017, the governing body of each public employer in this state shall adopt a policy that provides up-to-date, accurate, and complete information to each new employee regarding eligibility for public service loan forgiveness. Notice to new employees shall be provided within ten days following the start of employment with the public employer. On or before June 30, 2017, the public employer shall provide the same information to all current employees employed on that date.

167.223. HIGH SCHOOL MAY OFFER POSTSECONDARY COURSE OPTIONS — FEES. — 1. Public high schools may, in cooperation with Missouri public [community] **two-year** colleges and public or private four-year colleges and universities, offer postsecondary course options to high school students. A postsecondary course option allows eligible students to attend vocational or academic classes on a college or university campus and receive both high school and college credit upon successful completion of the course.

2. For purposes of state aid, the pupil's resident district shall continue to count the pupil in the average daily attendance of such resident district for any time the student is attending a postsecondary course.

3. Any pupil enrolled in a [community] **two-year** college under a postsecondary course option shall be considered a resident student for the purposes of calculating state aid to the [community] **two-year** college.

4. [Community] **Two-year** colleges and four-year colleges and universities may charge reasonable fees for pupils enrolled in courses under a postsecondary course option. Such fees may be paid by the district of residence or by the pupil, as determined by the agreement between the district of residence and the college or university.

173.005. DEPARTMENT OF HIGHER EDUCATION CREATED — AGENCIES, DIVISIONS, TRANSFERRED TO DEPARTMENT — COORDINATING BOARD, APPOINTMENT QUALIFICATIONS, TERMS, COMPENSATION, DUTIES, ADVISORY COMMITTEE, MEMBERS. —

1. There is hereby created a "Department of Higher Education", and the division of higher education of the department of education is abolished and all its powers, duties, functions, personnel and property are transferred as provided by the Reorganization Act of 1974, Appendix B, RSMo.

2. The commission on higher education is abolished and all its powers, duties, personnel and property are transferred by type I transfer to the "Coordinating Board for Higher Education", which is hereby created, and the coordinating board shall be the head of the department. The coordinating board shall consist of nine members appointed by the governor with the advice and consent of the senate, and not more than five of its members shall be of the same political party. None of the members shall be engaged professionally as an educator or educational administrator with a public or private institution of higher education at the time appointed or during his term. Moreover, no person shall be appointed to the coordinating board who shall not be a citizen of the United States, and who shall not have been a resident of the state of Missouri two years next prior to appointment, and at least one but not more than two persons shall be appointed to said

board from each congressional district. The term of service of a member of the coordinating board shall be six years and said members, while attending the meetings of the board, shall be reimbursed for their actual expenses. Notwithstanding any provision of law to the contrary, nothing in this section relating to a change in the composition and configuration of congressional districts in this state shall prohibit a member who is serving a term on August 28, 2011, from completing his or her term. The coordinating board may, in order to carry out the duties prescribed for it in subsections 1, 2, 3, 7, and 8 of this section, employ such professional, clerical and research personnel as may be necessary to assist it in performing those duties, but this staff shall not, in any fiscal year, exceed twenty-five full-time equivalent employees regardless of the source of funding. In addition to all other powers, duties and functions transferred to it, the coordinating board for higher education shall have the following duties and responsibilities:

(1) The coordinating board for higher education shall have approval of proposed new degree programs to be offered by the state institutions of higher education;

(2) The coordinating board for higher education may promote and encourage the development of cooperative agreements between Missouri public four-year institutions of higher education which do not offer graduate degrees and Missouri public four-year institutions of higher education which do offer graduate degrees for the purpose of offering graduate degree programs on campuses of those public four-year institutions of higher education which do not otherwise offer graduate degrees. Such agreements shall identify the obligations and duties of the parties, including assignment of administrative responsibility. Any diploma awarded for graduate degrees under such a cooperative agreement shall include the names of both institutions inscribed thereon. Any cooperative agreement in place as of August 28, 2003, shall require no further approval from the coordinating board for higher education. Any costs incurred with respect to the administrative provisions of this subdivision may be paid from state funds allocated to the institution assigned the administrative authority for the program. The provisions of this subdivision shall not be construed to invalidate the provisions of subdivision (1) of this subsection;

(3) In consultation with the heads of the institutions of higher education affected and against a background of carefully collected data on enrollment, physical facilities, manpower needs, institutional missions, the coordinating board for higher education shall establish guidelines for appropriation requests by those institutions of higher education; however, other provisions of the Reorganization Act of 1974 notwithstanding, all funds shall be appropriated by the general assembly to the governing board of each public four-year institution of higher education which shall prepare expenditure budgets for the institution;

(4) No new state-supported senior colleges or residence centers shall be established except as provided by law and with approval of the coordinating board for higher education;

(5) The coordinating board for higher education shall establish admission guidelines consistent with institutional missions;

(6) The coordinating board for higher education shall require all public two-year and four-year higher education institutions to replicate best practices in remediation identified by the coordinating board and institutions from research undertaken by regional educational laboratories, higher education research organizations, and similar organizations with expertise in the subject, and identify and reduce methods that have been found to be ineffective in preparing or retaining students or that delay students from enrollment in college-level courses;

(7) The coordinating board shall establish policies and procedures for institutional decisions relating to the residence status of students;

(8) The coordinating board shall establish guidelines to promote and facilitate the transfer of students between institutions of higher education within the state and, with the assistance of the committee on transfer and articulation, shall require all public two-year and four-year higher education institutions to create by July 1, 2014, a statewide core transfer library of at least twenty-five lower division courses across all institutions that are transferable among all public higher education institutions. The coordinating board shall establish policies and procedures to ensure

such courses are accepted in transfer among public institutions and treated as equivalent to similar courses at the receiving institutions. The coordinating board shall develop a policy to foster reverse transfer for any student who has accumulated enough hours in combination with at least one public higher education institution in Missouri that offers an associate degree and one public four-year higher education institution in the prescribed courses sufficient to meet the public higher education institution's requirements to be awarded an associate degree. The department of elementary and secondary education shall maintain the alignment of the assessments found in section 160.518 and successor assessments with the competencies previously established under this subdivision for entry-level collegiate courses in English, mathematics, foreign language, sciences, and social sciences associated with an institution's general education core;

(9) The coordinating board shall collect the necessary information and develop comparable data for all institutions of higher education in the state. The coordinating board shall use this information to delineate the areas of competence of each of these institutions and for any other purposes deemed appropriate by the coordinating board;

(10) Compliance with requests from the coordinating board for institutional information and the other powers, duties and responsibilities, herein assigned to the coordinating board, shall be a prerequisite to the receipt of any funds which the coordinating board is responsible for administering;

(11) If any institution of higher education in this state, public or private, willfully fails or refuses to follow any lawful guideline, policy or procedure established or prescribed by the coordinating board, or knowingly deviates from any such guideline, or knowingly acts without coordinating board approval where such approval is required, or willfully fails to comply with any other lawful order of the coordinating board, the coordinating board may, after a public hearing, withhold or direct to be withheld from that institution any funds the disbursement of which is subject to the control of the coordinating board, or may remove the approval of the institution as an approved institution within the meaning of section 173.1102. If any such public institution willfully disregards board policy, the commissioner of higher education may order such institution to remit a fine in an amount not to exceed one percent of the institution's current fiscal year state operating appropriation to the board. The board shall hold such funds until such time that the institution, as determined by the commissioner of higher education, corrects the violation, at which time the board shall refund such amount to the institution. If the commissioner determines that the institution has not redressed the violation within one year, the fine amount shall be deposited into the general revenue fund, unless the institution appeals such decision to the full coordinating board, which shall have the authority to make a binding and final decision, by means of a majority vote, regarding the matter. However, nothing in this section shall prevent any institution of higher education in this state from presenting additional budget requests or from explaining or further clarifying its budget requests to the governor or the general assembly; [and]

(12) In recognition of institutions that meet the requirements of subdivisions (2), (3), or (4) of subsection 1 of section 173.616, are established by name as an educational institution in Missouri, and are authorized to operate programs beyond secondary education for purposes of authorization under 34 C.F.R. 600.9, the coordinating board for higher education shall maintain and publish on its website a list of such postsecondary educational institutions; and

(13) (a) As used in this subdivision, the term "out-of-state public institution of higher education" shall mean an education institution located outside of Missouri that:

a. Is controlled or administered directly by a public agency or political subdivision or is classified as a public institution by the state;

b. Receives appropriations for operating expenses directly or indirectly from a state other than Missouri;

c. Provides a postsecondary course of instruction at least six months in length leading to or directly creditable toward a degree or certificate;

d. Meets the standards for accreditation by an accrediting body recognized by the United States Department of Education or any successor agency; and

e. Permits faculty members to select textbooks without influence or pressure by any religious or sectarian source.

(b) No later than July 1, 2008, the coordinating board shall promulgate rules regarding:

a. The board's approval process of proposed new degree programs and course offerings by any out-of-state public institution of higher education seeking to offer degree programs or course work within the state of Missouri; and

b. The board's approval process of degree programs and courses offered by any out-of-state public institutions of higher education that, prior to July 1, 2008, were approved by the board to operate a school in compliance with the provisions of sections 173.600 to 173.618. The rules shall ensure that, as of July 1, 2008, all out-of-state public institutions seeking to offer degrees and courses within the state of Missouri are evaluated in a manner similar to Missouri public higher education institutions. Such out-of-state public institutions shall be held to standards no lower than the standards established by the coordinating board for program approval and the policy guidelines of the coordinating board for data collection, cooperation, and resolution of disputes between Missouri institutions of higher education under this section. Any such out-of-state public institutions of higher education wishing to continue operating within this state must be approved by the board under the rules promulgated under this subdivision. The coordinating board may charge and collect fees from out-of-state public institutions to cover the costs of reviewing and assuring the quality of programs offered by out-of-state public institutions. 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, 2007, shall be invalid and void.

(c) Nothing in this subdivision or in section 173.616 shall be construed or interpreted so that students attending an out-of-state public institution are considered to be attending a Missouri public institution of higher education for purposes of obtaining student financial assistance.

3. The coordinating board shall meet at least four times annually with an advisory committee who shall be notified in advance of such meetings. The coordinating board shall have exclusive voting privileges. The advisory committee shall consist of thirty-two members, who shall be the president or other chief administrative officer of the University of Missouri; the chancellor of each campus of the University of Missouri; the president of each state-supported four-year college or university, including Harris-Stowe State University, Missouri Southern State University, Missouri Western State University, and Lincoln University; the president of State Technical College of Missouri; the president or chancellor of each public community college district; and representatives of each of five accredited private institutions selected biennially, under the supervision of the coordinating board, by the presidents of all of the state's privately supported institutions; but always to include at least one representative from one privately supported community college, one privately supported four-year college, and one privately supported university. The conferences shall enable the committee to advise the coordinating board of the views of the institutions on matters within the purview of the coordinating board.

4. The University of Missouri, Lincoln University, and all other state-governed colleges and universities, chapters 172, 174, 175, and others, are transferred by type III transfers to the department of higher education subject to the provisions of subsection 2 of this section.

5. The state historical society, chapter 183, is transferred by type III transfer to the University of Missouri.

6. The state anatomical board, chapter 194, is transferred by type II transfer to the department of higher education.

7. All the powers, duties and functions vested in the division of public schools and state board of education relating to community college state aid and the supervision, formation of districts and all matters otherwise related to the state's relations with community college districts and matters pertaining to community colleges in public school districts, chapters 163, 178, and others, are transferred to the coordinating board for higher education by type I transfer. Provided, however, that all responsibility for administering the federal-state programs of vocational-technical education, except for the 1202a postsecondary educational amendments of 1972 program, shall remain with the department of elementary and secondary education. The department of elementary and secondary education and the coordinating board for higher education shall cooperate in developing the various plans for vocational-technical education; however, the ultimate responsibility will remain with the state board of education.

8. All the powers, duties, functions, and properties of the state poultry experiment station, chapter 262, are transferred by type I transfer to the University of Missouri, and the state poultry association and state poultry board are abolished. In the event the University of Missouri shall cease to use the real estate of the poultry experiment station for the purposes of research or shall declare the same surplus, all real estate shall revert to the governor of the state of Missouri and shall not be disposed of without legislative approval.

173.035. RESOURCES, WEBSITE DIRECTING STUDENTS TO — RULEMAKING AUTHORITY.

— 1. **The department of higher education shall develop, maintain, and operate a website containing information of public and private institutions of higher education in this state directing students to resources including, but not limited to, academic programs, financial aid, and how academic course credit may be transferred from one institution of higher education to another. The information on the website shall be made available to the public and shall be accessible from various devices including, but not limited to, computers, tablets, and other electronic communication devices.**

2. **Inclusion of institution information on the website is voluntary, and institutions of higher education may elect to have institutional information included on the website by notifying the department of higher education.**

3. **The department of higher education 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, 2016, shall be invalid and void.**

173.234. DEFINITIONS — GRANTS TO BE AWARDED, WHEN, DURATION — DUTIES OF THE BOARD — RULEMAKING AUTHORITY — ELIGIBILITY CRITERIA — SUNSET PROVISION.

— 1. As used in this section, unless the context clearly requires otherwise, the following terms mean:

- (1) "Board", the coordinating board for higher education;
- (2) "Books", any books required for any course for which tuition was paid by a grant awarded under this section;
- (3) "Eligible student", the natural, adopted, or stepchild of a qualifying military member, who is less than twenty-five years of age and who was a dependent of a qualifying military member at the time of death or injury **or within five years subsequent to the injury**, or the spouse of a qualifying military member which was the spouse of a veteran at the time of death or injury **or within five years subsequent to the injury**;
- (4) "Grant", the veteran's survivors grant as established in this section;

(5) "Institution of postsecondary education", any approved Missouri public institution of postsecondary education, as defined in subdivision (3) of section 173.1102;

(6) "Qualifying military member", any member of the military of the United States, whether active duty, reserve, or National Guard, who served in the military after September 11, 2001, during time of war and for whom the following criteria apply:

(a) A veteran was a Missouri resident when first entering the military service or at the time of death or injury;

(b) A veteran died or was injured as a result of combat action or a veteran's death or injury was certified by the Department of Veterans' Affairs medical authority to be attributable to an illness or accident that occurred while serving in combat, or became eighty percent disabled as a result of injuries or accidents sustained in combat action after September 11, 2001; and

(c) "Combat veteran", a Missouri resident who is discharged for active duty service having served since September 11, 2001, and received a DD214 in a geographic area entitled to receive combat pay tax exclusion exemption, hazardous duty pay, or imminent danger pay, or hostile fire pay;

(7) "Survivor", an eligible student of a qualifying military member;

(8) "Tuition", any tuition or incidental fee, or both, charged by an institution of postsecondary education for attendance at the institution by a student as a resident of this state. The tuition grant shall not exceed the amount of tuition charged a Missouri resident at the University of Missouri-Columbia for attendance.

2. Within the limits of the amounts appropriated therefor, the coordinating board for higher education shall award annually up to twenty-five grants to survivors of qualifying military members to attend institutions of postsecondary education in this state, which shall continue to be awarded annually to eligible recipients as long as the recipient achieves and maintains a cumulative grade point average of at least two and one-half on a four-point scale, or its equivalent. If the waiting list of eligible survivors exceeds fifty, the coordinating board may petition the general assembly to expand the quota. If the quota is not expanded, then the eligibility of survivors on the waiting list shall be extended.

3. A survivor may receive a grant under this section only so long as the survivor is enrolled in a program leading to a certificate, or an associate or baccalaureate degree. In no event shall a survivor receive a grant beyond the completion of the first baccalaureate degree, regardless of age.

4. The coordinating board for higher education shall:

(1) Promulgate all necessary rules and regulations for the implementation of this section; and

(2) Provide the forms and determine the procedures necessary for a survivor to apply for and receive a grant under this section.

5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

6. In order to be eligible to receive a grant under this section, a survivor shall be certified as eligible by the Missouri veterans' commission.

7. A survivor who is enrolled or has been accepted for enrollment as an undergraduate postsecondary student at an approved institution of postsecondary education, and who is selected to receive a grant under this section, shall receive the following:

(1) An amount not to exceed the actual tuition charged at the approved institution of postsecondary education where the survivor is enrolled or accepted for enrollment;

(2) An allowance of up to two thousand dollars per semester for room and board; and

(3) The actual cost of books, up to a maximum of five hundred dollars per semester.

8. A survivor who is a recipient of a grant may transfer from one approved public institution of postsecondary education to another without losing his or her entitlement under this section. The board shall make necessary adjustments in the amount of the grant. If a grant recipient at any time withdraws from the institution of postsecondary education so that under the rules and regulations of that institution he or she is entitled to a refund of any tuition, fees, room and board, books, or other charges, the institution shall pay the portion of the refund to which he or she is entitled attributable to the grant for that semester or similar grading period to the board.

9. If a survivor is granted financial assistance under any other student aid program, public or private, the full amount of such aid shall be reported to the board by the institution and the eligible survivor.

10. Nothing in this section shall be construed as a promise or guarantee that a person will be admitted to an institution of postsecondary education or to a particular institution of postsecondary education, will be allowed to continue to attend an institution of postsecondary education after having been admitted, or will be graduated from an institution of postsecondary education.

11. The benefits conferred by this section shall be available to any academically eligible student of a qualifying military member. Surviving children who are eligible shall be permitted to apply for full benefits conferred by this section until they reach twenty-five years of age.

12. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall [sunset automatically six years after August 28, 2008] **be reauthorized as of the effective date of this act and shall expire on August 28, 2020**, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall sunset automatically 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.

173.2500. DUAL CREDIT PROVIDERS — DEFINITIONS — APPLICATION PROCEDURE — RULEMAKING AUTHORITY — FUND CREATED. — 1. As used in this section, the following terms shall mean:

(1) "Approved dual credit provider", a board approved, accredited Missouri higher education institution that provides dual credit courses;

(2) "Board", coordinating board for higher education;

(3) "Department", department of higher education;

(4) "Dual credit courses", college level coursework delivered by a postsecondary education institution and taught in the high school by instructors with appropriate academic credentials to high school students who are earning high school and college credit simultaneously.

2. Each institution of higher education desiring to become or remain an approved dual credit provider in this state shall annually make written application to the board on forms furnished by the board. Such application shall include at a minimum the identification of all locations where the institution will offer dual credit courses, the courses the institution plans to offer, and the fee the institution will charge students per credit hour.

3. The department shall review the application and may conduct an investigation of the applicant to ensure compliance with the rules and regulations promulgated under this section. A dual credit course may not be advertised or represented as being delivered by an approved dual credit provider in the absence of approval of the application by the board.

4. The department shall maintain a listing of all approved dual credit providers and shall make that listing publicly available, including through appropriate electronic media.

5. The board may promulgate administrative rules to implement this section, including parameters for the approval of dual credit providers and establishing appropriate fees as needed to generate funding sufficient to cover the entirety of costs associated with operation of the dual credit provider certification process established in 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, 2016, shall be invalid and void.

6. (1) There is hereby created in the state treasury the "Dual Credit Certification Fund", which shall consist of money collected under this section. 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 money in the fund shall be used solely by the department for the purpose of funding the costs associated with the operation of the dual credit certification process authorized by this section.

(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) 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.

173.2505. SCHOLARSHIP ELIGIBILITY — AMOUNT OF SCHOLARSHIP, LIMITATION — FUND CREATED. — 1. This section shall be known and may be cited as the "Dual Credit Scholarship Act".

2. To be eligible to receive the dual credit scholarship, a student shall:

(1) Be a United States citizen or permanent resident;

(2) Be a Missouri resident as defined by the coordinating board for higher education pursuant to section 173.005;

(3) Be enrolled in a dual credit program offered by an approved dual credit provider, as defined in section 173.2500;

(4) Have a cumulative high school grade point average of at least two and a half on a four point scale or equivalent; and

(5) Meet one or more of the following indicators of economic need:

(a) Be individually eligible to be enrolled in a federal free or reduced-price lunch program, based on income levels established by the United States Department of Agriculture;

(b) Reside in a foster home, be a ward of the state, or be homeless; or

(c) Receive low-income public assistance, such as the Supplemental Nutrition Assistance Program (SNAP) or the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), or live in federally subsidized public housing.

3. The dual credit scholarship is hereby created to provide financial assistance to high school students enrolling in dual credit courses offered by an approved dual credit provider as defined in section 173.2500. The coordinating board may promulgate rules for the administration of the program including establishing the application, eligibility, and payment 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, 2016, shall be invalid and void.

4. Subject to appropriation, the dual credit scholarship shall reimburse eligible students for up to fifty percent of the tuition cost paid by the student to enroll in a dual credit course offered by an approved dual credit provider.

5. No student shall receive in excess of five hundred dollars annually for all dual credit courses taken by such student.

6. There is hereby created in the state treasury the "Dual Credit Scholarship Fund", which shall consist of moneys appropriated to the fund by the General Assembly and private donations made to the fund. The state treasurer shall be the custodian of the fund and 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, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

173.2510. ON-TIME COMPLETION OF DEGREE PROGRAMS, POLICIES TO BE CREATED TO PROMOTE — REPORT. — 1. This section shall be known and may be cited as the "15 to Finish Act".

2. The coordinating board for higher education, in cooperation with public institutions of higher education in this state, shall develop policies that promote the on-time completion of degree programs by students. The policies shall include, but not be limited to:

- (1) Defining on-time completion for specific levels of postsecondary credentials;
- (2) Providing financial incentives to students during their senior year of undergraduate study who are on pace to graduate in no more than eight semesters; and
- (3) Reducing, when feasible and permitted by accreditation or occupational licensure, the number of credit hours required to earn a degree.

3. By December 1, 2017, the department of higher education shall provide a report to the governor and the general assembly describing the actions taken to implement these provisions.

173.2515. GUIDED PATHWAYS TO SUCCESS — DEFINITIONS — PILOT PROGRAM TO BE DEVELOPED — GRANTS, WHEN, RULES FOR PROCEDURE. — 1. This section shall be known and may be cited as the "Guided Pathways to Success Act".

2. As used in this section, the following terms shall mean:

- (1) "Degree maps", a list of all course sequences available to fulfill the requirements for a specific degree program;
- (2) "Meta-majors", a collection of academic programs that have common or related courses;
- (3) "Proactive advising", an advising model in which advisors reach out to students in anticipation of their needs, connect students with resources and support early in their studies, and motivate students to succeed;
- (4) "Structured schedule", a specific sequence of required and elective courses each semester that, when taken as prescribed, represent a direct path to complete a chosen program of study.

3. The coordinating board for higher education, in cooperation with the state's colleges and universities, shall develop a guided pathways to success pilot program. Guided pathways to success shall include at least two of the following components:

(1) Majors organized into semester-by-semester sets of courses that lead to on-time completion, which shall have the same meaning as described pursuant to section 173.2510;

(2) Degree-based transfer pathways between participating institutions to assist students who enroll in multiple institutions to complete their degree;

(3) Available meta-majors to minimize the loss of credit due to changes by students in their degree majors;

(4) Student commitment to a structured schedule of courses and electives; and

(5) Clear degree maps, proactive advising and guarantees that required courses are available when needed by students.

4. The department shall develop and publicly maintain materials that describe the elements of Missouri's guided pathways to success project and assist students in understanding the operation of each component.

5. By January 1, 2020, the coordinating board shall report to the governor and the general assembly on the outcomes of the pilot program created in this section.

6. Based on the outcomes of the pilot program created in this section, the coordinating board may request funding to provide competitive grants to institutions of higher education to assist in defraying the costs incurred to implement guided pathways to success on a statewide basis.

7. The coordinating board for higher education shall establish by administrative rule criteria and procedures for the application for, and awarding of, grants authorized 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, 2016, shall be invalid and void.

173.2520. PILOT PROGRAM ESTABLISHED — REPORT. — 1. As used in this section, the term "concurrent postsecondary enrollment" shall mean coordinated enrollment in coursework at both a four-year and a two-year postsecondary institution at the same time and for which the coursework is officially recorded by both institutions.

2. The coordinating board for higher education shall establish a concurrent enrollment pilot program for the purpose of providing students with a broader range of academic and student support services while streamlining the path to degree completion. The pilot project will be implemented in one or more public four-year institutions and one or more public two-year institutions. The pilot program is intended to determine the feasibility of extending a concurrent enrollment option to other institutions in the state.

3. By January 1, 2020, the coordinating board shall provide a report to the governor and the general assembly on the outcomes of the pilot program and provide a recommendation regarding the expansion of the program statewide.

178.780. COORDINATING BOARD FOR HIGHER EDUCATION TO SUPERVISE COLLEGES — DUTIES. — 1. Tax supported community colleges formed prior to October 13, 1961, and those formed under the provisions of sections 178.770 to 178.890 shall be under the supervision of the coordinating board for higher education.

2. The coordinating board for higher education shall:

(1) Establish the role of the two-year college in the state;

(2) Set up a survey form to be used for local surveys of need and potential for two-year colleges; provide supervision in the conducting of surveys; require that the results of the studies be used in reviewing applications for approval; and establish and use the survey results to set up priorities;

- (3) Require that the initiative to establish two-year colleges come from the area to be served;
- (4) Administer the state financial support program;
- (5) Supervise the community college districts formed under the provisions of sections 178.770 to 178.890 and the community colleges now in existence and formed prior to October 13, 1961;
- (6) Formulate and put into effect uniform policies as to budgeting, record keeping, and student accounting;
- (7) Establish uniform minimum entrance requirements and uniform curricular offerings for all community colleges;
- (8) Make a continuing study of community college education in the state; [and]
- (9) Be responsible for the accreditation of each community college under its supervision. Accreditation shall be conducted annually or as often as deemed advisable and made in a manner consistent with rules and regulations established and applied uniformly to all community colleges in the state. Standards for accreditation of community colleges shall be formulated with due consideration given to curriculum offerings and entrance requirements of the University of Missouri; and
- (10) Establish a standard core curriculum and a common course numbering equivalency matrix for lower-division courses to be used at community colleges and other public institutions of higher education to facilitate student transfers as provided under sections 178.785 to 178.789.**

178.785. HIGHER EDUCATION CORE CURRICULUM TRANSFER ACT — DEFINITIONS. — The provisions of sections 178.785 to 178.789 shall be known and may be cited as the "Higher Education Core Curriculum Transfer Act". For purposes of sections 178.785 to 178.789, the following terms mean:

- (1) "Coordinating board", the coordinating board for higher education established in section 173.005;
- (2) "Core curriculum", the basic competencies to be met, which shall include communicating, higher-order thinking, managing information, valuing, and includes the knowledge areas of social and behavioral sciences, humanities and fine arts, mathematics, and life and physical sciences;
- (3) "Faculty member", a person who is employed full-time by a community college or other public institution of higher education as a member of the faculty whose primary duties include teaching, research, academic service, or administration;
- (4) "Native student", a student whose initial college enrollment was at an institution of higher education and who has not transferred to any other institution since that initial enrollment and who has completed no more than eleven credit hours at any other institution of higher education.

178.786. LOWER DIVISION CORE CURRICULUM, RECOMMENDATION — COMMON COURSE NUMBERING EQUIVALENCY MATRIX. — 1. The coordinating board for higher education, with the assistance of an advisory committee composed of representatives from each public community college in this state and each public four-year institution of higher education, shall develop a recommended lower division core curriculum of forty-two semester credit hours, including a statement of the content, component areas, and objectives of the core curriculum. A majority of the members of the advisory committee shall be faculty members from Missouri public institutions of higher education.

2. The coordinating board shall approve a common course numbering equivalency matrix for the forty-two credit hour block at all institutions of higher education in the state to facilitate the transfer of those courses among institutions of higher education by promoting consistency in course designation and course identification. Each community

college and four-year institution of higher education shall include in its course listings the applicable course numbers from the common course numbering equivalency matrix approved by the coordinating board under this subsection.

3. The coordinating board shall complete the requirements of subsections 1 and 2 of this section prior to January 1, 2018, for implementation of the core curriculum transfer recommendations for the 2018-19 academic year for all public institutions of higher education.

178.787. FORTY-TWO CREDIT HOUR BLOCK, ADOPTION OF — TRANSFER OF COURSE CREDITS. — 1. Each community college, as defined in section 163.191, and public four-year institution of higher education shall adopt the forty-two credit hour block, including specific courses comprising the curriculum, based on the core curriculum recommendations made by the coordinating board for higher education under subsections 1 and 2 of section 178.786, for implementation beginning in the 2018-19 academic year.

2. If a student successfully completes the forty-two credit core curriculum at a community college or other public institution of higher education, that block of courses may be transferred to any other public institution of higher education in this state and shall be substituted for the receiving institution's core curriculum. A student shall receive academic credit for each of the courses transferred and shall not be required to take additional core curriculum courses at the receiving institution.

3. A student who transfers from one public institution of higher education to another public institution of higher education in the state without completing the core curriculum of the sending institution shall receive academic credit from the receiving institution for each of the courses that the student has successfully completed in the core curriculum of the sending institution. Following receipt of credit for these courses, the student may be required to satisfy further course requirements in the core curriculum of the receiving institution.

178.788. TRANSFER PRACTICES, CRITERIA TO EVALUATE — REQUIREMENTS FOR CREDIT TRANSFERS. — 1. The coordinating board for higher education, in consultation with the advisory board established in section 178.786, shall develop criteria to evaluate the transfer practices of each public institution of higher education in this state and shall evaluate the transfer practices of each institution based on this criteria.

2. The coordinating board shall develop procedures to be followed by institutions of higher education in resolving disputes concerning the transfer of course credit and by the commissioner of higher education in making a final determination concerning transfer of course credit if a transfer is in dispute.

3. Each institution of higher education shall publish in its course catalogs and on its official website the procedures adopted by the board under subsections 1 and 2 of this section.

4. If an institution of higher education does not accept course credit earned by a student at another public institution of higher education, that institution shall give written notice to the student and the other institution that the transfer of the course credit is denied. The two institutions and the student shall attempt to resolve the transfer of the course credit in accordance with rules promulgated by the coordinating board. If the transfer dispute is not resolved to the satisfaction of the student or the institution at which the credit was earned within forty-five days after the date the student received written notice of the denial, the institution that denies the transfer of the course credit shall notify the commissioner of higher education of its denial and the reasons for the denial.

5. The commissioner of higher education or his or her designee shall make the final determination about a dispute concerning the transfer of course credit and give written notice of the determination as to the involved student and institutions.

6. The coordinating board shall collect data on the types of transfer disputes that are reported and the disposition of each case that is considered by the commissioner of higher education or the commissioner's designee.

7. The provisions of sections 178.785 to 178.789 shall not apply to native students who are not seeking to transfer credits nor affect the authority of an institution of higher education to adopt its own admission standards or its own grading policies.

8. Students enrolled in professional programs shall complete the appropriate core curriculum that is required for accreditation or licensure.

178.789. RULEMAKING AUTHORITY. — The coordinating board for higher education may promulgate all necessary rules and regulations for the administration of sections 178.785 to 178.789. 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, 2016, shall be invalid and void.

SECTION 1. OUT-OF-STATE TRAVEL COSTS FOR FULL-TIME EMPLOYEES, REPORTING REQUIREMENTS. — 1. Notwithstanding any other provision of law to the contrary, if the spouse of any full-time employee of a public institution of higher education incurs out-of-state travel costs that are paid for or reimbursed by such institution then such employee shall be required to file a quarterly travel report with the Missouri ethics commission listing the date or dates, location, purpose, and the full cost of any out-of-state travel made by such employee's spouse. Such costs shall include, but not be limited to, any transportation costs, lodging costs, and meal expenses that are paid for or reimbursed by the public institution. The commission shall publish travel reports in an electronic format on the commission's website and shall enable the reports to be easily searched by name, employee position, and institutional affiliation. The commission shall enable the electronic filing of reports.

2. In addition to the quarterly reports required under subsection 1 of this section, any spouse of a full-time employee of a public institution of higher education whose travels were funded by such public institution under the provisions of subsection 1 of this section during the one-year period immediately before the effective date of this section shall, no later than six months after the effective date of this section, file an additional travel report with the commission covering travel expenditures during that one-year period. This travel report shall be identical in content to the quarterly travel reports required under subsection 1 of this section.

SECTION B. EMERGENCY CLAUSE. — Because of the importance of providing educational assistance to members of the military and their families and because of the importance of improving and sustaining the access to federal financial aid for higher education students in Missouri, the repeal and reenactment of sections 173.234 and 173.005 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 the repeal and reenactment of sections 173.234 and 173.005 of this act shall be in full force and effect upon its passage and approval.

Approved June 16, 2016

SB 1002 [SB 1002]

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 State Auditor to audit community improvement districts

AN ACT to repeal section 67.1471, RSMo, and to enact in lieu thereof one new section relating to community improvement districts.

SECTION

- A. Enacting clause.
67.1471. Fiscal year — budget — meeting — report — audit.

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

SECTION A. ENACTING CLAUSE. — Section 67.1471, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 67.1471, to read as follows:

67.1471. FISCAL YEAR — BUDGET — MEETING — REPORT — AUDIT. — 1. The fiscal year for the district shall be the same as the fiscal year of the municipality.

2. No earlier than one hundred eighty days and no later than ninety days prior to the first day of each fiscal year, the board shall submit to the governing body of the city a proposed annual budget, setting forth expected expenditures, revenues, and rates of assessments and taxes, if any, for such fiscal year. The governing body may review and comment to the board on this proposed budget, but if such comments are given, the governing body of the municipality shall provide such written comments to the board no later than sixty days prior to the first day of the relevant fiscal year; such comments shall not constitute requirements but shall only be recommendations.

3. The board shall hold an annual meeting and adopt an annual budget no later than thirty days prior to the first day of each fiscal year.

4. Within one hundred twenty days after the end of each fiscal year, the district shall submit a report to the municipal clerk and the Missouri department of economic development stating the services provided, revenues collected and expenditures made by the district during such fiscal year, and copies of written resolutions approved by the board during the fiscal year. The municipal clerk shall retain this report as part of the official records of the municipality and shall also cause this report to be spread upon the records of the governing body.

5. The state auditor may audit a district in the same manner as the auditor may audit any agency of the state.

Approved June 29, 2016

SB 1009 [SCS SB 1009]

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 "Trooper James M. Bava Memorial Highway"

AN ACT to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of "Trooper James M. Bava Memorial Highway".

SECTION

- A. Enacting clause.
227.441. Trooper James M. Bava Memorial Highway designated for a portion of State Highway FF in Audrain 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 one new section, to be known as section 227.441, to read as follows:

227.441. TROOPER JAMES M. BAVA MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF STATE HIGHWAY FF IN AUDRAIN COUNTY. — **The portion of state highway FF in Audrain County beginning at Elmwood Drive in the city of Mexico and extending west to County Road 977 shall be designated as "Trooper James M. Bava Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with costs to be paid for by private donations provided by the Missouri State Troopers Association.**

Approved June 24, 2016

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VETOED BILLS

HB 1414 [SCS HB 1414]**Exempts data collected by state agencies under the federal Animal Disease Traceability Program from disclosure under Missouri's sunshine law**

AN ACT to amend chapters 261 and 267, RSMo, by adding thereto two new sections relating to agricultural data disclosure.

Vetoed July 8, 2016
Overridden September 14, 2016

HB 1432 [SS#2 SCS HCS HB 1432]**Requires a hearing to be held within sixty days if a state employee is placed on administrative leave**

AN ACT to amend chapter 105, RSMo, by adding thereto one new section relating to administrative leave.

Vetoed June 28, 2016
Overridden September 14, 2016

HB 1474 [SCS HCS HB 1474]**Modifies provisions relating to ethics, repeals provisions of law deemed unconstitutional**

AN ACT to repeal section 130.026 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, section 130.026 as enacted by senate bill no. 262, eighty-eighth general assembly, first regular session, section 130.057 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and section 130.057 as enacted by house bill no. 676 merged with senate bills nos. 31 & 285, ninety-second general assembly, first regular session, and to enact in lieu thereof two new sections relating to the requirement of filing certain disclosure reports in an electronic format with the Missouri ethics commission.

Vetoed July 7, 2016

HB 1631 [SS#2 SCS HCS HB 1631]**Requires a person to submit a specified form of photo identification in order to vote in a public election with specified exemptions**

AN ACT to repeal section 115.427, RSMo, and to enact in lieu thereof one new section relating to elections, with a contingent effective date.

Vetoed July 7, 2016
Overridden September 14, 2016

HB 1713 [SCS HCS HB 1713]

Requires the Department of Natural Resources to provide information regarding advanced technologies to upgrade existing lagoon-based wastewater systems to meet any new or existing discharge requirements

AN ACT to repeal sections 256.437, 256.438, 256.439, 256.440, 256.443, and 644.021, RSMo, and to enact in lieu thereof nine new sections relating to the regulation of water systems, with an emergency clause for a certain section.

Vetoed June 28, 2016

Overridden September 14, 2016

HB 1733 [SS HB 1733]

Modifies provisions regarding the regulation of vehicles

AN ACT to repeal sections 301.067, 302.276, 304.022, 304.044, 304.170, and 307.175, RSMo, section 577.060 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 577.060 as enacted by house bill no. 3, eighty-fifth general assembly, first extraordinary session, and to enact in lieu thereof eight new sections relating to the regulation of vehicles, with penalty provisions.

Vetoed July 8, 2016

HB 1763 [HB 1763]

Changes the laws regarding workers' compensation large deductible policies issued by an insurer

AN ACT to amend chapter 375, RSMo, by adding thereto one new section relating to workers' compensation large deductible policies, with an emergency clause.

Vetoed May 17, 2016

Overridden September 14, 2016

HB 1870 [HB 1870]

Changes the laws regarding the Big Government Get Off My Back Act

AN ACT to repeal sections 1.310, 94.360, 143.121, 143.173, and 285.530, RSMo, and to enact in lieu thereof five new sections relating to the collection of money by public entities.

Vetoed July 1, 2016

HB 1891 [SS HCS HB 1891]**Prohibits any public employee from being required to pay dues or other fees to a labor organization**

AN ACT to amend chapter 105, RSMo, by adding thereto one new section relating to labor organizations.

Vetoed March 18, 2016

HB 1976 [SCS HCS HB 1976]**Changes the laws regarding service contracts**

AN ACT to repeal sections 304.154, 385.200, 385.206, 385.300, and 385.306, RSMo, and to enact in lieu thereof seven new sections relating to motor vehicle services, with penalty provisions.

Vetoed July 1, 2016

Overridden September 14, 2016

HB 2030 [SCS HCS HB 2030]**Authorizes a tax deduction equal to fifty percent of the capital gain resulting from the sale of employer securities to a certain Missouri stock ownership plans**

AN ACT to amend chapter 135, RSMo, by adding thereto one new section relating to tax deductions for employee stock ownership plans.

Vetoed June 28, 2016

Overridden September 14, 2016

HB 2237 [HB 2237]**Modifies provisions of law regarding University of Missouri extension councils**

AN ACT to repeal sections 49.098 and 262.590, RSMo, and to enact in lieu thereof two new sections relating to University of Missouri extension councils.

Vetoed July 8, 2016

SB 586 [SCS SBs 586 & 651]

Modifies the definition of "current operating expenditures" and "state adequacy target" for the purposes of state funding and applies the definition of "average daily attendance" to charter schools

AN ACT to repeal sections 163.011 and 163.018, RSMo, and to enact in lieu thereof two new sections relating to elementary and secondary education, with an emergency clause.

Vetoed May 4, 2016

Overridden May 5, 2016

SB 591 [SCS SB 591]

Modifies provisions relating to expert witnesses

AN ACT to repeal section 490.065, RSMo, and to enact in lieu thereof one new section relating to expert witnesses.

Vetoed June 28, 2016

SB 608 [CCS#2 HCS SS SB 608]

Modifies provisions relating to health care

AN ACT to repeal sections 167.638, 174.335, 197.315, 208.152, 208.952, 208.985, 335.300, 335.305, 335.310, 335.315, 335.320, 335.325, 335.330, 335.335, 335.340, 335.345, 335.350, 335.355, 338.200, 376.1235, 376.1237, and 536.031, RSMo, and to enact in lieu thereof forty-five new sections relating to health care, with a contingent effective date for certain sections.

Vetoed July 5, 2016

Overridden September 14, 2016

SB 641 [SB 641]

Creates an income tax deduction for payments received as part of a program that compensates agricultural producers for losses from disaster or emergency

AN ACT to repeal section 143.121, RSMo, and to enact in lieu thereof one new section relating to a deduction for compensation payments for agricultural losses.

Vetoed June 28, 2016

Overridden September 14, 2016

SB 656 [CCS HCS SB 656]**Modifies provisions relating to firearms**

AN ACT to repeal sections 50.535, 563.031, 571.030, 571.101, 571.104, 571.111, and 571.126, RSMo, and to enact in lieu thereof fourteen new sections relating to weapons, with penalty provisions, an emergency clause for a certain section, and an effective date for a certain section.

Vetoed June 27, 2016

Overridden September 14, 2016

SB 844 [SB 844]**Modifies provisions relating to livestock trespass liability**

AN ACT to repeal sections 272.030 and 272.230, RSMo, and to enact in lieu thereof one new section relating to livestock trespass.

Vetoed June 28, 2016

Overridden September 14, 2016

SB 847 [SS#2 SB 847]**Modifies provisions relating to the collateral source rule and provide s that parties may introduce evidence of the actual cost, rather than the value, of the medical care rendered**

AN ACT to repeal section 490.715, RSMo, and to enact in lieu thereof one new section relating to evidence for the cost of medical care and treatment.

Vetoed June 28, 2016

SB 867 [CCS HCS SB 867]**Contains provisions relating to fire protection, sheltered workshops, assessments of mining property, consolidation of road districts, and property managers**

AN ACT to repeal sections 66.620, 67.402, 99.845, 136.055, 137.016, 137.100, 137.115, 137.565, 182.802, 184.815, 190.335, 221.407, 233.180, 233.295, 304.190, 311.179, and 347.048, RSMo, and to enact in lieu thereof twenty new sections relating to political subdivisions.

Vetoed June 23, 2016

SB 994 [CCS HCS SB 994]**Changes the laws regarding alcohol**

AN ACT to repeal sections 262.823, 311.060, 311.091, and 311.205, RSMo, and to enact in lieu thereof five new sections relating to alcohol.

Vetoed July 1, 2016

Overridden September 14, 2016

SB 1025 [SB 1025]**Exempts instructional classes from sales tax**

AN ACT to repeal sections 144.010, 144.018, and 144.020, RSMo, and to enact in lieu thereof three new sections relating to the taxation of instructional classes.

Vetoed June 28, 2016

Overridden September 14, 2016

VETOED BILLS OVERRIDDEN**HB 1414** [SCS HB 1414]**Exempts data collected by state agencies under the federal Animal Disease Traceability Program from disclosure under Missouri's sunshine law**

AN ACT to amend chapters 261 and 267, RSMo, by adding thereto two new sections relating to agricultural data disclosure.

Vetoed July 8, 2016

Overridden September 14, 2016

Please consult page 1050 for the full text of HB 1414.

HB 1432 [SS#2 SCS HCS HB 1432]**Requires a hearing to be held within sixty days if a state employee is placed on administrative leave**

AN ACT to amend chapter 105, RSMo, by adding thereto one new section relating to administrative leave.

Vetoed June 28, 2016

Overridden September 14, 2016

Please consult page 1052 for the full text of HB 1432.

HB 1631 [SS#2 SCS HCS HB 1631]**Requires a person to submit a specified form of photo identification in order to vote in a public election with specified exemptions**

AN ACT to repeal section 115.427, RSMo, and to enact in lieu thereof one new section relating to elections, with a contingent effective date.

Vetoed June 28, 2016

Overridden September 14, 2016

Please consult page 1053 for the full text of HB 1631.

HB 1713 [SCS HCS HB 1713]

Requires the Department of Natural Resources to provide information regarding advanced technologies to upgrade existing lagoon-based wastewater systems to meet any new or existing discharge requirements

AN ACT to repeal sections 256.437, 256.438, 256.439, 256.440, 256.443, and 644.021, RSMo, and to enact in lieu thereof nine new sections relating to the regulation of water systems, with an emergency clause for a certain section.

Vetoed June 28, 2016

Overridden September 14, 2016

Please consult page 1058 for the full text of HB 1713.

HB 1763 [HB 1763]

Changes the laws regarding workers' compensation large deductible policies issued by an insurer

AN ACT to amend chapter 375, RSMo, by adding thereto one new section relating to workers' compensation large deductible policies, with an emergency clause.

Vetoed May 17, 2016

Overridden September 14, 2016

Please consult page 1063 for the full text of HB 1763.

HB 1976 [SCS HCS HB 1976]

Changes the laws regarding service contracts

AN ACT to repeal sections 304.154, 385.200, 385.206, 385.300, and 385.306, RSMo, and to enact in lieu thereof seven new sections relating to motor vehicle services, with penalty provisions.

Vetoed July 1, 2016

Overridden September 14, 2016

Please consult page 1066 for the full text of HB 1976.

HB 2030 [SCS HCS HB 2030]

Authorizes a tax deduction equal to fifty percent of the capital gain resulting from the sale of employer securities to a certain Missouri stock ownership plans

AN ACT to amend chapter 135, RSMo, by adding thereto one new section relating to tax deductions for employee stock ownership plans.

Vetoed June 28, 2016

Overridden September 14, 2016

Please consult page 1076 for the full text of HB 2030.

SB 586 [SCS SBs 586 & 651]

Modifies the definition of "current operating expenditures" and "state adequacy target" for the purposes of state funding and applies the definition of "average daily attendance" to charter schools

AN ACT to repeal sections 163.011 and 163.018, RSMo, and to enact in lieu thereof two new sections relating to elementary and secondary education, with an emergency clause.

Vetoed May 4, 2016

Overridden May 5, 2016

Please consult page 678 for the full text of SB 586.

SB 608 [CCS#2 HCS SS SB 608]

Modifies provisions relating to health care

AN ACT to repeal sections 167.638, 174.335, 197.315, 208.152, 208.952, 208.985, 335.300, 335.305, 335.310, 335.315, 335.320, 335.325, 335.330, 335.335, 335.340, 335.345, 335.350, 335.355, 338.200, 376.1235, 376.1237, and 536.031, RSMo, and to enact in lieu thereof forty-five new sections relating to health care, with a contingent effective date for certain sections.

Vetoed July 5, 2016

Overridden September 14, 2016

Please consult page 1077 for the full text of SB 608.

SB 641 [SB 641]**Creates an income tax deduction for payments received as part of a program that compensates agricultural producers for losses from disaster or emergency**

AN ACT to repeal section 143.121, RSMo, and to enact in lieu thereof one new section relating to a deduction for compensation payments for agricultural losses.

Vetoed June 28, 2016

Overridden September 14, 2016

Please consult page 1126 for the full text of SB 641.

SB 656 [CCS HCS SB 656]**Modifies provisions relating to firearms**

AN ACT to repeal sections 50.535, 563.031, 571.030, 571.101, 571.104, 571.111, and 571.126, RSMo, and to enact in lieu thereof fourteen new sections relating to weapons, with penalty provisions, an emergency clause for a certain section, and an effective date for a certain section.

Vetoed June 27, 2016

Overridden September 14, 2016

Please consult page 1129 for the full text of SB 656.

SB 844 [SB 844]**Modifies provisions relating to livestock trespass liability**

AN ACT to repeal sections 272.030 and 272.230, RSMo, and to enact in lieu thereof one new section relating to livestock trespass.

Vetoed June 28, 2016

Overridden September 14, 2016

Please consult page 1158 for the full text of SB 844.

SB 994 [CCS HCS SB 994]**Changes the laws regarding alcohol**

AN ACT to repeal sections 262.823, 311.060, 311.091, and 311.205, RSMo, and to enact in lieu thereof five new sections relating to alcohol.

Vetoed July 1, 2016

Overridden September 14, 2016

Please consult page 1159 for the full text of SB 994.

SB 1025 [SB 1025]**Exempts instructional classes from sales tax**

AN ACT to repeal sections 144.010, 144.018, and 144.020, RSMo, and to enact in lieu thereof three new sections relating to the taxation of instructional classes.

Vetoed June 28, 2016

Overridden September 14, 2016

Please consult page 1163 for the full text of SB 1025.

SCR 46 [SCR 46]**Disapproves and suspends the final order of rulemaking for the proposed rule 19 CSR 15-8.410 Personal Care Attendant Wage Range**

An act by concurrent resolution and pursuant to Article IV, Section 8, to disapprove the final order of rulemaking for the proposed rule 19 CSR 15-8.410 Personal Care Attendant Wage Range.

Vetoed February 26, 2016

Overridden by Senate April 6, 2016, and the House on May 3, 2016

Please consult page 1168 for the full text of SCR 46.

HB 1414 [SCS HB 1414]

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

Exempts data collected by state agencies under the federal Animal Disease Traceability Program from disclosure under Missouri's sunshine law

AN ACT to amend chapters 261 and 267, RSMo, by adding thereto two new sections relating to agricultural data disclosure.

SECTION

A. Enacting clause.

261.130. Certain agriculture information and data not subject to disclosure, when — disclosure permitted, when.

267.169. Certain livestock data not subject to disclosure — exceptions.

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

SECTION A. ENACTING CLAUSE. — Chapters 261 and 267, RSMo, are amended by adding thereto two new sections, to be known as sections 261.130 and 267.169, to read as follows:

261.130. CERTAIN AGRICULTURE INFORMATION AND DATA NOT SUBJECT TO DISCLOSURE, WHEN — DISCLOSURE PERMITTED, WHEN. — 1. For purposes of this section, the following terms shall mean:

(1) "Agent", a duly authorized representative of the Missouri department of agriculture or the Missouri department of natural resources;

(2) "Agricultural land", the same as defined in section 350.010;

(3) "Agricultural operation", any sole proprietorship, partnership, corporation, cooperative, or other business entity which derives income from farming;

(4) "Disclose", to publish or otherwise share with or release to individuals, business entities, political subdivisions, media outlets, or other entities;

(5) "Farming", the same as defined in section 350.010;

(6) "Personal information", data which is linked to a specific individual including, but not limited to, social security numbers, telephone numbers, and addresses;

(7) "Voluntary participation", participation in a government program that is not compulsory but requires the collection of specific information from an agricultural producer or owner of agricultural land in order to participate in such program.

2. Information or data in either paper or electronic form concerning an agricultural producer or owner of agricultural land that, in connection with such producer or owner's voluntary participation in a program, is collected from or provided by an agricultural producer or owner of agricultural land that is related to a farmer's personal information, their agricultural operation, farming or conservation practices, environmental or production data, details on assets of their farm, or the land itself and any geospatial information maintained by the Missouri department of agriculture or by the Missouri department of natural resources based on agricultural land or operations where a farmer's agricultural operation, farming or conservation practices, environmental or production data, details on assets of their farm, or the land itself is depicted or identified shall not be considered a public record and shall not be subject to disclosure under chapter 610. Further, such information shall not be disclosed to agents of the department of agriculture or the department of natural resources unless such disclosure complies with subsection 3 of this section.

3. The department of agriculture and the department of natural resources may disclose the information or data described in subsection 2 of this section to agents only if:

(1) Such information or data will not be subsequently disclosed beyond such agent except in accordance with subsection 4 of this section;

(2) Such agent is providing technical or financial assistance with respect to the agricultural operation, agricultural land, or farming or conservation practices, and so long as there is a written agreement in place between the parties certifying adherence to this section; or

(3) Such agent is responding to an agricultural disease or pest threat or other related emergency impacting agricultural operations, if the director of the department of agriculture and the director of the department of natural resources both determine that a threat to agricultural operations exists and the disclosure of information to a person or cooperating government entity is necessary to assist such departments in responding to the disease or pest threat or emergency.

4. Nothing in this section shall prevent:

(1) The disclosure of information described in subsection 2 of this section in paper format if such information has been transformed into a statistical or aggregate form, or from an electronic database where such information can be compiled for distribution into a statistical or aggregate form, that prevents the information from directly or indirectly naming or identifying any individual owner, operator, producer, or operation or a specific data gathering site;

(2) The disclosure of information described in subsection 2 of this section pursuant to the expressed written consent of both the agriculture producer and owner of agriculture land; or

(3) The disclosure of information or data required by law as a condition of compliance with any of the departments' regulatory functions.

(4) The disclosure of information collected not in connection with a producer or owner's voluntary participation in a government program.

5. The participation of an agricultural producer or owner of agricultural land in, or receipt of any benefit under, any program administered by the department of agriculture or the department of natural resources shall not be conditioned on the consent of the agricultural producer or owner of agricultural land under subdivision (2) of subsection 4 of this section.

267.169. CERTAIN LIVESTOCK DATA NOT SUBJECT TO DISCLOSURE —EXCEPTIONS.—

1. For purposes of this section, the term "animal" shall mean the same as the term "livestock" as defined in section 277.020.

2. The following data shall not be considered a public record and shall not be subject to disclosure under chapter 610:

(1) Premises registration data collected from participants in the federal Animal Disease Traceability Program, or any successor program;

(2) Animal identification data collected from participants in the federal Animal Disease Traceability Program, or any successor program; and

(3) Animal tracking data collected from participants in the federal Animal Disease Traceability Program, or any successor program.

3. Notwithstanding the provisions of subsection 2 of this section, the director of any state agency or the state veterinarian within the department of agriculture shall release information otherwise not considered a public record subject to disclosure to the extent that the information is:

(1) Useful in controlling or preventing a disease outbreak;

(2) For public safety purposes; or

(3) To show particular animals or herds are or are not involved in a disease outbreak.

4. Nothing in this section shall prevent the disclosure of information:

(1) Described in subsection 2 of this section if such information has been transformed into a statistical or aggregate form that prevents the information from directly or indirectly naming or identifying any individual owner, operator, producer, operation, farmer, rancher, or a specific data gathering site;

(2) Described in subsection 2 of this section pursuant to the expressed written consent of the farmer or rancher; or

(3) Required by law as a condition of compliance with any state agency regulatory function.

5. Any person who knowingly releases information not subject to public disclosure under this section shall be considered to be violating the provisions of this section. Any entity or person alleging a violation of this section may bring an action in any court of competent jurisdiction. A court may order any appropriate relief necessary, including damages not to exceed ten thousand dollars and reasonable attorney's fees.

Vetoed July 8, 2016

Overridden September 14, 2016

HB 1432 [SS#2 SCS HCS HB 1432]

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 hearing to be held within sixty days if a state employee is placed on administrative leave

AN ACT to amend chapter 105, RSMo, by adding thereto one new section relating to administrative leave.

SECTION

A. Enacting clause.

105.264. Administrative leave for misconduct, hearing required — school districts to inform board of education — employee given written notice of reason for leave, when.

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

SECTION A. ENACTING CLAUSE. — Chapter 105, RSMo, is amended by adding thereto one new section, to be known as section 105.264, to read as follows:

105.264. ADMINISTRATIVE LEAVE FOR MISCONDUCT, HEARING REQUIRED — SCHOOL DISTRICTS TO INFORM BOARD OF EDUCATION — EMPLOYEE GIVEN WRITTEN NOTICE OF REASON FOR LEAVE, WHEN. — 1. As used in this section, the following words shall mean:

(1) "Administrative leave", time off without charge to any annual or sick leave or loss of pay due to misconduct or investigation of misconduct of an employee;

(2) "Employee", an individual who is employed by a department or division of the state, agency of the state, or school district, excluding probationary teachers;

(3) "Employer", any department or division of the state, agency of the state, or any school district.

2. (1) Notwithstanding any provision of law, if an employer places an employee on administrative leave, a hearing shall be held within sixty days from the date the employee was placed on such leave. The hearing and determination may be continued for good cause shown but shall not be continued past one hundred and eighty days from the date the employee was placed on administrative leave.

- (2) The provisions of this subsection shall not apply when:
- (a) An employer who has placed an employee on administrative leave due to misconduct or an investigation of misconduct refers such misconduct to a law enforcement agency or to another state or federal agency; or
- (b) A law enforcement agency or other state or federal agency has commenced its own investigation of the misconduct for which the employee was placed on administrative leave.
3. Within thirty days of placing an employee on administrative leave, any employer that is also a school district shall inform the board of education of the reason or reasons for the employee's placement on administrative leave. Should that same employee remain on administrative leave past the initial board of education meeting, the board of education shall be provided at every meeting thereafter an update regarding the reason or reasons for the continued placement.
4. Within seven days of being placed on administrative leave, an employee shall be advised in writing of the general reason or reasons for being placed on administrative leave. Any document informing an employee of the general reason or reasons for being placed on administrative leave shall not be subject to the open records requirements under chapter 610.
5. In the event that an employee is removed from administrative leave within thirty days of being placed on administrative leave, the provisions of subsection 2 of this section shall not apply.

Vetoed June 28, 2016

Overridden September 14, 2016

HB 1631 [SS#2 SCS HCS HB 1631]

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 person to submit a specified form of photo identification in order to vote in a public election with specified exemptions

AN ACT to repeal section 115.427, RSMo, and to enact in lieu thereof one new section relating to elections, with a contingent effective date.

SECTION

- A. Enacting clause.
- 115.427. Personal identification, requirements — statement for voters without required personal identification, procedure — provisional ballot, when — form of statement — notice of requirements — report — precinct register requirements — mark in lieu of signature, when — contingent effective date.
- B. Contingent effective date.

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

SECTION A. ENACTING CLAUSE. — Section 115.427, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 115.427, to read as follows:

115.427. PERSONAL IDENTIFICATION, REQUIREMENTS — STATEMENT FOR VOTERS WITHOUT REQUIRED PERSONAL IDENTIFICATION, PROCEDURE — PROVISIONAL BALLOT, WHEN — FORM OF STATEMENT — NOTICE OF REQUIREMENTS — REPORT — PRECINCT REGISTER REQUIREMENTS — MARK IN LIEU OF SIGNATURE, WHEN — CONTINGENT EFFECTIVE DATE. — AFFIDAVIT FORM — EFFECTIVE AND EXPIRATION DATES. — 1. [Before

receiving a ballot, voters] **Persons seeking to vote in a public election** shall establish their identity and eligibility to vote at the polling place by presenting a form of personal identification **to election officials**. ["Personal identification" shall mean only] **No form of personal identification other than the forms listed in this section shall be accepted to establish a voter's qualifications to vote. Forms of personal identification that satisfy the requirements of this section are any** one of the following:

(1) Nonexpired Missouri driver's license [showing the name and a photograph or digital image of the individual]; [or]

(2) Nonexpired or nonexpiring Missouri nondriver's license [showing the name and a photographic or digital image of the individual]; [or]

(3) A document that satisfies all of the following requirements:

(a) The document contains the name of the individual to whom the document was issued, and the name substantially conforms to the most recent signature in the individual's voter registration record;

(b) The document shows a [photographic or digital image] **photograph** of the individual;

(c) The document includes an expiration date, and the document is not expired, or, if expired, **the document** expired [not before] **after** the date of the most recent general election; and

(d) The document was issued by the United States or the state of Missouri; or

(4) Any identification containing a [photographic or digital image] **photograph** of the individual which is issued by the Missouri national guard, the United States armed forces, or the United States Department of Veteran Affairs to a member or former member of the Missouri national guard or the United States armed forces and that **is not expired or** does not have an expiration date.

2. [The election authority shall post a clear and conspicuous notice at each polling place informing each voter who appears at the polling place without a form of personal identification that satisfies the requirements of subsection 1 of this section that the voter may return to the polling place with a proper form of personal identification and vote a regular ballot after election judges have verified the voter's identity and eligibility under subsection 1 of this section. In addition to such posting, the election judges may also inform such voters by written or oral communication of such information posted in the notice. Voters who return to the polling place during the uniform polling hours established by section 115.407 with a current and valid form of personal identification shall be given priority in any voting lines.

3.] **(1)** An individual who appears at a polling place without **a form of personal identification** [in the form] described in subsection 1 of this section and who is otherwise qualified to vote at that polling place may execute [an affidavit] **a statement, under penalty of perjury**, averring that the [voter] **individual** is the person listed in the precinct register [and that the voter does not possess a form of identification specified in this section and is unable to obtain a current and valid form of personal identification because of:

(1) A physical or mental disability or handicap of the voter, if the voter is otherwise competent to vote under Missouri law; or

(2) A sincerely held religious belief against the forms of personal identification described in subsection 1 of this section; or

(3) The voter being born on or before January 1, 1941] ; **averring that the individual does not possess a form of personal identification described in subsection 1 of this section; acknowledging that the individual is eligible to receive a Missouri nondriver's license free of charge if desiring it in order to vote; and acknowledging that the individual is required to present a form of personal identification, as described in subsection 1 of this section, in order to vote. Such statement shall be executed and sworn to before the election official receiving the statement.** Upon executing such [affidavit] **statement**, the individual may cast a [provisional] **regular ballot, provided such individual presents one of the following forms of identification:**

(a) Identification issued by the state of Missouri, an agency of the state, or a local election authority of the state;

(b) Identification issued by the United States government or agency thereof;

(c) Identification issued by an institution of higher education, including a university, college, vocational and technical school, located within the state of Missouri;

(d) A copy of a current utility bill, bank statement, government check, paycheck, or other government document that contains the name and address of the individual;

(e) Other identification approved by the secretary of state under rules promulgated pursuant to this section. [Such provisional ballot shall be counted, provided the election authority verifies the identity of the individual by comparing that individual's signature to the signature on file with the election authority and determines that the individual was eligible to cast a ballot at the polling place where the ballot was cast.]

(2) For any individual who appears at a polling place without a form of personal identification described in subsection 1 of this section and who is otherwise qualified to vote at that polling place, the election authority may take a picture of such individual and keep it as part of that individual's voter registration file at the election authority.

(3) Any individual who chooses not to execute the statement described in subdivision (1) of this subsection may cast a provisional ballot. Such provisional ballot shall be counted, provided that it meets the requirements of subsection 4 of this section.

(4) For the purposes of this section, the term "election official" shall include any person working under the authority of the election authority.

[4.] 3. The [affidavit] statement to be used for voting under subdivision (1) of subsection [3] 2 of this section shall be substantially in the following form:

"State of

County of

I do solemnly swear (or affirm) that my name is; that I reside at; [and] that I am the person listed in the precinct register under this name and at this address]. I further swear (or affirm) that I am unable to obtain a current and valid form of personal identification because of:

[] A physical or mental disability or handicap; or

[] A sincerely held religious belief; or

[] My being born on or before January 1, 1941] ; and that, under penalty of perjury, I do not possess a form of personal identification approved for voting. As a person who does not possess a form of personal identification approved for voting, I acknowledge that I am eligible to receive free of charge a Missouri nondriver's license at any fee office if desiring it in order to vote. I furthermore acknowledge that I am required to present a form of personal identification, as prescribed by law, in order to vote.

I understand that knowingly providing false information is a violation of law and subjects me to possible criminal prosecution.

.....

Signature of voter

Subscribed and affirmed before me this day of, 20....

.....

Signature of election official"

[5.] 4. A voter shall be allowed to cast a provisional ballot under section 115.430 even if the election judges cannot establish the voter's identity under [subsection 1 of] this section. The election judges shall make a notation on the provisional ballot envelope to indicate that the voter's identity was not verified. The provisional ballot cast by such voter shall not be counted unless:

(1) (a) The voter returns to the polling place during the uniform polling hours established by section 115.407 and provides a form of personal identification that allows the election judges to verify the voter's identity as provided in subsection 1 of this section; [and] or

[(2)] (b) The election authority verifies the identity of the individual by comparing that individual's signature to the signature on file with the election authority and determines that the individual was eligible to cast a ballot at the polling place where the ballot was cast; and

(2) The provisional ballot otherwise qualifies to be counted under section 115.430.

[6.] 5. The secretary of state shall provide advance notice of the personal identification requirements of subsection 1 of this section in a manner calculated to inform the public generally of the requirement for [photographic] forms of personal identification as provided in this section. Such advance notice shall include, at a minimum, the use of advertisements and public service announcements in print, broadcast television, radio, and cable television media, as well as the posting of information on the opening pages of the official state [Internet] internet websites of the secretary of state and governor.

[7.] 6. (1) Notwithstanding the provisions of section 136.055 and section 302.181 [notwithstanding] to the contrary, the state and all fee offices shall provide one nondriver's license at no cost to any otherwise qualified voter who does not already possess such identification and who desires the identification in order to vote.

(2) This state and its agencies shall provide one copy of each of the following, free of charge, if needed by an individual seeking to obtain a form of personal identification described in subsection 1 of this section in order to vote:

- (a) A birth certificate;**
- (b) A marriage license or certificate;**
- (c) A divorce decree;**
- (d) A certificate of decree of adoption;**
- (e) A court order changing the person's name;**
- (f) A social security card reflecting an updated name; and**
- (g) Naturalization papers or other documents from the United States Department of State proving citizenship.**

Any individual seeking one of the above documents in order to obtain a form of personal identification described in subsection 1 of this section in order to vote may request the secretary of state to facilitate the acquisition of such documents. The secretary of state shall pay any fee or fees charged by another state or its agencies, or any court of competent jurisdiction in this state or any other state, or the federal government or its agencies, in order to obtain any of the above documents from such state or the federal government.

(3) All costs associated with the implementation of this section shall be reimbursed from the general revenue of this state by an appropriation for that purpose. If there is not a sufficient appropriation of state funds, then the personal identification requirements of subsection 1 of this section shall not be enforced.

(4) Any applicant who requests a nondriver's license [with a photograph or digital image] for the purpose of voting shall not be required to pay a fee if the applicant executes [an affidavit] a statement, under penalty of perjury, averring that the applicant does not have any other form of [photographic] personal identification that meets the requirements of [subsection 1 of] this section. The state of Missouri shall pay the legally required fees for any such applicant. The director of the department of revenue shall design [an affidavit] a statement to be used for this purpose. [However, any disabled or elderly person otherwise competent to vote shall be issued a nondriver's license photo identification through a mobile processing system operated by the Missouri department of revenue upon request if the individual is physically unable to otherwise obtain a nondriver's license photo identification. The department of revenue shall make nondriver's license photo identifications available through its mobile processing system only at facilities licensed under chapter 198 and other public places accessible to and frequented by disabled and elderly persons. The department shall provide advance notice of the times and

places when the mobile processing system will be available. At least nine mobile units housed under the office of administration shall remain available for dispatch upon the request of the department of revenue to fulfill the requirements of this section.] The total cost associated with nondriver's license photo identification under this subsection shall be borne by the state of Missouri from funds appropriated to the department of revenue for that specific purpose. The department of revenue and a local election authority may enter into a contract that allows the local election authority to assist the department in issuing nondriver's license photo identifications.

[8.] 7. The director of the department of revenue shall, by January first of each year, prepare and deliver to each member of the general assembly a report documenting the number of individuals who have requested and received a nondriver's license photo identification for the purposes of voting under this section. The report shall also include the number of persons requesting a nondriver's license for purposes of voting under this section, but not receiving such license, and the reason for the denial of the nondriver's license.

[9.] 8. The precinct register shall serve as the voter identification certificate. The following form shall be printed at the top of each page of the precinct register:

VOTER'S IDENTIFICATION CERTIFICATE

Warning: It is against the law for anyone to vote, or attempt to vote, without having a lawful right to vote.

PRECINCT

WARD OR TOWNSHIP

GENERAL (SPECIAL, PRIMARY) ELECTION

Held, 20....

Date

I hereby certify that I am qualified to vote at this election by signing my name and verifying my address by signing my initials next to my address.

[10.] 9. The secretary of state shall promulgate rules to effectuate the provisions of this section.

[11.] 10. 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.

[12.] 11. If any voter is unable to sign his name at the appropriate place on the certificate or computer printout, an election judge shall print the name and address of the voter in the appropriate place on the precinct register, the voter shall make his mark in lieu of signature, and the voter's mark shall be witnessed by the signature of an election judge.

[13. For any election held on or before November 1, 2008, an individual who appears at a polling place without identification in the form described in subsection 1 of this section, and who is otherwise qualified to vote at that polling place, may cast a provisional ballot after:

(1) Executing an affidavit which is also signed by two supervising election judges, one from each major political party, who attest that they have personal knowledge of the identity of the voter, provided that the two supervising election judges who sign an affidavit under this subdivision shall not be involved or participate in the verification of the voter's eligibility by the election authority after the provisional ballot is cast; or

(2) (a) Executing an affidavit affirming his or her identity; and

(b) Presenting a form of identification from the following list:

a. Identification issued by the state of Missouri, an agency of the state, or a local election authority of the state;

b. Identification issued by the United States government or agency thereof;

c. Identification issued by an institution of higher education, including a university, college, vocational and technical school, located within the state of Missouri;

d. A copy of a current utility bill, bank statement, government check, paycheck, or other government document that contains the name and address of the voter; or

e. Driver's license or state identification card issued by another state. Such provisional ballot shall be entitled to be counted, provided the election authority verifies the identity of the individual by comparing that individual's signature to the current signature on file with the election authority and determines that the individual was otherwise eligible to cast a ballot at the polling place where the ballot was cast.

14. The affidavit to be used for voting under subsection 13 of this section shall be substantially in the following form:

"State of

County of

I do solemnly swear (or affirm) that my name is; that I reside at; and that I am the person listed in the precinct register under this name and at this address.

I understand that knowingly providing false information is a violation of law and subjects me to possible criminal prosecution.

Signature of voter

Subscribed and affirmed before me this day of, 20....

Signature of Election Official".

15. The provisions of subsections 1 to 5 and 8 to 14 of this section shall become effective August 28, 2006, and this subsection shall expire September 1, 2006.]

SECTION B. CONTINGENT EFFECTIVE DATE. — Section A of this act shall become effective only upon the passage and approval by the voters of a constitutional amendment submitted to them by the general assembly regarding the authorization of photo identification requirements for elections by general law. If such constitutional amendment is approved by the voters, this act shall become effective June 1, 2017.

Vetoed June 7, 2016

Overridden September 14, 2016

HB 1713 [SCS HCS HB 1713]

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 provide information regarding advanced technologies to upgrade existing lagoon-based wastewater systems to meet any new or existing discharge requirements

AN ACT to repeal sections 256.437, 256.438, 256.439, 256.440, 256.443, and 644.021, RSMo, and to enact in lieu thereof nine new sections relating to the regulation of water systems, with an emergency clause for a certain section.

SECTION

A. Enacting clause.

67.5070. Wastewater or water treatment projects — disbursement of grants — use of loan fund moneys.

- 256.437. Definitions.
- 256.438. Fund created, use of moneys — rulemaking authority.
- 256.440. Multipurpose water resource program established, department to administer — state may participate in water resource project, when.
- 256.443. Plan, content — approval of plan by director — eligibility of projects to receive contributions, grants or bequests for construction or renovation costs, limitation.
- 256.447. Rulemaking authority.
- 640.136. Fluoridation modification, notification to department and customers, when.
- 644.021. Commission created, members, qualifications, term — meetings.
- 644.200. Wastewater treatment system upgrades, department duties — analysis of options.
- 256.439. Multipurpose program established, department to administer and adopt rules.
 - B. Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Sections 256.437, 256.438, 256.439, 256.440, 256.443, and 644.021, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 67.5070, 256.437, 256.438, 256.440, 256.443, 256.447, 640.136, 644.021, and 644.200, to read as follows:

67.5070. WASTEWATER OR WATER TREATMENT PROJECTS — DISBURSEMENT OF GRANTS — USE OF LOAN FUND MONEYS. — 1. As used in this section, "design-build contract" shall mean any contract that furnishes architecture or engineering services and construction services either directly or through subcontracts.

2. Any political subdivision may enter into a design-build contract for engineering, design, and construction of a wastewater or water treatment project.

3. In disbursing community development block grants under 42 U.S.C. Sections 5301 to 5321, the department of economic development shall not reject wastewater or water treatment projects solely for utilizing design-build.

4. The department of natural resources shall not preclude design-build contracts from consideration of funding provided by the water and wastewater loan fund established in section 644.122.

256.437. DEFINITIONS. — As used in sections 256.435 to 256.445, the following terms mean:

- (1) "Director", the director of the department of natural resources;
- (2) "Flood control storage", storage space in reservoirs to hold flood waters;
- (3) "Plan", a preliminary engineering report describing the water resource project;
- (4) "Public water supply", a water supply for agricultural, municipal, industrial or domestic use;
- (5) "Sponsor", any political subdivision of the state or any public wholesale water supply district;
- (6) "Water resource project", a project containing **planning, design, construction, or renovation of:**
 - (a) Public water supply [storage and treatment and water source erosion]; [and]
 - (b) Flood control storage; **or**
 - (c) **Treatment or transmission facilities for public water supply.**

256.438. FUND CREATED, USE OF MONEYS — RULEMAKING AUTHORITY. — 1. There is hereby established in the state treasury a fund to be known as the "Multipurpose Water Resource Program [Renewable Water Program] Fund", which shall consist of all money deposited in such fund from whatever source, whether public or private. 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 other moneys earned on such investments shall be credited to the fund. Any unexpended balance in such fund at the end of any appropriation period shall not be transferred to the general revenue fund and, accordingly, shall be exempt from the provisions of section 33.080 relating to the transfer of funds to the general revenue funds of the state by the state treasurer.

2. **The department of natural resources is hereby granted authority to establish rules by which project sponsors can remit contributions to the fund created under this section. Such contributions shall only be collected from water resource project sponsors who are awarded financial assistance from the fund for water resource projects, as described in sections 256.435 to 256.445. The contributions shall be used for the cost of administering the fund and the provision of financial assistance from the fund as described in sections 256.435 to 256.445.**

3. Upon appropriation, the department of natural resources shall use money in the fund created by this section for the purposes of carrying out the provisions of sections 256.435 to 256.445, including, but not limited to, the provision of grants or other financial assistance, and, if such limitations or conditions are imposed, only upon such other limitations or conditions specified in the instrument that appropriates, grants, bequeaths, or otherwise authorizes the transmission of money to the fund.

4. **The department of natural resources shall have the authority to promulgate rules 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 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, 2016, shall be invalid and void.**

256.440. MULTIPURPOSE WATER RESOURCE PROGRAM ESTABLISHED, DEPARTMENT TO ADMINISTER — STATE MAY PARTICIPATE IN WATER RESOURCE PROJECT, WHEN. — In order to ensure adequate, long- term, reliable public water supply [storage], **treatment, and transmission facilities**, there is hereby established a "**Multipurpose** Water Resource Program". The program shall be administered by the department of natural resources. The state may participate with a sponsor in the development, construction or renovation of a water resource project if the sponsor has a plan which has been submitted to and approved by the director. **Prior to approval, such plan shall include a schedule, proposed by the sponsor, to remit contributions back to the fund created under section 256.438. Any money received by the department of natural resources as a result of its participation with any such sponsor shall be deposited in the multipurpose water resource program fund created under section 256.438.**

256.443. PLAN, CONTENT — APPROVAL OF PLAN BY DIRECTOR — ELIGIBILITY OF PROJECTS TO RECEIVE CONTRIBUTIONS, GRANTS OR BEQUESTS FOR CONSTRUCTION OR RENOVATION COSTS, LIMITATION. — 1. The plan shall include a description of the project, the need for the project, land use and treatment measures to be implemented to protect the project from erosion, siltation and pollution, procedures for water allocation, criteria to be implemented in the event of drought or emergency, and such other information as the director may require to adequately protect the water resource.

2. The director shall only approve a plan upon a determination that long-term reliable public water supply [storage], **treatment, or transmission facility** is needed in that area of the state, **and that such plan will provide a long-term solution to water supply needs.** Implementation of approved plans will be eligible for cost-sharing expenses as approved by the state soil and

water districts commission incurred for required land treatment practices to implement soil conservation plans.

3. [Water] **Approved water resource plans and** projects shall be eligible to receive any gifts, contributions, grants or bequests from federal, state, private or other sources for engineering, construction or renovation costs associated with such projects, except that no proceeds from the sales and use tax levied pursuant to Sections 47(a) to 47(c) of Article IV of the State Constitution shall be used for such purposes.

4. **Approved water resource projects may be granted funds from, and remit contributions to, the multipurpose water resource program fund pursuant to section 256.438.**

256.447. RULEMAKING AUTHORITY. — The department of natural resources may adopt rules and regulations necessary to implement the provisions of sections 256.437 to 256.445. 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, 2016, shall be invalid and void.

640.136. FLUORIDATION MODIFICATION, NOTIFICATION TO DEPARTMENT AND CUSTOMERS, WHEN. — 1. Any public water system, as defined in section 640.102, or public water supply district, as defined in chapter 247, which intends to make modifications to fluoridation of its water supply shall notify the department of natural resources, the department of health and senior services, and its customers of its intentions at least ninety days prior to any vote on the matter. The public water system or public water supply district shall notify its customers via radio, television, newspaper, regular mail, electronic means, or any combination of notification methods to most effectively notify customers at least ninety days prior to any meeting at which the vote will occur. Any public water system or public water supply district that violates the notification requirements of this section shall return the fluoridation of its water supply to its previous level until proper notification is provided under the provisions of this section.

2. In the case of an investor-owned water system, the entity calling for the discussion of modifications to fluoridation shall be responsible for the provisions of this section.

644.021. COMMISSION CREATED, MEMBERS, QUALIFICATIONS, TERM — MEETINGS. — 1. There is hereby created a water contaminant control agency to be known as the "Clean Water Commission of the State of Missouri", whose domicile for the purposes of sections 644.006 to 644.141 shall be deemed to be that of the department of natural resources. The commission shall consist of seven members appointed by the governor with the advice and consent of the senate. No more than four of the members shall belong to the same political party. All members shall be representative of the general interest of the public and shall have an interest in and knowledge of conservation and the effects and control of water contaminants. **At least two** [such] members[, but no more than two.] shall be knowledgeable concerning the needs of agriculture, industry or mining and interested in protecting these needs in a manner consistent with the purposes of sections 644.006 to 644.141. One [such] member shall be knowledgeable concerning the needs of publicly owned wastewater treatment works. **No more than** four members shall represent the public. No member shall receive, or have received during the previous two years, a significant portion of his or her income directly or indirectly from permit holders or applicants for a permit pursuant to any federal water pollution control act as amended

and as applicable to this state. All members appointed on or after August 28, 2002, shall have demonstrated an interest and knowledge about water quality. All members appointed on or after August 28, 2002, shall be qualified by interest, education, training or experience to provide, assess and evaluate scientific and technical information concerning water quality, financial requirements and the effects of the promulgation of standards, rules and regulations. At the first meeting of the commission and at yearly intervals thereafter, the members shall select from among themselves a chairman and a vice chairman.

2. The members' terms of office shall be four years and until their successors are selected and qualified. Provided, however, that the first three members appointed shall serve a term of two years, the next three members appointed shall serve a term of four years, thereafter all members appointed shall serve a term of four years. There is no limitation on the number of terms any appointed member may serve. If a vacancy occurs the governor may appoint a member for the remaining portion of the unexpired term created by the vacancy. The governor may remove any appointed member for cause. The members of the commission shall be reimbursed for travel and other expenses actually and necessarily incurred in the performance of their duties.

3. The commission shall hold at least four regular meetings each year and such additional meetings as the chairman deems desirable at a place and time to be fixed by the chairman. Special meetings may be called by three members of the commission upon delivery of written notice to each member of the commission. Reasonable written notice of all meetings shall be given by the director to all members of the commission. Four members of the commission shall constitute a quorum. All powers and duties conferred specifically upon members of the commission shall be exercised personally by the members and not by alternates or representatives. All actions of the commission shall be taken at meetings open to the public. Any member absent from six consecutive regular commission meetings for any cause whatsoever shall be deemed to have resigned and the vacancy shall be filled immediately in accordance with subsection 1 of this section.

644.200. WASTEWATER TREATMENT SYSTEM UPGRADES, DEPARTMENT DUTIES — ANALYSIS OF OPTIONS. — 1. Notwithstanding any other provision of law, the department of natural resources shall provide any municipality or community currently served by a wastewater treatment system with information regarding options to upgrade the existing system to meet any new or existing discharge requirements. The information provided shall include available advanced technologies including biological treatment options.

2. The municipality or community, or a third party hired by the community or municipality, may conduct an analysis of available options to meet any new or existing discharge requirements including, but not limited to, the construction or installation of a new wastewater collection or treatment facility, connection to an existing collection or treatment facility outside the municipality or community, and upgrading or expanding the existing wastewater treatment system. The analysis shall include an examination of the feasibility and the cost of each option.

3. If upgrading or expanding the existing wastewater treatment system is feasible and cost effective and will enable the system to meet the discharge requirements, the department shall allow the entity to implement such option.

[256.439. MULTIPURPOSE PROGRAM ESTABLISHED, DEPARTMENT TO ADMINISTER AND ADOPT RULES. — In order to provide public water supply storage treatment and water-related facilities in both urban and rural areas of the state, there is hereby established a "Multipurpose Water Resources Program". The program shall be administered by the state department of natural resources. The state department of natural resources may adopt rules and regulations necessary to implement the provisions of sections 256.437 to 256.445.]

SECTION B. EMERGENCY CLAUSE. — Because immediate action is necessary to ensure that a municipality or community has the ability to select the most fiscally responsible option for safely treating wastewater in its community, the enactment of section 644.200 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 the enactment of section 644.200 of this act shall be in full force and effect upon its passage and approval.

Vetoed June 28, 2016
Overridden September 14, 2016

HB 1763 [HB 1763]

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 workers' compensation large deductible policies issued by an insurer

AN ACT to amend chapter 375, RSMo, by adding thereto one new section relating to workers' compensation large deductible policies, with an emergency clause.

SECTION

- A. Enacting clause.
375.1605. Insolvent insurers, claims to be handled by guaranty association — definitions — payment of claims, reimbursement — receiver obligations and utilization of collateral.
B. Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Chapter 375, RSMo, is amended by adding thereto one new section, to be known as section 375.1605, to read as follows:

375.1605. INSOLVENT INSURERS, CLAIMS TO BE HANDLED BY GUARANTY ASSOCIATION — DEFINITIONS — PAYMENT OF CLAIMS, REIMBURSEMENT — RECEIVER OBLIGATIONS AND UTILIZATION OF COLLATERAL. — **1. The provisions of this section shall apply to workers' compensation large deductible policies issued by an insurer subject to delinquency proceedings under this chapter. This section shall not apply to first party claims or to claims funded by a guaranty association net of the deductible unless subsection 3 of this section applies. Large deductible policies shall be administered in accordance with their terms, except to the extent such terms conflict with the provisions of this section.**

2. For purposes of this section, the following terms mean:

(1) "Collateral", any cash, letters of credit, surety bond, or any other form of security posted by the insured or by a captive insurer or reinsurer to secure the insured's obligation under the large deductible policy to pay deductible claims or to reimburse the insurer for deductible claim payments. Collateral may also secure an insured's obligation to reimburse or pay the insurer as may be required for other secured obligations;

(2) "Commercially reasonable", to act in good faith using prevailing industry practices and making all reasonable efforts considering the facts and circumstances of the matter;

(3) "Deductible claim", any claim, including a claim for loss and defense and cost containment expense, unless such expenses are excluded, under a large deductible policy that is within the deductible;

(4) "Delinquency proceeding", shall have the same meaning ascribed to it in section 375.1152;

(5) "Guaranty association", the Missouri property and casualty insurance guaranty association created by sections 375.771 to 375.779, as amended, and any other similar entities created by the laws of any other state for the payment of claims of insolvent insurers;

(6) "Large deductible policy", any combination of one or more workers' compensation policies and endorsements issued to an insured and contracts or security agreements entered into between an insured and the insurer in which the insured has agreed with the insurer to:

(a) Pay directly the initial portion of any claim under the policy up to a specified dollar amount or the expenses related to any claim; or

(b) Reimburse the insurer for its payment of any claim or related expenses under the policy up to the specified dollar amount of the deductible.

The term "large deductible policy" also includes policies that contain an aggregate limit on the insured's liability for all deductible claims in addition to a per-claim deductible limit. The primary purpose and distinguishing characteristic of a large deductible policy is the shifting of a portion of the ultimate financial responsibility under the large deductible policy to pay claims from the insurer to the insured, even though the obligation to initially pay claims may remain with the insurer. Large deductible policies do not include policies, endorsements, or agreements which provide that the initial portion of any covered claim shall be self-insured and further that the insured shall have no payment obligation within the self-insured retention. Large deductible policies also do not include policies that provide for retrospectively rated premium payments by the insured or reinsurance arrangements or agreements, except to the extent such arrangements or agreements assume, secure, or pay the policyholder's large deductible obligations;

(7) "Other secured obligations", obligations of an insured to an insurer other than those under a large deductible policy, such as those under a reinsurance agreement or other agreement involving retrospective premium obligations, the performance of which is secured by collateral that also secures an insured's obligations under a large deductible policy;

(8) "Receiver", shall have the same meaning ascribed to it in section 375.1152.

3. Unless otherwise agreed by the responsible guaranty association, all large deductible claims which are also "covered claims", as defined by the applicable guaranty association law, including those that may have been funded by an insured before liquidation, shall be turned over to the guaranty association for handling. To the extent the insured funds or pays the deductible claim pursuant to an agreement by the guaranty fund or otherwise, the insured's funding or payment of a deductible claim will extinguish the obligations, if any, of the receiver or any guaranty association to pay such claim. No charge of any kind shall be made against the receiver or a guaranty association on the basis of an insured's funding or payment of a deductible claim.

4. To the extent a guaranty association pays any deductible claim for which the insurer would have been entitled to reimbursement from the insured, a guaranty association shall be entitled to the full amount of the reimbursement and available collateral as provided for under this section to the extent necessary to reimburse the guaranty association. Such reimbursements and collateral shall be subject to any reasonable and actual expenses recovered by the receiver as provided for under subsection 7 of this section. Reimbursements paid to the guaranty association under this subsection

shall not be treated as distributions under section 375.1218 or as early access payments under section 375.1205. To the extent that a guaranty association pays a deductible claim that is not reimbursed either from collateral or by insured payments, or incurred expenses in connection with large deductible policies that are not reimbursed under this section, the guaranty association shall be entitled to assert a claim for those amounts in the delinquency proceeding. Nothing in this subsection limits any rights of the receiver or a guaranty association that may otherwise exist under applicable law to obtain reimbursement from insureds for claims payments made by the guaranty association under policies of the insurer or for the guaranty association's related expenses such as those affording the guaranty association the right to recover for claims payments made to or on behalf of high net worth insureds or claimants.

5. (1) The receiver shall have the obligation to collect reimbursements owed for deductible claims as provided for herein and shall take all commercially reasonable actions to collect such reimbursements. The receiver shall promptly bill insureds for reimbursement of deductible claims:

- (a) Paid by the insurer prior to the commencement of delinquency proceedings;
- (b) Paid by a guaranty association upon receipt by the receiver of notice from a guaranty association of reimbursable payments; or
- (c) Paid or allowed by the receiver.

(2) If the insured does not make payment within the time specified in the large deductible policy, or within sixty days after the date of billing if no time is specified, the receiver shall take all commercially reasonable actions to collect any reimbursements owed.

(3) Neither the insolvency of the insurer, nor its inability to perform any of its obligations under the large deductible policy, shall be a defense to the insured's reimbursement obligation under the large deductible policy.

(4) Except for gross negligence, an allegation of improper handling or payment of a deductible claim by the insurer, the receiver, or any guaranty association shall not be a defense to the insured's reimbursement obligations under the large deductible policy.

6. (1) Subject to the provisions of this subsection, the receiver shall utilize collateral if available to secure the insured's obligation to fund or reimburse deductible claims or other secured obligations or other payment obligations. A guaranty association shall be entitled to collateral as provided for in this subsection to the extent needed to reimburse a guaranty association for the payments of a deductible claim. Any distributions made to a guaranty association under this subsection shall not be treated as distributions under section 375.1218 or as early access payments under section 375.1205.

(2) All claims against the collateral shall be paid in the order received and no claim of the receiver, including those described in this subsection, shall supersede any other claim against the collateral as described in subdivision (4) of this subsection.

(3) The receiver shall draw down collateral to the extent necessary in the event that the insured fails to:

- (a) Perform its funding or payment obligations under any large deductible policy;
- (b) Pay deductible claim reimbursements within the time specified in the large deductible policy or within sixty days after the date of the billing if no time is specified;
- (c) Pay amounts due the estate for preliquidation obligations;
- (d) Timely fund any other secured obligation; or
- (e) Timely pay expenses.

(4) Claims that are validly asserted against the collateral shall be satisfied in the order in which such claims are received by the receiver; except that, if more than one creditor has a valid claim against the same collateral and the available collateral, along with billing collection efforts and to the extent that the collateral is subject to other known secured obligations, are together insufficient to pay each creditor in full, then the director as

rehabilitator or liquidator shall prorate payments to each creditor based upon the relationship the amount of claims each creditor has paid bears to the total of all claims paid by all such creditors.

(5) Excess collateral may be returned to the insured as determined by the receiver after a periodic review of claims paid, outstanding case reserves, and a factor for incurred but not reported claims.

7. The receiver shall be entitled to deduct from the collateral or from the deductible reimbursements reasonable and actual expenses incurred in connection with the collection of the collateral and deductible reimbursements under the provisions of this section, subject to the review and approval by the court.

8. The court having jurisdiction over the delinquency proceedings under section 375.1154 shall have jurisdiction to resolve disputes arising under the provisions of this section.

9. The provisions of this section shall apply to all delinquency proceedings that either commence on or after the effective date of this section or are open and pending on the effective date of this section, provided that, the provisions of this section shall not affect any delinquency proceeding for which a final order of liquidation with a finding of insolvency has been entered by a court of competent jurisdiction prior to the effective date of this section.

10. Nothing in this section is intended to limit or adversely affect any rights or powers a guaranty association may have under applicable state law to obtain reimbursement from certain classes of policyholders for claims payments made by the guaranty association under policies of the insolvent insurer, or for related expenses the guaranty association incurs.

SECTION B. EMERGENCY CLAUSE. — Because of the immediate need for the state to ensure that insurance guaranty associations have adequate resources to pay the covered claims of insolvent insurance carriers, the enactment of section 375.1605 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and the enactment of section 375.1605 of this act is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 375.1605 of this act shall be in full force and effect upon its passage and approval.

Vetoed May 17, 2016

Overridden September 14, 2016

HB 1976 [SCS HCS HB 1976]

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 service contracts

AN ACT to repeal sections 304.154, 385.200, 385.206, 385.300, and 385.306, RSMo, and to enact in lieu thereof seven new sections relating to motor vehicle services, with penalty provisions.

SECTION

A. Enacting clause.

304.005. Autocycle — defined — protective headgear not required, when — valid driver's license required to operate.

- 304.153. Tow companies or tow lists, utilization of by law enforcement and state transportation employees — definitions — requirements — unauthorized towing, penalty — inapplicability.
- 304.154. Towing truck company requirements — access to towed vehicles by insurance adjusters — notice to vehicle owner of transfer from storage lot or facility — display of tow company address, when.
- 385.200. Definitions.
- 385.206. Sale of contracts, prohibited acts — dealers not to be used as fronting companies — required contract contents — violations, penalty.
- 385.300. Definitions.
- 385.306. Contract requirements, contents.

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

SECTION A. ENACTING CLAUSE. — Sections 304.154, 385.200, 385.206, 385.300, and 385.306, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 304.005, 304.153, 304.154, 385.200, 385.206, 385.300, and 385.306, to read as follows:

304.005. AUTOCYCLE — DEFINED — PROTECTIVE HEADGEAR NOT REQUIRED, WHEN — VALID DRIVER'S LICENSE REQUIRED TO OPERATE. — **1.** As used in this section, the term "autocycle" means a three wheeled motor vehicle on which the drivers and passengers ride in a completely enclosed, tandem seating area that is equipped with air bag protection, a roll cage, safety belts for each occupant, and antilock brakes and that is designed to be controlled with a steering wheel and pedals.

2. Notwithstanding subsection 2 of section 302.020, a person operating or riding in an autocycle shall not be required to wear protective headgear if the vehicle is equipped with a roof that meets or exceeds the standards established for protective headgear.

3. No person shall operate an autocycle on any highway or street in this state unless the person has a valid driver's license. The operator of an autocycle, however, shall not be required to obtain a motorcycle or motortricycle license or endorsement pursuant to sections 302.010 to 302.340.

304.153. TOW COMPANIES OR TOW LISTS, UTILIZATION OF BY LAW ENFORCEMENT AND STATE TRANSPORTATION EMPLOYEES — DEFINITIONS — REQUIREMENTS — UNAUTHORIZED TOWING, PENALTY — INAPPLICABILITY. — **1.** As used in this section, the following terms shall mean:

(1) "Law enforcement officer", any public servant, other than a patrol officer, who is defined as a law enforcement officer under section 556.061;

(2) "Motor club", an organization which motor vehicle drivers and owners may join that provide certain benefits relating to driving a motor vehicle;

(3) "Patrol officer", a Missouri state highway patrol officer;

(4) "Tow list", a list of approved towing companies compiled, maintained, and utilized by the Missouri state highway patrol or its designee;

(5) "Tow management company", any sole proprietorship, partnership, corporation, fiduciary, association, or other business entity that manages towing logistics for government agencies or motor clubs;

(6) "Tow truck", a rollback or car carrier, wrecker, or tow truck as defined under section 301.010;

(7) "Towing", moving or removing, or the preparation therefor, of a vehicle by another vehicle for which a service charge is made, either directly or indirectly, including any dues or other charges of clubs or associations which provide towing services;

(8) "Towing company", any person, partnership, corporation, fiduciary, association, or other entity that operates a wrecker or towing service as defined under section 301.010.

2. In authorizing a towing company to perform services, any patrol officer or law enforcement officer within the officer's jurisdiction, or Missouri department of

transportation employee, may utilize the services of a tow management company or tow list, provided:

(1) The Missouri state highway patrol is under no obligation to include or retain the services of any towing company in any contract or agreement with a tow management company or any tow list established pursuant to this section. A towing company is subject to removal from a tow list at any time;

(2) Notwithstanding any other provision of law or any regulation established pursuant to this section, an owner or operator's request for a specific towing company shall be honored by the Missouri state highway patrol unless:

(a) The requested towing company cannot or does not respond in a reasonable time, as determined by a law enforcement officer; or

(b) The vehicle to be towed poses an immediate traffic hazard, as determined by a law enforcement officer.

3. A patrol officer shall not use a towing company located outside of Missouri under this section except under the following circumstances:

(1) A state or federal emergency has been declared; or

(2) The driver or owner of the vehicle, or a motor club of which the driver or owner is a member, requests a specific out-of-state towing company.

4. A towing company shall not tow a vehicle to a location outside of Missouri without the consent of the driver or owner of the motor vehicle, or without the consent of a motor club of which the driver or owner of the motor vehicle is a member.

5. Any towing company or tow truck arriving at the scene of an accident that has not been called by a patrol officer, a law enforcement officer, a Missouri department of transportation employee, the driver or owner of the motor vehicle or his or her authorized agent, including a motor club of which the driver or owner is a member, shall be prohibited from towing the vehicle from the scene of the accident, unless the towing company or tow truck operator is rendering emergency aid in the interest of public safety, or is operating during a declared state of emergency under section 44.100.

6. A tow truck operator that stops and tows a vehicle from the scene of an accident in violation of subsection 5 of this section shall be guilty of a class D misdemeanor upon conviction or pleading guilty for the first violation, and such tow truck shall be subject to impounding. The penalty for a second violation shall be a class A misdemeanor, and the penalty for any third or subsequent violation shall be a class D felony. A violation of this section shall not preclude the tow truck operator from being charged with tampering under chapter 569.

7. The provisions of this section shall also apply to motor vehicles towed under section 304.155 or 304.157.

8. The provisions of this section shall not apply to counties of the third or fourth classification.

304.154. TOWING TRUCK COMPANY REQUIREMENTS — ACCESS TO TOWED VEHICLES BY INSURANCE ADJUSTERS — NOTICE TO VEHICLE OWNER OF TRANSFER FROM STORAGE LOT OR FACILITY — DISPLAY OF TOW COMPANY ADDRESS, WHEN. — 1. [Beginning January 1, 2005.] A towing company operating a tow truck pursuant to the authority granted in section 304.153, 304.155, or 304.157 shall:

(1) Have and occupy a verifiable business address **and display such address in a location visible from the street or road;**

(2) Have a fenced, secure, and lighted storage lot or an enclosed, secure building for the storage of motor vehicles;

(3) Be open or available to a customer to make arrangements for a minimum of ten hours per day, Monday through Friday, for fifty-two weeks per year, excluding any federal holidays, for a customer or his or her authorized agent or an insurance adjuster,

as defined in section 324.1100, to view or retrieve items from a vehicle with no additional fees charged, or to retrieve the vehicle at the posted rate, during these regular business hours. A towing company shall not assess any storage fee on a day which the towing company is not open for business during such regular business hours;

(4) Notify the owner of a motor vehicle of the location of such motor vehicle within twenty-four hours after being contacted by such owner;

[(3)] (5) Be available twenty-four hours a day, seven days a week. Availability shall mean that an employee of the towing company or an answering service answered by a person is able to respond to a tow request;

[(4)] (6) Have and maintain an operational telephone with the telephone number published or available through directory assistance;

(7) Maintain a valid insurance policy issued by an insurer authorized to do business in this state, or a bond or other acceptable surety providing coverage for the death of, or injury to, persons and damage to property for each accident or occurrence in the amount of at least five hundred thousand dollars per incident;

[(5)] (8) Provide workers' compensation insurance for all employees of the towing company if required by chapter 287; [and]

[(6)] (9) Maintain current motor vehicle registrations on all tow trucks currently operated within the towing company fleet; and

(10) Post at its place of business and make available upon request to consumers a rate sheet listing all current rates applicable to towing services provided under this chapter.

2. The initial tow performed under section 304.153, 304.155, or 304.157 shall remain in the state of Missouri unless authorized by the vehicle owner, or his or her authorized agent including a motor club to which the owner of the motor vehicle is a member.

3. Counties may adopt ordinances with respect to towing company standards in addition to the minimum standards contained in this section. A towing company located in a county of the second, third, [and] or fourth classification is exempt from the provisions of this section.

4. Notwithstanding any provision of law to the contrary, unless notified by a law enforcement agency that a motor vehicle is being preserved as evidence, a storage lot facility or towing company shall allow insurance adjusters access to and allow inspection of a motor vehicle, without charge, at any time during the towing company's or storage lot facility's normal business hours.

5. When a motor vehicle has been transferred to a towing company storage lot or a vehicle storage facility, such vehicle shall not be transferred from the towing company storage lot or vehicle storage facility without providing the owner of such vehicle twenty-four-hour advance notice of the planned transfer. The notification shall include the address of where the vehicle is being transferred to, and all costs associated with moving the vehicle to a different storage lot or vehicle storage facility.

6. The provisions of subdivisions (3), (4), (6), and (10) of subsection 1 of this section, subsections 2, 4, and 5 of this section, and a provision in subdivision (1) of subsection 1 of this section requiring towing companies to display an address in a location visible from the street or road shall not apply to counties of the third or fourth classification.

385.200. DEFINITIONS. — As used in sections 385.200 to 385.220, the following terms mean:

(1) "Administrator", the person other than a provider who is responsible for the administration of the service contracts or the service contracts plan or for any filings required by sections 385.200 to 385.220;

(2) "Business entity", any partnership, corporation, incorporated or unincorporated association, limited liability company, limited liability partnership, joint stock company, reciprocal, syndicate, or any similar entity;

(3) "Consumer", a natural person who buys other than for purposes of resale any tangible personal property that is distributed in commerce and that is normally used for personal, family, or household purposes and not for business or research purposes;

(4) "Dealers", any motor vehicle dealer or boat dealer licensed or required to be licensed under the provisions of sections 301.550 to 301.573;

(5) "Director", the director of the department of insurance, financial institutions and professional registration;

(6) "Maintenance agreement", a contract of limited duration that provides for scheduled maintenance only;

(7) "Manufacturer", any of the following:

(a) A person who manufactures or produces the property and sells the property under the person's own name or label;

(b) A subsidiary or affiliate of the person who manufactures or produces the property;

(c) A person who owns one hundred percent of the entity that manufactures or produces the property;

(d) A person that does not manufacture or produce the property, but the property is sold under its trade name label;

(e) A person who manufactures or produces the property and the property is sold under the trade name or label of another person;

(f) A person who does not manufacture or produce the property but, under a written contract, licenses the use of its trade name or label to another person who sells the property under the licensor's trade name or label;

(8) "Mechanical breakdown insurance", a policy, contract, or agreement issued by an authorized insurer who provides for the repair, replacement, or maintenance of a motor vehicle or indemnification for repair, replacement, or service, for the operational or structural failure of a motor vehicle due to a defect in materials or workmanship or to normal wear and tear;

(9) "Motor vehicle extended service contract" or "service contract", a contract or agreement for a separately stated consideration and for a specific duration to perform the repair, replacement, or maintenance of a motor vehicle or indemnification for repair, replacement, or maintenance, for the operational or structural failure due to a defect in materials, workmanship, or normal wear and tear, with or without additional provision for incidental payment of indemnity under limited circumstances, including but not limited to towing, rental, and emergency road service[, but]. **The term shall also include a contract or agreement for a separately stated consideration and for a specific duration that provides for any of the following:**

(a) The repair or replacement of tires or wheels on a motor vehicle damaged as a result of coming into contact with road hazards;

(b) The removal of dents, dings, or creases on a motor vehicle that can be repaired using the process of paintless dent removal without affecting the existing paint finish and without replacing vehicle body panels, sanding, bonding, or painting;

(c) The repair of chips or cracks in, or the replacement of, motor vehicle windshields as a result of damage caused by road hazards;

(d) The replacement of a motor vehicle key or key fob in the event that the key or key fob becomes inoperable or is lost or stolen; and

(e) If not inconsistent with other provisions of this section or section 385.206, 385.300, or 385.306, any other services approved by the director.

The term [does] shall not include mechanical breakdown insurance or maintenance agreements;

(10) "Nonoriginal manufacturer's parts", replacement parts not made for or by the original manufacturer of the property, commonly referred to as after-market parts;

(11) "Person", an individual, partnership, corporation, incorporated or unincorporated association, joint stock company, reciprocal, syndicate, or any similar entity or combination of entities acting in concert;

(12) "Premium", the consideration paid to an insurer for a reimbursement insurance policy;

(13) "Producer", any business entity or individual person selling, offering, negotiating, or soliciting a motor vehicle extended service contract and required to be licensed as a producer under subsection 1 of section 385.206;

(14) "Provider", a person who is contractually obligated to the service contract holder under the terms of a motor vehicle extended service contract;

(15) "Provider fee", the consideration paid for a motor vehicle extended service contract by a service contract holder;

(16) "Reimbursement insurance policy", a policy of insurance issued to a provider and under which the insurer agrees, for the benefit of the motor vehicle extended service contract holders, to discharge all of the obligations and liabilities of the provider under the terms of the motor vehicle extended service contracts in the event of nonperformance by the provider. All obligations and liabilities include, but are not limited to, failure of the provider to perform under the motor vehicle extended service contract and the return of the unearned provider fee in the event of the provider's unwillingness or inability to reimburse the unearned provider fee in the event of termination of a motor vehicle extended service contract;

(17) **"Road hazard", a hazard encountered while driving a motor vehicle that includes, but is not limited to, potholes, rocks, wood debris, metal parts, glass, plastic, curbs, or composite scraps;**

(18) "Service contract holder" or "contract holder", a person who is the purchaser or holder of a motor vehicle extended service contract;

[18] (19) "Warranty", a warranty made solely by the manufacturer, importer, or seller of property or services without charge, that is not negotiated or separated from the sale of the product and is incidental to the sale of the product, that guarantees indemnity for defective parts, mechanical or electrical breakdown, labor, or other remedial measures, such as repair or replacement of the property or repetition of services.

385.206. SALE OF CONTRACTS, PROHIBITED ACTS — DEALERS NOT TO BE USED AS FRONTING COMPANIES — REQUIRED CONTRACT CONTENTS — VIOLATIONS, PENALTY. —

1. It is unlawful for any person in or from this state to sell, offer, negotiate, or solicit a motor vehicle extended service contract with a consumer, other than the following:

(1) A motor vehicle dealer licensed under sections 301.550 to 301.573, along with its authorized employees offering the service contract in connection with the sale of either a motor vehicle or vehicle maintenance or repair services;

(2) A manufacturer of motor vehicles, as defined in section 301.010, along with its authorized employees;

(3) A federally insured depository institution, along with its authorized employees;

(4) A lender licensed and defined under sections 367.100 to 367.215, along with its authorized employees;

(5) A provider registered with the director and having demonstrated financial responsibility as required in section 385.202, along with its subsidiaries and affiliated entities, and authorized employees of the provider, subsidiary, or affiliated entity;

(6) A business entity producer or individual producer licensed under section 385.207;

(7) Authorized employees of an administrator under contract to effect coverage, collect provider fees, and settle claims on behalf of a registered provider, if the administrator is licensed as a business entity producer under section 385.207; or

(8) A vehicle owner transferring an existing motor vehicle extended service contract to a subsequent owner of the same vehicle.

2. No administrator or provider shall use a dealer as a fronting company, and no dealer shall act as a fronting company. For purposes of this subsection, "fronting company" means a dealer that authorizes a third-party administrator or provider to use its name or business to evade or circumvent the provisions of subsection 1 of this section.

3. Motor vehicle extended service contracts issued, sold, or offered in this state shall be written in clear, understandable language, and the entire contract shall be printed or typed in easy-to-read type and conspicuously disclose the requirements in this section, as applicable.

4. Motor vehicle extended service contracts insured under a reimbursement insurance policy under subsection 3 of section 385.202 shall contain a statement in substantially the following form: "Obligations of the provider under this service contract are guaranteed under a service contract reimbursement insurance policy. If the provider fails to pay or provide service on a claim within sixty days after proof of loss has been filed, the contract holder is entitled to make a claim directly against the insurance company." A claim against the provider also shall include a claim for return of the unearned provider fee. The motor vehicle extended service contract also shall state conspicuously the name and address of the insurer.

5. Motor vehicle extended service contracts not insured under a reimbursement insurance policy pursuant to subsection 3 of section 385.202 shall contain a statement in substantially the following form: "Obligations of the provider under this service contract are backed only by the full faith and credit of the provider (issuer) and are not guaranteed under a service contract reimbursement insurance policy." A claim against the provider also shall include a claim for return of the unearned provider fee. The motor vehicle extended service contract also shall state conspicuously the name and address of the provider.

6. Motor vehicle extended service contracts shall identify any administrator, the provider obligated to perform the service under the contract, the motor vehicle extended service contract seller, and the service contract holder to the extent that the name and address of the service contract holder has been furnished by the service contract holder.

7. Motor vehicle extended service contracts shall state conspicuously the total purchase price and the terms under which the motor vehicle extended service contract is sold. The purchase price is not required to be preprinted on the motor vehicle extended service contract and may be negotiated at the time of sale with the service contract holder.

8. If prior approval of repair work is required, the motor vehicle extended service contracts shall state conspicuously the procedure for obtaining prior approval and for making a claim, including a toll-free telephone number for claim service and a procedure for obtaining emergency repairs performed outside of normal business hours.

9. Motor vehicle extended service contracts shall state conspicuously the existence of any deductible amount.

10. Motor vehicle extended service contracts shall specify the merchandise and services to be provided and any limitations, exceptions, and exclusions.

11. Motor vehicle extended service contracts shall state the conditions upon which the use of nonoriginal manufacturer's parts or parts of a like kind and quality or substitute service may be allowed. Conditions stated shall comply with applicable state and federal laws.

12. Motor vehicle extended service contracts shall state any terms, restrictions, or conditions governing the transferability of the motor vehicle extended service contract.

13. Motor vehicle extended service contracts shall state that subsequent to the required free look period specified in subsection 14 of this section, a service contract holder may cancel the contract at any time and the provider shall refund to, **or credit to the account of**, the contract holder one hundred percent of the unearned pro rata provider fee, less any claims paid. A reasonable administrative fee may be surcharged by the provider in an amount not to exceed fifty dollars. All terms, restrictions, or conditions governing termination of the service contract by the service contract holder shall be stated. The provider of the motor vehicle extended service contract shall mail a written notice to the contract holder within forty-five days of the date of termination. The written notice required by this subsection may be included with any other

correspondence required by this section. **Refunds may be effectuated through a provider or a person that is permitted to sell motor vehicle extended service contracts under subsection 1 of this section.**

14. Motor vehicle extended service contracts shall contain a free look period that requires every provider to permit the service contract holder to return the contract to the provider within at least twenty business days of the mailing date of the motor vehicle extended service contract or the contract date if the service contract is executed and delivered at the time of sale or within a longer time period permitted under the contract. If no claim has been made under the contract and the contract is returned, the contract is void and the provider shall refund to, **or credit to the account of,** the contract holder the full purchase price of the contract. A ten percent penalty of the amount outstanding per month shall be added to a refund that is not paid within forty-five days of return of the contract to the provider. If a claim has been made under the contract during the free look period and the contract is returned, the provider shall refund to, **or credit to the account of,** the contract holder the full purchase price less any claims that have been paid. The applicable free-look time periods on service contracts shall apply only to the original service contract purchaser. **Refunds may be effectuated through a provider or a person that is permitted to sell motor vehicle extended service contracts under subsection 1 of this section.**

15. Motor vehicle extended service contracts shall set forth all of the obligations and duties of the service contract holder, such as the duty to protect against any further damage and the requirement for certain service and maintenance.

16. Motor vehicle extended service contracts shall state clearly whether or not the service contract provides for or excludes consequential damages or preexisting conditions.

17. The contract requirements of subsections 3 to 16 of this section shall apply to motor vehicle extended service contracts made with consumers in this state. A violation of subsections 3 to 16 of this section is a level two violation under section 374.049.

18. A violation of subsection 1 or 2 of this section is a level three violation under section 374.049.

385.300. DEFINITIONS. — As used in sections 385.300 to 385.320, the following terms mean:

(1) "Administrator", the person who is responsible for the handling and adjudication of claims under the product service agreements;

(2) "Consumer", a natural person who buys other than for purposes of resale any tangible personal property that is distributed in commerce and that is normally used for personal, family, or household purposes and not for business or research purposes;

(3) "Contract holder", a person who is the purchaser or holder of a service contract;

(4) "Director", the director of the department of insurance, financial institutions, and professional registration;

(5) "Maintenance agreement", a contract of limited duration that provides for scheduled maintenance only;

(6) "Manufacturer", any of the following:

(a) A person who manufactures or produces the property and sells the property under the person's own name or label;

(b) A subsidiary **or affiliate** of the person who manufactures or produces the property;

(c) A person who owns one hundred percent of the entity that manufactures or produces the property;

(d) A person that does not manufacture or produce the property, but the property is sold under its trade name label;

(e) A person who manufactures or produces the property and the property is sold under the trade name or label of another person;

(f) A person who does not manufacture or produce the property but, under a written contract, licenses the use of its trade name or label to another person who sells the property under the licensor's trade name or label;

(7) "Nonoriginal manufacturer's parts", replacement parts not made for or by the original manufacturer of the property, commonly referred to as after-market parts;

(8) "Person", an individual, partnership, corporation, incorporated or unincorporated association, joint stock company, reciprocal, syndicate, or any similar entity or combination of entities acting in concert;

(9) "Premium", the consideration paid to an insurer for a reimbursement insurance policy;

(10) "Property", all forms of property;

(11) "Provider", a person who is contractually obligated to the service contract holder under the terms of a service contract;

(12) "Provider fee", the consideration paid for a service contract, if any, by a service contract holder;

(13) "Reimbursement insurance policy", a policy of insurance issued to a provider and under which the insurer agrees, for the benefit of the service contract holders, to discharge all of the obligations and liabilities of the provider under the terms of the service contracts in the event of nonperformance by the provider. All obligations and liabilities include, but are not limited to, failure of the provider to perform under the service contract and the return of the unearned provider fee in the event of the provider's unwillingness or inability to reimburse the unearned provider fee in the event of termination of a service contract;

(14) "Service contract", a contract for a specific duration and consideration to perform the repair, replacement, or maintenance of property or indemnification for repair, replacement, or maintenance, for the operational or structural failure of any residential or other property due to a defect in materials, workmanship, or normal wear and tear, with or without additional provision for incidental payment of indemnity under limited circumstances, including, but not limited to, unavailability of parts, obsolescence, food spoilage, rental, and shipping. Service contracts may provide for the repair, replacement or maintenance of property for damage resulting from power surges or accidental damage. Service contract providers and administrators are not deemed to be engaged in the business of insurance in this state;

(15) "Warranty", a warranty made solely by the manufacturer, importer, or seller of property or services without charge, that is not negotiated or separated from the sale of the product and is incidental to the sale of the product, that guarantees indemnity for defective parts, mechanical or electrical breakdown, labor, or other remedial measures, such as repair or replacement of the property or repetition of services.

385.306. CONTRACT REQUIREMENTS, CONTENTS. — 1. Service contracts marketed, issued, sold, or offered for sale in this state shall be written in clear, conspicuous, and understandable language, and the entire contract shall be printed or typed in easy-to-read type and conspicuously disclose the requirements in this section, as applicable.

2. Service contracts insured under a reimbursement insurance policy under subdivision (3) of subsection 4 of section 385.302 shall contain a statement in substantially the following form: "Obligations of the provider under this service contract are guaranteed under a reimbursement insurance policy. If the provider fails to pay or provide service on a claim within sixty days after proof of loss has been filed, the contract holder is entitled to make a claim directly against the insurance company." A claim against the provider may also include a claim for return of the unearned provider fee. The service contract also shall state the name and address of the insurer.

3. Service contracts not insured under a reimbursement insurance policy under subdivision (3) of subsection 4 of section 385.302 shall contain a statement in substantially the following form: "Obligations of the provider under this service contract are backed only by the full faith and credit of the provider (issuer) and are not guaranteed under a reimbursement insurance

policy." A claim against the provider shall also include a claim for return of the unearned provider fee. The service contract shall also state the name and address of the provider.

4. Service contracts shall identify any administrator, the provider obligated to perform under the contract, and the service contract seller, if different than the provider or administrator. The identities of such parties are not required to be preprinted on the service contract and may be added to the service contract prior to delivery to the contract holder.

5. Service contracts shall state the total purchase price and the terms under which the service contract is sold. The purchase price is not required to be preprinted on the service contract and may be negotiated at the time of sale with the service contract holder.

6. If prior approval of repair work is required, the service contracts shall state the procedure for obtaining prior approval and for making a claim, including a toll-free telephone number for claim service and a procedure for obtaining emergency repairs performed outside of normal business hours.

7. Service contracts shall state the existence of any deductible amount.

8. Service contracts shall specify the merchandise and services to be provided and any limitations, exceptions, or exclusions.

9. Service contracts shall state the conditions upon which the use of nonoriginal manufacturers' parts, refurbished merchandise, or substitute service may be allowed. Conditions stated shall comply with applicable state and federal laws.

10. Service contracts shall state any terms, restrictions, or conditions governing the transferability of the service contract.

11. Service contracts shall state any terms, restrictions, or conditions governing termination of the service agreement by the service contract holder and provider.

12. Service contracts for which the service contract holder pays a separate, identified consideration shall require every provider to permit the service contract holder to return the contract within at least twenty days of the date of mailing of the service contract or within at least ten days if the service contract is delivered at the time of sale or within a longer time period permitted under the contract. If no claim has been made under the contract, the contract is void and the provider shall refund to, **or credit to the account of**, the contract holder the full purchase price of the contract. A ten percent penalty per month shall be added to a refund that is not paid within forty-five days of return of the contract to the provider. The applicable free-look time periods on service contracts shall apply only to the original service contract purchaser, and only if no claim has been made prior to its return to the provider. **Refunds may be effectuated through the provider or the provider's designee.**

13. Service contracts shall set forth all of the obligations and duties of the service contract holder, such as the duty to protect against any further damage and the requirement for certain service and maintenance.

14. Service contracts shall state clearly whether or not the service contract provides for or excludes consequential damages, preexisting conditions, or events covered under the original manufacturer's warranty.

15. Service contracts shall state any limitations on the number or value of repairs, replacements, or monetary settlements, as applicable, that will be provided during the term of coverage.

Vetoed July 1, 2016

Overridden September 14, 2016

HB 2030 [SCS HCS HB 2030]

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 tax deduction equal to fifty percent of the capital gain resulting from the sale of employer securities to a certain Missouri stock ownership plans

AN ACT to amend chapter 135, RSMo, by adding thereto one new section relating to tax deductions for employee stock ownership plans.

SECTION

A. Enacting clause.

135.495. Deduction for sales or exchanges of employer securities to a qualified Missouri employee stock ownership plan — information provided to former employees upon separation.

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

SECTION A. ENACTING CLAUSE. — Chapter 135, RSMo, is amended by adding thereto one new section, to be known as section 135.495, to read as follows:

135.495. DEDUCTION FOR SALES OR EXCHANGES OF EMPLOYER SECURITIES TO A QUALIFIED MISSOURI EMPLOYEE STOCK OWNERSHIP PLAN — INFORMATION PROVIDED TO FORMER EMPLOYEES UPON SEPARATION. — 1. As used in this section, the following terms mean:

(1) "Commercial domicile", the principal place from which the trade or business of the taxpayer is directed or managed;

(2) "Deduction", an amount subtracted from the taxpayer's Missouri adjusted gross income to determine Missouri taxable income for the tax year in which such deduction is claimed;

(3) "Employer securities", the same meaning as defined under section 409(l) of the Internal Revenue Code;

(4) "Missouri corporation", a corporation whose commercial domicile is in this state;

(5) "Qualified Missouri employee stock ownership plan", an employee stock ownership plan, as defined under section 4975(e)(7) of the Internal Revenue Code, and trust that is established by a Missouri corporation for the benefit of the employees of the corporation;

(6) "Taxpayer", an individual, firm, partner in a firm, corporation, partnership, shareholder in an S corporation, or member of a limited liability company subject to the income tax imposed under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265.

2. For all tax years beginning on or after January 1, 2017, in addition to all other modifications allowed by law, a taxpayer shall be allowed a deduction from the taxpayer's federal adjusted gross income when determining Missouri adjusted gross income in an amount equal to fifty percent of the net capital gain from the sale or exchange of employer securities of a Missouri corporation to a qualified Missouri employee stock ownership plan if, upon completion of the transaction, the qualified Missouri employee stock ownership plan owns at least thirty percent of all outstanding employer securities issued by the Missouri corporation.

3. Whenever an employee leaves a Missouri corporation with a qualified Missouri employee stock ownership plan, the Missouri corporation shall inform the former employee of the deadline for when the former employee shall decide whether they will receive their shares of employer securities or compensation for their shares of employer securities.

4. The department 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, 2016, shall be invalid and void.

5. 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 thirty-first, six years after the effective date of this section, unless reauthorized by an act of the general assembly;

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty-first, 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.

Vetoed June 28, 2016

Overridden September 14, 2016

SB 608 [CCS#2 HCS SS SB 608]

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 health care

AN ACT to repeal sections 167.638, 174.335, 197.315, 208.152, 208.952, 208.985, 335.300, 335.305, 335.310, 335.315, 335.320, 335.325, 335.330, 335.335, 335.340, 335.345, 335.350, 335.355, 338.200, 376.1235, 376.1237, and 536.031, RSMo, and to enact in lieu thereof forty-five new sections relating to health care, with a contingent effective date for certain sections.

SECTION

- A. Enacting clause.
 - 167.638. Meningitis immunization, brochure, contents.
 - 174.335. Meningococcal disease, all on-campus students to be vaccinated — exemption, when — records to be maintained.
 - 191.875. Citation — definitions — estimate of cost provided, when — statement — disclosure of costs without discounts.
 - 191.1075. Definitions.
 - 191.1080. Council created, purpose, members, terms, duties — report — expiration date.
 - 191.1085. Program established, purpose, website information — rulemaking authority.
 - 197.065. Life safety code standards — waiver, when — rulemaking authority.
 - 197.315. Certificate of need granted, when — forfeiture, grounds — application for certificate, fee — certificate not required, when.
 - 198.054. Influenza vaccination for employees, facilities to assist in obtaining.
 - 208.142. Nonemergency medical treatment, use of emergency department services for, co-payment imposed.
 - 208.148. Missed appointment fee, when — department to request state plan amendment and waiver request.
 - 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 — reimbursement for behavioral, social, and psychological services for physical health issues.
 - 208.952. Committee established, members, duties.
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- 334.1200. Purpose.
- 334.1203. Definitions.
- 334.1206. State participation in the compact.
- 334.1209. Compact privilege.
- 334.1212. Active duty military personnel or their spouses.
- 334.1215. Adverse actions.
- 334.1218. Establishment of the physical therapy compact commission.
- 334.1221. Data system.
- 334.1224. Rulemaking.
- 334.1227. Oversight, dispute resolution, and enforcement.
- 334.1230. Date of implementation of the interstate commission for physical therapy practice and associated rules, withdrawal, and amendment.
- 334.1233. Construction and severability.
- 335.360. Findings and declaration of purpose.
- 335.365. Definitions.
- 335.370. General provisions and jurisdiction.
- 335.375. Applications for licensure in a party state.
- 335.380. Additional authorities invested in party state licensing boards.
- 335.385. Coordinated licensure information system and exchange of information.
- 335.390. Establishment of the interstate commission of nurse licensure compact administrators.
- 335.395. Rulemaking.
- 335.400. Oversight, dispute resolution and enforcement.
- 335.405. Effective date, withdrawal and amendment.
- 335.410. Construction and severability.
- 335.415. Head of the nurse licensing board defined.
- 338.200. Pharmacist may dispense emergency prescription, when, requirements — rulemaking authority.
- 338.202. Maintenance medications, pharmacist may exercise professional judgment on quantity dispensed, when.
- 376.379. Medication synchronization services, offer of coverage required.
- 376.388. Maximum allowable costs — definitions — contract requirements — reimbursement — appeals process required.
- 376.1235. No co-payments or coinsurance for physical or occupational therapy services, when — actuarial analysis of cost, when.
- 376.1237. Refills for prescription eye drops, required, when — definitions — termination date.
- 376.2020. Contracts prohibiting disclosure of certain payments and costs are unenforceable.
- 536.031. Code to be published — to be revised monthly — incorporation by reference authorized, courts to take judicial notice — incorporation by reference of certain rules, how.
- 208.985. Legislative budget office to conduct forecast, items to be included.
- 335.300. Findings and declaration of purpose.
- 335.305. Definitions.
- 335.310. General provisions and jurisdiction.
- 335.315. Applications for licensure in a party state.
- 335.320. Adverse actions.
- 335.325. Additional authorities invested in party state nurse licensing boards.
- 335.330. Coordinated licensure information system.
- 335.335. Compact administration and interchange of information.
- 335.340. Immunity.
- 335.345. Entry into force, withdrawal and amendment.
- 335.350. Construction and severability.
- 335.355. Applicability of compact.
 - B. Contingent effective date.

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

SECTION A. ENACTING CLAUSE. — Sections 167.638, 174.335, 197.315, 208.152, 208.952, 208.985, 335.300, 335.305, 335.310, 335.315, 335.320, 335.325, 335.330, 335.335, 335.340, 335.345, 335.350, 335.355, 338.200, 376.1235, 376.1237, and 536.031, RSMo, are repealed and forty-five new sections enacted in lieu thereof, to be known as sections 167.638, 174.335, 191.875, 191.1075, 191.1080, 191.1085, 197.065, 197.315, 198.054, 208.142, 208.148, 208.152, 208.952, 334.1200, 334.1203, 334.1206, 334.1209, 334.1212, 334.1215, 334.1218, 334.1221, 334.1224, 334.1227, 334.1230, 334.1233, 335.360, 335.365, 335.370, 335.375, 335.380, 335.385, 335.390, 335.395, 335.400, 335.405, 335.410, 335.415, 338.200, 338.202, 376.379, 376.388, 376.1235, 376.1237, 376.2020, and 536.031, to read as follows:

167.638. MENINGITIS IMMUNIZATION, BROCHURE, CONTENTS. — The department of health and senior services shall develop an informational brochure relating to meningococcal disease that states that [an immunization] **immunizations** against meningococcal disease [is] **are** available. The department shall make the brochure available on its website and shall notify every public institution of higher education in this state of the availability of the brochure. Each public institution of higher education shall provide a copy of the brochure to all students and if the student is under eighteen years of age, to the student's parent or guardian. Such information in the brochure shall include:

- (1) The risk factors for and symptoms of meningococcal disease, how it may be diagnosed, and its possible consequences if untreated;
- (2) How meningococcal disease is transmitted;
- (3) The latest scientific information on meningococcal disease immunization and its effectiveness, **including information on all meningococcal vaccines receiving a Category A or B recommendation from the Advisory Committee on Immunization Practices; [and]**
- (4) A statement that any questions or concerns regarding immunization against meningococcal disease may be answered by contacting the individual's health care provider; **and**
- (5) **A recommendation that the current student or entering student receive meningococcal vaccines in accordance with current Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention guidelines.**

174.335. MENINGOCOCCAL DISEASE, ALL ON-CAMPUS STUDENTS TO BE VACCINATED — EXEMPTION, WHEN — RECORDS TO BE MAINTAINED. — 1. Beginning with the 2004-05 school year and for each school year thereafter, every public institution of higher education in this state shall require all students who reside in on-campus housing to have received the meningococcal vaccine **not more than five years prior to enrollment and in accordance with the latest recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention**, unless a signed statement of medical or religious exemption is on file with the institution's administration. A student shall be exempted from the immunization requirement of this section upon signed certification by a physician licensed under chapter 334 indicating that either the immunization would seriously endanger the student's health or life or the student has documentation of the disease or laboratory evidence of immunity to the disease. A student shall be exempted from the immunization requirement of this section if he or she objects in writing to the institution's administration that immunization violates his or her religious beliefs.

2. Each public university or college in this state shall maintain records on the meningococcal vaccination status of every student residing in on-campus housing at the university or college.

3. Nothing in this section shall be construed as requiring any institution of higher education to provide or pay for vaccinations against meningococcal disease.

4. For purposes of this section, the term "on-campus housing" shall include, but not be limited to, any fraternity or sorority residence, regardless of whether such residence is privately owned, on or near the campus of a public institution of higher education.

191.875. CITATION — DEFINITIONS — ESTIMATE OF COST PROVIDED, WHEN — STATEMENT — DISCLOSURE OF COSTS WITHOUT DISCOUNTS. — 1. **This section shall be known as the "Health Care Cost Reduction and Transparency Act".**

2. As used in this section, the following terms shall mean:

- (1) "Ambulatory surgical center", as such term is defined under section 197.200;
- (2) "Estimate of cost", an estimate based on the information entered and assumptions about typical utilization and costs for health care services. Such estimates of cost shall

encompass only those services within the direct control of the health care provider and shall include the amount that will be charged to a patient for the health services if all charges are paid in full without a public or private third party paying for any portion of the charges;

(3) "Health care provider", any ambulatory surgical center, assistant physician, chiropractor, clinical psychologist, dentist, hospital, imaging center, long-term care facility, nurse anesthetist, optometrist, pharmacist, physical therapist, physician, physician assistant, podiatrist, registered nurse, or other licensed health care facility or professional providing health care services in this state. "Health care provider" shall also include any provider located in a Kansas border county, as defined under section 135.1670, who participates in the MO HealthNet program;

(4) "Hospital", as such term is defined under section 197.020;

(5) "Imaging center", any facility at which diagnostic imaging services are provided including, but not limited to, magnetic resonance imaging;

(6) "Medical treatment plan", a patient-specific plan of medical treatment for a particular illness, injury, or condition determined by such patient's health care provider, which includes the applicable current procedural terminology code or codes;

(7) "Public or private third party", a state government, the federal government, employer, health carrier as such term is defined under section 376.1350, third-party administrator, or managed care organization.

3. Beginning July 1, 2017, upon written request by a patient, which shall include a medical treatment plan from the patient's health care provider, for an estimate of cost of a particular health care service or procedure, imaging procedure, or surgery procedure, a health care provider shall provide, in writing, the estimate of cost to the patient electronically, by mail, or in person within three business days after receiving the written request. Providing a patient a specific link to such estimates of cost and making such estimates of cost publicly available or posting such estimates of cost on a website of the health care provider shall constitute compliance with the provisions of this subsection.

4. Health care providers shall include with any estimate of cost the following: "Your estimated cost is based on the information entered and assumptions about typical utilization and costs. The actual amount billed to you may be different from the estimate of costs provided to you. Many factors affect the actual bill you will receive, and this estimate of costs does not account for all of them. Additionally, the estimate of costs is not a guarantee of insurance coverage. You will be billed at the health care provider's charge for any service provided to you that is not a covered benefit under your plan. Please check with your insurance company to receive an estimate of the amount you will owe under your plan or if you need help understanding your benefits for the service chosen."

5. Beginning July 1, 2017, hospitals shall make available to the public the amount that would be charged without discounts for each of the one hundred most prevalent diagnosis-related groups as defined by the Medicare program, Title XVIII of the Social Security Act. The diagnosis-related groups shall be described in layperson's language suitable for use by reasonably informed patients. Disclosure of data under this subsection shall constitute compliance with subsection 3 of this section regarding any diagnosis-related group for which disclosure is required under this subsection.

6. It shall be a condition of participation in the MO HealthNet program for a health care provider located in a Kansas border county, as defined under section 135.1670, to comply with the provisions of this section.

7. No health care provider shall be required to report the information required by this section if the reporting of such information reasonably could lead to the identification of the person or persons receiving health care services or procedures in violation of the federal Health Insurance Portability and Accountability Act of 1996 or other federal law. This section shall not apply to emergency departments, which shall comply with

requirements of the Emergency Medical Treatment and Active Labor Act, 42 U.S.C. Section 1395dd.

191.1075. DEFINITIONS — As used in sections 191.1075 to 191.1085, the following terms shall mean:

- (1) "Department", the department of health and senior services;
- (2) "Health care professional", a physician or other health care practitioner licensed, accredited, or certified by the state of Missouri to perform specified health services;
- (3) "Hospital":
 - (a) A place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care of not less than twenty-four consecutive hours in any week of three or more nonrelated individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions; or
 - (b) A place devoted primarily to provide for not less than twenty-four consecutive hours in any week medical or nursing care for three or more unrelated individuals. "Hospital" does not include convalescent, nursing, shelter, or boarding homes as defined in chapter 198.

191.1080. COUNCIL CREATED, PURPOSE, MEMBERS, TERMS, DUTIES — REPORT — EXPIRATION DATE. — 1. There is hereby created within the department the "Missouri Palliative Care and Quality of Life Interdisciplinary Council", which shall be a palliative care consumer and professional information and education program to improve quality and delivery of patient-centered and family- focused care in this state.

2. On or before December 1, 2016, the following members shall be appointed to the council:

- (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) Two board-certified hospice and palliative medicine physicians licensed in this state, appointed by the governor with the advice and consent of the senate;
- (4) Two certified hospice and palliative nurses licensed in this state, appointed by the governor with the advice and consent of the senate;
- (5) A certified hospice and palliative social worker, appointed by the governor with the advice and consent of the senate;
- (6) A patient and family caregiver advocate representative, appointed by the governor with the advice and consent of the senate; and
- (7) A spiritual professional with experience in palliative care and health care, appointed by the governor with the advice and consent of the senate.

3. Council members shall serve for a term of three years. The members of the council shall elect a chair and vice chair whose duties shall be established by the council. The department shall determine a time and place for regular meetings of the council, which shall meet at least biannually.

4. Members of the council shall serve without compensation, but shall, subject to appropriations, be reimbursed for their actual and necessary expenses incurred in the performance of their duties as members of the council.

5. The council shall consult with and advise the department on matters related to the establishment, maintenance, operation, and outcomes evaluation of palliative care initiatives in this state, including the palliative care consumer and professional information and education program established in section 191.1085.

6. The council shall submit an annual report to the general assembly, which includes an assessment of the availability of palliative care in this state for patients at early stages of serious disease and an analysis of barriers to greater access to palliative care.

7. The council authorized under this section shall automatically expire August 28, 2022.

191.1085. PROGRAM ESTABLISHED, PURPOSE, WEBSITE INFORMATION — RULEMAKING AUTHORITY. — 1. There is hereby established the "Palliative Care Consumer and Professional Information and Education Program" within the department.

2. The purpose of the program is to maximize the effectiveness of palliative care in this state by ensuring that comprehensive and accurate information and education about palliative care is available to the public, health care providers, and health care facilities.

3. The department shall publish on its website information and resources, including links to external resources, about palliative care for the public, health care providers, and health care facilities including, but not limited to:

- (1) Continuing education opportunities for health care providers;
- (2) Information about palliative care delivery in the home, primary, secondary, and tertiary environments; and
- (3) Consumer educational materials and referral information for palliative care, including hospice.

4. Each hospital in this state is encouraged to have a palliative care presence on its intranet or internet website which provides links to one or more of the following organizations: the Institute of Medicine, the Center to Advance Palliative Care, the Supportive Care Coalition, the National Hospice and Palliative Care Organization, the American Academy of Hospice and Palliative Medicine, and the National Institute on Aging.

5. Each hospital in this state is encouraged to have patient education information about palliative care available for distribution to patients.

6. The department shall consult with the palliative care and quality of life interdisciplinary council established in section 191.1080 in implementing the section.

7. The department may promulgate rules to implement the provisions of sections 191.1075 to 191.1085. 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 191.1075 to 191.1085 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. Sections 191.1075 to 191.1085 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, 2016, shall be invalid and void.

8. Notwithstanding the provisions of section 23.253 to the contrary, the program authorized under this section shall automatically expire on August 28, 2022.

197.065. LIFE SAFETY CODE STANDARDS — WAIVER, WHEN — RULEMAKING AUTHORITY. — 1. The department of health and senior services shall promulgate regulations for the construction and renovation of hospitals that include life safety code standards for hospitals that exclusively reflect the life safety code standards imposed by the federal Medicare program under Title XVIII of the Social Security Act and its conditions of participation in the Code of Federal Regulations.

2. The department shall not require a hospital to meet the standards contained in the Facility Guidelines Institute for the Design and Construction of Health Care Facilities but any hospital that complies with the 2010 or later version of such guidelines for the construction and renovation of hospitals shall not be required to comply with any regulation that is inconsistent or conflicts in any way with such guidelines.

3. The department may waive enforcement of the standards for licensed hospitals imposed by this section if the department determines that:

(1) Compliance with those specific standards would result in unreasonable hardship for the facility and if the health and safety of hospital patients would not be compromised by such waiver or waivers; or

(2) The hospital has used other standards that provide for equivalent design criteria.

4. Regulations promulgated by the department to establish and enforce hospital licensure regulations under this chapter that conflict with the standards established under subsections 1 and 3 of this section shall lapse on and after January 1, 2018.

5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void.

197.315. CERTIFICATE OF NEED GRANTED, WHEN — FORFEITURE, GROUNDS — APPLICATION FOR CERTIFICATE, FEE — CERTIFICATE NOT REQUIRED, WHEN. — 1. Any person who proposes to develop or offer a new institutional health service within the state must obtain a certificate of need from the committee prior to the time such services are offered.

2. Only those new institutional health services which are found by the committee to be needed shall be granted a certificate of need. Only those new institutional health services which are granted certificates of need shall be offered or developed within the state. No expenditures for new institutional health services in excess of the applicable expenditure minimum shall be made by any person unless a certificate of need has been granted.

3. After October 1, 1980, no state agency charged by statute to license or certify health care facilities shall issue a license to or certify any such facility, or distinct part of such facility, that is developed without obtaining a certificate of need.

4. If any person proposes to develop any new institutional health care service without a certificate of need as required by sections 197.300 to 197.366, the committee shall notify the attorney general, and he shall apply for an injunction or other appropriate legal action in any court of this state against that person.

5. After October 1, 1980, no agency of state government may appropriate or grant funds to or make payment of any funds to any person or health care facility which has not first obtained every certificate of need required pursuant to sections 197.300 to 197.366.

6. A certificate of need shall be issued only for the premises and persons named in the application and is not transferable except by consent of the committee.

7. Project cost increases, due to changes in the project application as approved or due to project change orders, exceeding the initial estimate by more than ten percent shall not be incurred without consent of the committee.

8. Periodic reports to the committee shall be required of any applicant who has been granted a certificate of need until the project has been completed. The committee may order the forfeiture of the certificate of need upon failure of the applicant to file any such report.

9. A certificate of need shall be subject to forfeiture for failure to incur a capital expenditure on any approved project within six months after the date of the order. The applicant may request an extension from the committee of not more than six additional months based upon substantial expenditure made.

10. Each application for a certificate of need must be accompanied by an application fee. The time of filing commences with the receipt of the application and the application fee. The application fee is one thousand dollars, or one-tenth of one percent of the total cost of the proposed project, whichever is greater. All application fees shall be deposited in the state

treasury. Because of the loss of federal funds, the general assembly will appropriate funds to the Missouri health facilities review committee.

11. In determining whether a certificate of need should be granted, no consideration shall be given to the facilities or equipment of any other health care facility located more than a fifteen-mile radius from the applying facility.

12. When a nursing facility shifts from a skilled to an intermediate level of nursing care, it may return to the higher level of care if it meets the licensure requirements, without obtaining a certificate of need.

13. In no event shall a certificate of need be denied because the applicant refuses to provide abortion services or information.

14. A certificate of need shall not be required for the transfer of ownership of an existing and operational health facility in its entirety.

15. A certificate of need may be granted to a facility for an expansion, an addition of services, a new institutional service, or for a new hospital facility which provides for something less than that which was sought in the application.

16. The provisions of this section shall not apply to facilities operated by the state, and appropriation of funds to such facilities by the general assembly shall be deemed in compliance with this section, and such facilities shall be deemed to have received an appropriate certificate of need without payment of any fee or charge. **The provisions of this subsection shall not apply to hospitals operated by the state and licensed under chapter 197, except for department of mental health state-operated psychiatric hospitals.**

17. Notwithstanding other provisions of this section, a certificate of need may be issued after July 1, 1983, for an intermediate care facility operated exclusively for the intellectually disabled.

18. To assure the safe, appropriate, and cost-effective transfer of new medical technology throughout the state, a certificate of need shall not be required for the purchase and operation of:

(1) **Research equipment that is to be used in a clinical trial that has received written approval from a duly constituted institutional review board of an accredited school of medicine or osteopathy located in Missouri to establish its safety and efficacy and does not increase the bed complement of the institution in which the equipment is to be located. After the clinical trial has been completed, a certificate of need must be obtained for continued use in such facility; or**

(2) **Equipment that is to be used by an academic health center operated by the state in furtherance of its research or teaching missions.**

198.054. INFLUENZA VACCINATION FOR EMPLOYEES, FACILITIES TO ASSIST IN OBTAINING. — Each year between October first and March first, all long-term care facilities licensed under this chapter shall assist their health care workers, volunteers, and other employees who have direct contact with residents in obtaining the vaccination for the influenza virus by either offering the vaccination in the facility or providing information as to how they may independently obtain the vaccination, unless contraindicated, in accordance with the latest recommendations of the Centers for Disease Control and Prevention and subject to availability of the vaccine. Facilities are encouraged to document that each health care worker, volunteer, and employee has been offered assistance in receiving a vaccination against the influenza virus and has either accepted or declined.

208.142. NONEMERGENCY MEDICAL TREATMENT, USE OF EMERGENCY DEPARTMENT SERVICES FOR, CO-PAYMENT IMPOSED. — **1. Beginning October 1, 2016, a MO HealthNet participant who uses hospital emergency department services for the treatment of a medical condition that is not an emergency medical condition shall be required to pay a co-payment fee of eight dollars for such services. A participant shall be notified of the**

eight-dollar co-payment prior to services being rendered. A MO HealthNet participant's failure to pay the co-payment fee shall not in any way reduce or otherwise affect any MO HealthNet reimbursement to the health care provider for the services provided.

2. For purposes of this section, an "emergency medical condition" means a medical condition manifesting itself by acute symptoms of sufficient severity, including severe pain, that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in the following:

- (1) Placing the health of the individual or, with respect to a pregnant woman, the health of the woman or her unborn child in serious jeopardy;
- (2) Serious impairment to bodily functions; or
- (3) Serious dysfunction of any bodily organ or part.

3. The department of social services shall promulgate rules for the implementation of this section, including setting forth rules for the required documentation by the physician and the informed consent to be provided to and signed by the parent or guardian of the participant. 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, 2016, shall be invalid and void.

4. The department shall submit such state plan amendments and waivers to the Centers for Medicare and Medicaid Services of the federal Department of Health and Human Services as the department determines are necessary to implement the provisions of this section.

208.148. MISSED APPOINTMENT FEE, WHEN — DEPARTMENT TO REQUEST STATE PLAN AMENDMENT AND WAIVER REQUEST. — 1. Except as required to satisfy laws pertaining to the termination of patient care without adequate notice or without making other arrangements for the continued care of the patient, fee-for-service MO HealthNet health care providers shall be permitted to prohibit a MO HealthNet participant who misses an appointment or fails to provide notice of cancellation within twenty-four hours prior to the appointment from scheduling another appointment until the participant has paid a missed appointment fee to the health care provider as follows:

- (1) For the first missed appointment in a three-year period, no fee shall be charged but such missed appointment shall be documented in the patient's record;
- (2) For the second missed appointment in a three-year period, a fee of no greater than five dollars;
- (3) For the third missed appointment in a three-year period, a fee of no greater than ten dollars; and
- (4) For the fourth and each subsequent missed appointment in a three-year period, a fee of no greater than twenty dollars.

Such health care providers shall waive the missed appointment fee in cases of inclement weather.

2. Nothing in this section shall be construed in any way to limit MO HealthNet managed care organizations from developing and implementing any incentive program to encourage adherence to scheduled appointments.

3. The health care provider shall not charge to, nor shall the MO Healthnet participant be reimbursed by, the MO HealthNet program for the missed appointment fee.

4. The department of social services shall submit such state plan amendments and waivers to the Centers for Medicare and Medicaid Services of the federal Department of Health and Human Services as the department determines are necessary to implement the provisions of this section.

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 — REIMBURSEMENT FOR BEHAVIORAL, SOCIAL, AND PSYCHOLOGICAL SERVICES FOR PHYSICAL HEALTH ISSUES. —

1. MO HealthNet payments shall be made on behalf of those eligible needy persons as [defined] **described** 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] **described** 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 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.

14. Beginning July 1, 2016, and subject to appropriations, providers of behavioral, social, and psychophysiological services for the prevention, treatment, or management of physical health problems shall be reimbursed utilizing the behavior assessment and intervention reimbursement codes 96150 to 96154 or their successor codes under the Current Procedural Terminology (CPT) coding system. Providers eligible for such reimbursement shall include psychologists.

208.952. COMMITTEE ESTABLISHED, MEMBERS, DUTIES. — 1. There is hereby established [the] a permanent "Joint Committee on [MO HealthNet] Public Assistance". The committee shall have [as its purpose the study of] the following purposes:

(1) **Studying, monitoring, and reviewing the efficacy of the public assistance programs within the state;**

(2) **Determining the level and adequacy of resources needed [to continue and improve the MO HealthNet program over time] for the public assistance programs within the state; and**

(3) **Developing recommendations to the general assembly on the public assistance programs within the state and on promoting independence from safety net programs among participants as may be appropriate.**

The committee shall receive and obtain information from the departments of social services, mental health, health and senior services, and elementary and secondary education, and any other department as applicable, regarding the public assistance programs within the state including, but not limited to, MO HealthNet, the supplemental nutrition assistance program (SNAP), and temporary assistance for needy families (TANF). Such information shall include projected enrollment growth, budgetary matters, trends in childhood poverty and hunger, and any other information deemed to be relevant to the committee's purpose.

2. **The directors of the department of social services, mental health, and health and senior services shall each submit an annual written report to the committee providing data and statistical information regarding the caseloads of the department's employees involved in the administration of public assistance programs.**

3. The committee shall consist of ten members:

(1) The chair and the ranking minority member of the house of representatives committee on the budget;

(2) The chair and the ranking minority member of the senate committee on appropriations [committee];

(3) The chair and the ranking minority member of the standing house of representatives committee [on appropriations for health, mental health, and social services] designated to consider public assistance legislation and matters;

(4) The chair and the ranking minority member of the **standing** senate committee [on health and mental health] **designated to consider public assistance legislation and matters;**
(5) A representative chosen by the speaker of the house of representatives; and
(6) A senator chosen by the president pro [tem] **tempore** of the senate.
No more than [three] **four** members from each [house] **chamber** shall be of the same political party.

[2.] **4.** A chair of the committee shall be selected by the members of the committee.

[3.] **5.** The committee shall meet [as necessary] **at least twice a year. A portion of the meeting shall be set aside for the purpose of receiving public testimony. The committee shall seek recommendations from social, economic, and public assistance experts on ways to improve the effectiveness of public assistance programs, to improve program efficiency and reduce costs, and to promote self-sufficiency among public assistance recipients as may be appropriate.**

[4.] Nothing in this section shall be construed as authorizing the committee to hire employees or enter into any employment contracts.

5. The committee shall receive and study the five-year rolling MO HealthNet budget forecast issued annually by the legislative budget office.]

6. The committee is authorized to hire staff and enter into employment contracts including, but not limited to, an executive director to conduct special reviews or investigations of the public assistance programs within the state in order to assist the committee with its duties. Staff appointments shall be approved by the president pro tempore of the senate and the speaker of the house of representatives. The compensation of committee staff and the expenses of the committee shall be paid from the joint contingent fund or jointly from the senate and house of representatives contingent funds until an appropriation is made therefor.

7. **The committee shall annually conduct a rolling five-year forecast of the public assistance programs within the state and make recommendations in a report to the general assembly by January first each year, beginning in [2008] 2018, on anticipated growth [in the MO HealthNet program] of the public assistance programs within the state, needed improvements, anticipated needed appropriations, and suggested strategies on ways to structure the state budget in order to satisfy the future needs of [the program] such programs.**

334.1200. PURPOSE.—PURPOSE

The purpose of this compact is to facilitate interstate practice of physical therapy with the goal of improving public access to physical therapy services. The practice of physical therapy occurs in the state where the patient/client is located at the time of the patient/client encounter. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

This compact is designed to achieve the following objectives:

- 1. Increase public access to physical therapy services by providing for the mutual recognition of other member state licenses;**
- 2. Enhance the states' ability to protect the public's health and safety;**
- 3. Encourage the cooperation of member states in regulating multistate physical therapy practice;**
- 4. Support spouses of relocating military members;**
- 5. Enhance the exchange of licensure, investigative, and disciplinary information between member states; and**
- 6. Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards.**

334.1203. DEFINITIONS.—DEFINITIONS

As used in this compact, and except as otherwise provided, the following definitions shall apply:

1. "Active Duty Military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Section 1209 and 1211.
 2. "Adverse Action" means disciplinary action taken by a physical therapy licensing board based upon misconduct, unacceptable performance, or a combination of both.
 3. "Alternative Program" means a nondisciplinary monitoring or practice remediation process approved by a physical therapy licensing board. This includes, but is not limited to, substance abuse issues.
 4. "Compact privilege" means the authorization granted by a remote state to allow a licensee from another member state to practice as a physical therapist or work as a physical therapist assistant in the remote state under its laws and rules. The practice of physical therapy occurs in the member state where the patient/client is located at the time of the patient/client encounter.
 5. "Continuing competence" means a requirement, as a condition of license renewal, to provide evidence of participation in, and/or completion of, educational and professional activities relevant to practice or area of work.
 6. "Data system" means a repository of information about licensees, including examination, licensure, investigative, compact privilege, and adverse action.
 7. "Encumbered license" means a license that a physical therapy licensing board has limited in any way.
 8. "Executive Board" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission.
 9. "Home state" means the member state that is the licensee's primary state of residence.
 10. "Investigative information" means information, records, and documents received or generated by a physical therapy licensing board pursuant to an investigation.
 11. "Jurisprudence requirement" means the assessment of an individual's knowledge of the laws and rules governing the practice of physical therapy in a state.
 12. "Licensee" means an individual who currently holds an authorization from the state to practice as a physical therapist or to work as a physical therapist assistant.
 13. "Member state" means a state that has enacted the compact.
 14. "Party state" means any member state in which a licensee holds a current license or compact privilege or is applying for a license or compact privilege.
 15. "Physical therapist" means an individual who is licensed by a state to practice physical therapy.
 16. "Physical therapist assistant" means an individual who is licensed/certified by a state and who assists the physical therapist in selected components of physical therapy.
 17. "Physical therapy", "physical therapy practice", and "the practice of physical therapy" mean the care and services provided by or under the direction and supervision of a licensed physical therapist.
 18. "Physical therapy compact commission" or "commission" means the national administrative body whose membership consists of all states that have enacted the compact.
 19. "Physical therapy licensing board" or "licensing board" means the agency of a state that is responsible for the licensing and regulation of physical therapists and physical therapist assistants.
 20. "Remote state" means a member state other than the home state, where a licensee is exercising or seeking to exercise the compact privilege.
 21. "Rule" means a regulation, principle, or directive promulgated by the commission that has the force of law.
 22. "State" means any state, commonwealth, district, or territory of the United States of America that regulates the practice of physical therapy.
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334.1206. STATE PARTICIPATION IN THE COMPACT.— STATE PARTICIPATION IN THE COMPACT

A. To participate in the compact, a state must:

1. Participate fully in the commission's data system, including using the commission's unique identifier as defined in rules;

2. Have a mechanism in place for receiving and investigating complaints about licensees;

3. Notify the commission, in compliance with the terms of the compact and rules, of any adverse action or the availability of investigative information regarding a licensee;

4. Fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the Federal Bureau of Investigation record search on criminal background checks and use the results in making licensure decisions in accordance with section 334.1206.B.;

5. Comply with the rules of the commission;

6. Utilize a recognized national examination as a requirement for licensure pursuant to the rules of the commission; and

7. Have continuing competence requirements as a condition for license renewal.

B. Upon adoption of sections 334.1200 to 334.1233, the member state shall have the authority to obtain biometric-based information from each physical therapy licensure applicant and submit this information to the Federal Bureau of Investigation for a criminal background check in accordance with 28 U.S.C. Section 534 and 42 U.S.C. Section 14616.

C. A member state shall grant the compact privilege to a licensee holding a valid unencumbered license in another member state in accordance with the terms of the compact and rules.

D. Member states may charge a fee for granting a compact privilege.

334.1209. COMPACT PRIVILEGE.— COMPACT PRIVILEGE

A. To exercise the compact privilege under the terms and provisions of the compact, the licensee shall:

1. Hold a license in the home state;

2. Have no encumbrance on any state license;

3. Be eligible for a compact privilege in any member state in accordance with section 334.1209D, G and H;

4. Have not had any adverse action against any license or compact privilege within the previous 2 years;

5. Notify the commission that the licensee is seeking the compact privilege within a remote state(s);

6. Pay any applicable fees, including any state fee, for the compact privilege;

7. Meet any jurisprudence requirements established by the remote state(s) in which the licensee is seeking a compact privilege; and

8. Report to the commission adverse action taken by any nonmember state within thirty days from the date the adverse action is taken.

B. The compact privilege is valid until the expiration date of the home license. The licensee must comply with the requirements of section 334.1209.A. to maintain the compact privilege in the remote state.

C. A licensee providing physical therapy in a remote state under the compact privilege shall function within the laws and regulations of the remote state.

D. A licensee providing physical therapy in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's compact privilege in the remote state for a specific period of time, impose fines, and/or take any other necessary actions to protect the health and safety of

its citizens. The licensee is not eligible for a compact privilege in any state until the specific time for removal has passed and all fines are paid.

E. If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until the following occur:

1. The home state license is no longer encumbered; and
2. Two years have elapsed from the date of the adverse action.

F. Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of section 334.1209A to obtain a compact privilege in any remote state.

G. If a licensee's compact privilege in any remote state is removed, the individual shall lose the compact privilege in any remote state until the following occur:

1. The specific period of time for which the compact privilege was removed has ended;
2. All fines have been paid; and
3. Two years have elapsed from the date of the adverse action.

H. Once the requirements of section 334.1209G have been met, the license must meet the requirements in section 334.1209A to obtain a compact privilege in a remote state.

334.1212. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES. — ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

A licensee who is active duty military or is the spouse of an individual who is active duty military may designate one of the following as the home state:

- A. Home of record;
- B. Permanent change of station (PCS); or
- C. State of current residence if it is different than the PCS state or home of record.

334.1215. ADVERSE ACTIONS. — ADVERSE ACTIONS

A. A home state shall have exclusive power to impose adverse action against a license issued by the home state.

B. A home state may take adverse action based on the investigative information of a remote state, so long as the home state follows its own procedures for imposing adverse action.

C. Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain nonpublic if required by the member state's laws. Member states must require licensees who enter any alternative programs in lieu of discipline to agree not to practice in any other member state during the term of the alternative program without prior authorization from such other member state.

D. Any member state may investigate actual or alleged violations of the statutes and rules authorizing the practice of physical therapy in any other member state in which a physical therapist or physical therapist assistant holds a license or compact privilege.

E. A remote state shall have the authority to:

1. Take adverse actions as set forth in section 334.1209.D. against a licensee's compact privilege in the state;
2. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, and the production of evidence. Subpoenas issued by a physical therapy licensing board in a party state for the attendance and testimony of witnesses, and/or the production of evidence from another party state, shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses and/or evidence are located; and

3. If otherwise permitted by state law, recover from the licensee the costs of investigations and disposition of cases resulting from any adverse action taken against that licensee.

F. Joint Investigations

1. In addition to the authority granted to a member state by its respective physical therapy practice act or other applicable state law, a member state may participate with other member states in joint investigations of licensees.

2. Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

334.1218. ESTABLISHMENT OF THE PHYSICAL THERAPY COMPACT COMMISSION. — ESTABLISHMENT OF THE PHYSICAL THERAPY COMPACT COMMISSION.

A. The compact member states hereby create and establish a joint public agency known as the physical therapy compact commission:

1. The commission is an instrumentality of the compact states.

2. Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3. Nothing in this compact shall be construed to be a waiver of sovereign immunity.

B. Membership, Voting, and Meetings

1. Each member state shall have and be limited to one delegate selected by that member state's licensing board.

2. The delegate shall be a current member of the licensing board, who is a physical therapist, physical therapist assistant, public member, or the board administrator.

3. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed.

4. The member state board shall fill any vacancy occurring in the commission.

5. Each delegate shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission.

6. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

7. The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

C. The commission shall have the following powers and duties:

1. Establish the fiscal year of the commission;

2. Establish bylaws;

3. Maintain its financial records in accordance with the bylaws;

4. Meet and take such actions as are consistent with the provisions of this compact and the bylaws;

5. Promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all member states;

6. Bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state physical therapy licensing board to sue or be sued under applicable law shall not be affected;

7. Purchase and maintain insurance and bonds;

8. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a member state;

9. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

10. Accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the commission shall avoid any appearance of impropriety and/or conflict of interest;

11. Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the commission shall avoid any appearance of impropriety;

12. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

13. Establish a budget and make expenditures;

14. Borrow money;

15. Appoint committees, including standing committees comprised of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws;

16. Provide and receive information from, and cooperate with, law enforcement agencies;

17. Establish and elect an executive board; and

18. Perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of physical therapy licensure and practice.

D. The Executive Board

The executive board shall have the power to act on behalf of the commission according to the terms of this compact.

1. The executive board shall be comprised of nine members:

a. Seven voting members who are elected by the commission from the current membership of the commission;

b. One ex officio, nonvoting member from the recognized national physical therapy professional association; and

c. One ex officio, nonvoting member from the recognized membership organization of the physical therapy licensing boards.

2. The ex officio members will be selected by their respective organizations.

3. The commission may remove any member of the executive board as provided in bylaws.

4. The executive board shall meet at least annually.

5. The executive board shall have the following duties and responsibilities:

a. Recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact member states such as annual dues, and any commission compact fee charged to licensees for the compact privilege;

b. Ensure compact administration services are appropriately provided, contractual or otherwise;

c. Prepare and recommend the budget;

d. Maintain financial records on behalf of the commission;

e. Monitor compact compliance of member states and provide compliance reports to the commission;

f. Establish additional committees as necessary; and

g. Other duties as provided in rules or bylaws.

E. Meetings of the Commission

1. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in section 334.1224.

2. The commission or the executive board or other committees of the commission may convene in a closed, nonpublic meeting if the commission or executive board or other committees of the commission must discuss:

- a. Noncompliance of a member state with its obligations under the compact;
- b. The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;
- c. Current, threatened, or reasonably anticipated litigation;
- d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;
- e. Accusing any person of a crime or formally censuring any person;
- f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;
- g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- h. Disclosure of investigative records compiled for law enforcement purposes;
- i. Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact; or
- j. Matters specifically exempted from disclosure by federal or member state statute.

3. If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

4. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

F. Financing of the Commission

1. The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

3. The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states.

4. The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state.

5. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission.

G. Qualified Immunity, Defense, and Indemnification

1. The members, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

2. The commission shall defend any member, officer, executive director, employee or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

334.1221. DATA SYSTEM.—DATA SYSTEM

A. The commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.

B. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the commission, including:

1. Identifying information;
2. Licensure data;
3. Adverse actions against a license or compact privilege;
4. Nonconfidential information related to alternative program participation;
5. Any denial of application for licensure, and the reason(s) for such denial; and
6. Other information that may facilitate the administration of this compact, as determined by the rules of the commission.

C. Investigative information pertaining to a licensee in any member state will only be available to other party states.

D. The commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state will be available to any other member state.

E. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

F. Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

334.1224. RULEMAKING.—RULEMAKING

A. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

B. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.

C. Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

D. Prior to promulgation and adoption of a final rule or rules by the commission, and at least thirty days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

1. On the website of the commission or other publicly accessible platform; and
2. On the website of each member state physical therapy licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

E. The notice of proposed rulemaking shall include:

1. The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;
2. The text of the proposed rule or amendment and the reason for the proposed rule;
3. A request for comments on the proposed rule from any interested person; and
4. The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

F. Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

G. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

1. At least twenty-five persons;
2. A state or federal governmental subdivision or agency; or
3. An association having at least twenty-five members.

H. If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the commission shall publish the mechanism for access to the electronic hearing.

1. All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing.

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

3. All hearings will be recorded. A copy of the recording will be made available on request.

4. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

I. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

J. If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

K. The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

L. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;
2. Prevent a loss of commission or member state funds;
3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
4. Protect public health and safety.

M. The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

334.1227. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT. — OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Oversight

1. The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the commission.

3. The commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact, or promulgated rules.

B. Default, Technical Assistance, and Termination

1. If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

a. Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default and/or any other action to be taken by the commission; and

b. Provide remedial training and specific technical assistance regarding the default.

2. If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the member states, and all

rights, privileges and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

3. Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

4. A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

5. The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

6. The defaulting state may appeal the action of the commission by petitioning the United States District Court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

C. Dispute Resolution

1. Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.

2. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

D. Enforcement

1. The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

2. By majority vote, the commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

334.1230. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR PHYSICAL THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT. — DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR PHYSICAL THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

A. The compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

B. Any state that joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

C. Any member state may withdraw from this compact by enacting a statute repealing the same.

1. A member state's withdrawal shall not take effect until six months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing state's physical therapy licensing board to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

D. Nothing contained in this compact shall be construed to invalidate or prevent any physical therapy licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.

E. This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

334.1233. CONSTRUCTION AND SEVERABILITY. — CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any party state, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

335.360. FINDINGS AND DECLARATION OF PURPOSE. — 1. The party states find that:

(1) The health and safety of the public are affected by the degree of compliance with and the effectiveness of enforcement activities related to state nurse licensure laws;

(2) Violations of nurse licensure and other laws regulating the practice of nursing may result in injury or harm to the public;

(3) The expanded mobility of nurses and the use of advanced communication technologies as part of our nation's health care delivery system require greater coordination and cooperation among states in the areas of nurse licensure and regulation;

(4) New practice modalities and technology make compliance with individual state nurse licensure laws difficult and complex;

(5) The current system of duplicative licensure for nurses practicing in multiple states is cumbersome and redundant to both nurses and states; and

(6) Uniformity of nurse licensure requirements throughout the states promotes public safety and public health benefits.

2. The general purposes of this compact are to:

(1) Facilitate the states' responsibility to protect the public's health and safety;

(2) Ensure and encourage the cooperation of party states in the areas of nurse licensure and regulation;

(3) Facilitate the exchange of information between party states in the areas of nurse regulation, investigation, and adverse actions;

(4) Promote compliance with the laws governing the practice of nursing in each jurisdiction;

(5) Invest all party states with the authority to hold a nurse accountable for meeting all state practice laws in the state in which the patient is located at the time care is rendered through the mutual recognition of party state licenses;

(6) Decrease redundancies in the consideration and issuance of nurse licenses; and

(7) Provide opportunities for interstate practice by nurses who meet uniform licensure requirements.

335.365. DEFINITIONS.—As used in this compact, the following terms shall mean:

(1) "Adverse action", any administrative, civil, equitable, or criminal action permitted by a state's laws which is imposed by a licensing board or other authority against a nurse, including actions against an individual's license or multistate licensure privilege such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other encumbrance on licensure affecting a nurse's authorization to practice, including issuance of a cease and desist action;

(2) "Alternative program", a nondisciplinary monitoring program approved by a licensing board;

(3) "Coordinated licensure information system", an integrated process for collecting, storing, and sharing information on nurse licensure and enforcement activities related to nurse licensure laws that is administered by a nonprofit organization composed of and controlled by licensing boards;

(4) "Current significant investigative information":

(a) Investigative information that a licensing board, after a preliminary inquiry that includes notification and an opportunity for the nurse to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or

(b) Investigative information that indicates that the nurse represents an immediate threat to public health and safety, regardless of whether the nurse has been notified and had an opportunity to respond;

(5) "Encumbrance", a revocation or suspension of, or any limitation on, the full and unrestricted practice of nursing imposed by a licensing board;

(6) "Home state", the party state which is the nurse's primary state of residence;

(7) "Licensing board", a party state's regulatory body responsible for issuing nurse licenses;

(8) "Multistate license", a license to practice as a registered nurse, "RN", or a licensed practical or vocational nurse, "LPN" or "VN", issued by a home state licensing board that authorizes the licensed nurse to practice in all party states under a multistate licensure privilege;

(9) "Multistate licensure privilege", a legal authorization associated with a multistate license permitting the practice of nursing as either an RN, LPN, or VN in a remote state;

(10) "Nurse", an RN, LPN, or VN, as those terms are defined by each party state's practice laws;

(11) "Party state", any state that has adopted this compact;

(12) "Remote state", a party state, other than the home state;

(13) "Single-state license", a nurse license issued by a party state that authorizes practice only within the issuing state and does not include a multistate licensure privilege to practice in any other party state;

(14) "State", a state, territory, or possession of the United States and the District of Columbia;

(15) "State practice laws", a party state's laws, rules, and regulations that govern the practice of nursing, define the scope of nursing practice, and create the methods and grounds for imposing discipline. State practice laws do not include requirements necessary to obtain and retain a license, except for qualifications or requirements of the home state.

335.370. GENERAL PROVISIONS AND JURISDICTION. — 1. A multistate license to practice registered or licensed practical or vocational nursing issued by a home state to a resident in that state shall be recognized by each party state as authorizing a nurse to practice as a registered nurse, "RN", or as a licensed practical or vocational nurse, "LPN" or "VN", under a multistate licensure privilege, in each party state.

2. A state must implement procedures for considering the criminal history records of applicants for initial multistate license or licensure by endorsement. Such procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records.

3. Each party state shall require the following for an applicant to obtain or retain a multistate license in the home state:

(1) Meets the home state's qualifications for licensure or renewal of licensure as well as all other applicable state laws;

(2) (a) Has graduated or is eligible to graduate from a licensing board-approved RN or LPN or VN prelicensure education program; or

(b) Has graduated from a foreign RN or LPN or VN prelicensure education program that has been approved by the authorized accrediting body in the applicable country and has been verified by an independent credentials review agency to be comparable to a licensing board-approved prelicensure education program;

(3) Has, if a graduate of a foreign prelicensure education program not taught in English or if English is not the individual's native language, successfully passed an English proficiency examination that includes the components of reading, speaking, writing, and listening;

(4) Has successfully passed an NCLEX-RN or NCLEX-PN examination or recognized predecessor, as applicable;

(5) Is eligible for or holds an active, unencumbered license;

(6) Has submitted, in connection with an application for initial licensure or licensure by endorsement, fingerprints or other biometric data for the purpose of obtaining criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records;

(7) Has not been convicted or found guilty, or has entered into an agreed disposition, of a felony offense under applicable state or federal criminal law;

(8) Has not been convicted or found guilty, or has entered into an agreed disposition, of a misdemeanor offense related to the practice of nursing as determined on a case-by-case basis;

(9) Is not currently enrolled in an alternative program;

(10) Is subject to self-disclosure requirements regarding current participation in an alternative program; and

(11) Has a valid United States Social Security number.

4. All party states shall be authorized, in accordance with existing state due process law, to take adverse action against a nurse's multistate licensure privilege such as revocation, suspension, probation, or any other action that affects a nurse's authorization to practice under a multistate licensure privilege, including cease and desist actions. If a party state takes such action, it shall promptly notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the home state of any such actions by remote states.

5. A nurse practicing in a party state shall comply with the state practice laws of the state in which the client is located at the time service is provided. The practice of nursing is not limited to patient care, but shall include all nursing practice as defined by the state practice laws of the party state in which the client is located. The practice of nursing in a party state under a multistate licensure privilege shall subject a nurse to the jurisdiction of the licensing board, the courts, and the laws of the party state in which the client is located at the time service is provided.

6. Individuals not residing in a party state shall continue to be able to apply for a party state's single-state license as provided under the laws of each party state. However,

the single-state license granted to these individuals shall not be recognized as granting the privilege to practice nursing in any other party state. Nothing in this compact shall affect the requirements established by a party state for the issuance of a single-state license.

7. Any nurse holding a home state multistate license on the effective date of this compact may retain and renew the multistate license issued by the nurse's then current home state, provided that:

(1) A nurse who changes primary state of residence after this compact's effective date shall meet all applicable requirements as provided in subsection 3 of this section to obtain a multistate license from a new home state;

(2) A nurse who fails to satisfy the multistate licensure requirements in subsection 3 of this section due to a disqualifying event occurring after this compact's effective date shall be ineligible to retain or renew a multistate license, and the nurse's multistate license shall be revoked or deactivated in accordance with applicable rules adopted by the Interstate Commission of Nurse Licensure Compact Administrators, commission.

335.375. APPLICATIONS FOR LICENSURE IN A PARTY STATE. — 1. Upon application for a multistate license, the licensing board in the issuing party state shall ascertain, through the coordinated licensure information system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any encumbrances on any license or multistate licensure privilege held by the applicant, whether any adverse action has been taken against any license or multistate licensure privilege held by the applicant, and whether the applicant is currently participating in an alternative program.

2. A nurse shall hold a multistate license, issued by the home state, in only one party state at a time.

3. If a nurse changes primary state of residence by moving between two party states, the nurse shall apply for licensure in the new home state, and the multistate license issued by the prior home state shall be deactivated in accordance with applicable rules adopted by the commission.

(1) The nurse may apply for licensure in advance of a change in primary state of residence.

(2) A multistate license shall not be issued by the new home state until the nurse provides satisfactory evidence of a change in primary state of residence to the new home state and satisfies all applicable requirements to obtain a multistate license from the new home state.

4. If a nurse changes primary state of residence by moving from a party state to a non-party state, the multistate license issued by the prior home state shall convert to a single-state license, valid only in the former home state.

335.380. ADDITIONAL AUTHORITIES INVESTED IN PARTY STATE LICENSING BOARDS. — 1. In addition to the other powers conferred by state law, a licensing board shall have the authority to:

(1) Take adverse action against a nurse's multistate licensure privilege to practice within that party state;

(a) Only the home state shall have the power to take adverse action against a nurse's license issued by the home state;

(b) For purposes of taking adverse action, the home state licensing board shall give the same priority and effect to reported conduct received from a remote state as it would if such conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action;

(2) Issue cease and desist orders or impose an encumbrance on a nurse's authority to practice within that party state;

(3) Complete any pending investigations of a nurse who changes primary state of residence during the course of such investigations. The licensing board shall also have the authority to take appropriate action and shall promptly report the conclusions of such investigations to the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any such actions;

(4) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing board in a party state for the attendance and testimony of witnesses or the production of evidence from another party state shall be enforced in the latter state by any court of competent jurisdiction according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence are located;

(5) Obtain and submit, for each nurse licensure applicant, fingerprint or other biometric based information to the Federal Bureau of Investigation for criminal background checks, receive the results of the Federal Bureau of Investigation record search on criminal background checks, and use the results in making licensure decisions;

(6) If otherwise permitted by state law, recover from the affected nurse the costs of investigations and disposition of cases resulting from any adverse action taken against that nurse; and

(7) Take adverse action based on the factual findings of the remote state; provided that, the licensing board follows its own procedures for taking such adverse action.

2. If adverse action is taken by the home state against a nurse's multistate license, the nurse's multistate licensure privilege to practice in all other party states shall be deactivated until all encumbrances have been removed from the multistate license. All home state disciplinary orders that impose adverse action against a nurse's multistate license shall include a statement that the nurse's multistate licensure privilege is deactivated in all party states during the pendency of the order.

3. Nothing in this compact shall override a party state's decision that participation in an alternative program may be used in lieu of adverse action. The home state licensing board shall deactivate the multistate licensure privilege under the multistate license of any nurse for the duration of the nurse's participation in an alternative program.

335.385. COORDINATED LICENSURE INFORMATION SYSTEM AND EXCHANGE OF INFORMATION. — 1. All party states shall participate in a coordinated licensure information system of all licensed registered nurses, "RNs", and licensed practical or vocational nurses, "LPNs" or "VNs". This system shall include information on the licensure and disciplinary history of each nurse, as submitted by party states, to assist in the coordination of nurse licensure and enforcement efforts.

2. The commission, in consultation with the administrator of the coordinated licensure information system, shall formulate necessary and proper procedures for the identification, collection, and exchange of information under this compact.

3. All licensing boards shall promptly report to the coordinated licensure information system any adverse action, any current significant investigative information, denials of applications with the reasons for such denials, and nurse participation in alternative programs known to the licensing board regardless of whether such participation is deemed nonpublic or confidential under state law.

4. Current significant investigative information and participation in nonpublic or confidential alternative programs shall be transmitted through the coordinated licensure information system only to party state licensing boards.

5. Notwithstanding any other provision of law, all party state licensing boards contributing information to the coordinated licensure information system may designate information that shall not be shared with non-party states or disclosed to other entities or individuals without the express permission of the contributing state.

6. Any personally identifiable information obtained from the coordinated licensure information system by a party state licensing board shall not be shared with non-party states or disclosed to other entities or individuals except to the extent permitted by the laws of the party state contributing the information.

7. Any information contributed to the coordinated licensure information system that is subsequently required to be expunged by the laws of the party state contributing that information shall also be expunged from the coordinated licensure information system.

8. The compact administrator of each party state shall furnish a uniform data set to the compact administrator of each other party state, which shall include, at a minimum:

- (1) Identifying information;
- (2) Licensure data;
- (3) Information related to alternative program participation; and
- (4) Other information that may facilitate the administration of this compact, as determined by commission rules.

9. The compact administrator of a party state shall provide all investigative documents and information requested by another party state.

335.390. ESTABLISHMENT OF THE INTERSTATE COMMISSION OF NURSE LICENSURE COMPACT ADMINISTRATORS. — 1. The party states hereby create and establish a joint public entity known as the "Interstate Commission of Nurse Licensure Compact Administrators".

- (1) The commission is an instrumentality of the party states.
- (2) Venue is proper, and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

(3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

2. (1) Each party state shall have and be limited to one administrator. The head of the state licensing board or designee shall be the administrator of this compact for each party state. Any administrator may be removed or suspended from office as provided by the law of the state from which the administrator is appointed. Any vacancy occurring in the commission shall be filled in accordance with the laws of the party state in which the vacancy exists.

(2) Each administrator shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. An administrator shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for an administrator's participation in meetings by telephone or other means of communication.

(3) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws or rules of the commission.

(4) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in section 335.395.

(5) The commission may convene in a closed, nonpublic meeting if the commission must discuss:

- (a) Noncompliance of a party state with its obligations under this compact;
- (b) The employment, compensation, discipline, or other personnel matters, practices, or procedures related to specific employees, or other matters related to the commission's internal personnel practices and procedures;

- (c) Current, threatened, or reasonably anticipated litigation;
 - (d) Negotiation of contracts for the purchase or sale of goods, services, or real estate;
 - (e) Accusing any person of a crime or formally censuring any person;
 - (f) Disclosure of trade secrets or commercial or financial information that is privileged or confidential;
 - (g) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
 - (h) Disclosure of investigatory records compiled for law enforcement purposes;
 - (i) Disclosure of information related to any reports prepared by or on behalf of the commission for the purpose of investigation of compliance with this compact; or
 - (j) Matters specifically exempted from disclosure by federal or state statute.
- (6) If a meeting, or portion of a meeting, is closed pursuant to subdivision (5) of this subsection, the commission's legal counsel or designee shall certify that the meeting shall be closed and shall reference each relevant exempting provision. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

3. The commission shall, by a majority vote of the administrators, prescribe bylaws or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of this compact including, but not limited to:

- (1) Establishing the fiscal year of the commission;
- (2) Providing reasonable standards and procedures:
 - (a) For the establishment and meetings of other committees; and
 - (b) Governing any general or specific delegation of any authority or function of the commission;
- (3) Providing reasonable procedures for calling and conducting meetings of the commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals, and proprietary information, including trade secrets. The commission may meet in closed session only after a majority of the administrators vote to close a meeting in whole or in part. As soon as practicable, the commission must make public a copy of the vote to close the meeting revealing the vote of each administrator, with no proxy votes allowed;
- (4) Establishing the titles, duties, and authority and reasonable procedures for the election of the officers of the commission;
- (5) Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the commission. Notwithstanding any civil service or other similar laws of any party state, the bylaws shall exclusively govern the personnel policies and programs of the commission; and
- (6) Providing a mechanism for winding up the operations of the commission and the equitable disposition of any surplus funds that may exist after the termination of this compact after the payment or reserving of all of its debts and obligations.

4. The commission shall publish its bylaws and rules, and any amendments thereto, in a convenient form on the website of the commission.

5. The commission shall maintain its financial records in accordance with the bylaws.

6. The commission shall meet and take such actions as are consistent with the provisions of this compact and the bylaws.

7. The commission shall have the following powers:

(1) To promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all party states;

(2) To bring and prosecute legal proceedings or actions in the name of the commission; provided that, the standing of any licensing board to sue or be sued under applicable law shall not be affected;

(3) To purchase and maintain insurance and bonds;

(4) To borrow, accept, or contract for services of personnel including, but not limited to, employees of a party state or nonprofit organizations;

(5) To cooperate with other organizations that administer state compacts related to the regulation of nursing including, but not limited to, sharing administrative or staff expenses, office space, or other resources;

(6) To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of this compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

(7) To accept any and all appropriate donations, grants and gifts of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same; provided that, at all times the commission shall avoid any appearance of impropriety or conflict of interest;

(8) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve, or use, any property, whether real, personal, or mixed; provided that, at all times the commission shall avoid any appearance of impropriety;

(9) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, whether real, personal, or mixed;

(10) To establish a budget and make expenditures;

(11) To borrow money;

(12) To appoint committees, including advisory committees comprised of administrators, state nursing regulators, state legislators or their representatives, consumer representatives, and other such interested persons;

(13) To provide and receive information from, and to cooperate with, law enforcement agencies;

(14) To adopt and use an official seal; and

(15) To perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of nurse licensure and practice.

8. (1) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(2) The commission may also levy on and collect an annual assessment from each party state to cover the cost of its operations, activities, and staff in its annual budget as approved each year. The aggregate annual assessment amount, if any, shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule that is binding upon all party states.

(3) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the party states, except by and with the authority of such party state.

(4) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission.

9. (1) The administrators, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property, personal injury, or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred, within the scope of commission employment, duties, or responsibilities; provided that, nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional, willful, or wanton misconduct of that person.

(2) The commission shall defend any administrator, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that, nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further that the actual or alleged act, error, or omission did not result from that person's intentional, willful, or wanton misconduct.

(3) The commission shall indemnify and hold harmless any administrator, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that, the actual or alleged act, error, or omission did not result from the intentional, willful, or wanton misconduct of that person.

335.395. RULEMAKING. — 1. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment and shall have the same force and effect as provisions of this compact.

2. Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

3. Prior to promulgation and adoption of a final rule or rules by the commission, and at least sixty days in advance of the meeting at which the rule shall be considered and voted upon, the commission shall file a notice of proposed rulemaking:

(1) On the website of the commission; and

(2) On the website of each licensing board or the publication in which each state would otherwise publish proposed rules.

4. The notice of proposed rulemaking shall include:

(1) The proposed time, date, and location of the meeting in which the rule shall be considered and voted upon;

(2) The text of the proposed rule or amendment, and the reason for the proposed rule;

(3) A request for comments on the proposed rule from any interested person;

(4) The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

5. Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

6. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment.

7. The commission shall publish the place, time, and date of the scheduled public hearing.

(1) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing. All hearings shall be recorded, and a copy shall be made available upon request.

(2) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

8. If no one appears at the public hearing, the commission may proceed with promulgation of the proposed rule.

9. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

10. The commission shall, by majority vote of all administrators, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

11. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing; provided that, the usual rulemaking procedures provided in this compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that shall be adopted immediately in order to:

(1) Meet an imminent threat to public health, safety, or welfare;

(2) Prevent a loss of commission or party state funds; or

(3) Meet a deadline for the promulgation of an administrative rule that is required by federal law or rule.

12. The commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision shall be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the commission prior to the end of the notice period. If no challenge is made, the revision shall take effect without further action. If the revision is challenged, the revision shall not take effect without the approval of the commission.

335.400. OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT. — 1. (1) Each party state shall enforce this compact and take all actions necessary and appropriate to effectuate this compact's purposes and intent.

(2) The commission shall be entitled to receive service of process in any proceeding that may affect the powers, responsibilities, or actions of the commission, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process in such proceeding to the commission shall render a judgment or order void as to the commission, this compact, or promulgated rules.

2. (1) If the commission determines that a party state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

(a) Provide written notice to the defaulting state and other party states of the nature of the default, the proposed means of curing the default, or any other action to be taken by the commission; and

(b) Provide remedial training and specific technical assistance regarding the default.

(2) If a state in default fails to cure the default, the defaulting state's membership in this compact shall be terminated upon an affirmative vote of a majority of the administrators, and all rights, privileges, and benefits conferred by this compact shall be

terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(3) Termination of membership in this compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor of the defaulting state, to the executive officer of the defaulting state's licensing board, and each of the party states.

(4) A state whose membership in this compact has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(5) The commission shall not bear any costs related to a state that is found to be in default or whose membership in this compact has been terminated unless agreed upon in writing between the commission and the defaulting state.

(6) The defaulting state may appeal the action of the commission by petitioning the United States District Court for the District of Columbia or the federal district in which the commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.

3. (1) Upon request by a party state, the commission shall attempt to resolve disputes related to the compact that arise among party states and between party and non-party states.

(2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes, as appropriate.

(3) In the event the commission cannot resolve disputes among party states arising under this compact:

(a) The party states shall submit the issues in dispute to an arbitration panel, which shall be comprised of individuals appointed by the compact administrator in each of the affected party states and an individual mutually agreed upon by the compact administrators of all the party states involved in the dispute.

(b) The decision of a majority of the arbitrators shall be final and binding.

4. (1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

(2) By majority vote, the commission may initiate legal action in the United States District Court for the District of Columbia or the federal district in which the commission has its principal offices against a party state that is in default to enforce compliance with the provisions of this compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.

(3) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

335.405. EFFECTIVE DATE, WITHDRAWAL AND AMENDMENT. — 1. This compact shall become effective and binding on the earlier of the date of legislative enactment of this compact into law by no less than twenty-six states or December 31, 2018. All party states to this compact that also were parties to the prior Nurse Licensure Compact superseded by this compact "prior compact" shall be deemed to have withdrawn from said prior compact within six months after the effective date of this compact.

2. Each party state to this compact shall continue to recognize a nurse's multistate licensure privilege to practice in that party state issued under the prior compact until such party state has withdrawn from the prior compact.

3. Any party state may withdraw from this compact by enacting a statute repealing the same. A party state's withdrawal shall not take effect until six months after enactment of the repealing statute.

4. A party state's withdrawal or termination shall not affect the continuing requirement of the withdrawing or terminated state's licensing board to report adverse actions and significant investigations occurring prior to the effective date of such withdrawal or termination.

5. Nothing contained in this compact shall be construed to invalidate or prevent any nurse licensure agreement or other cooperative arrangement between a party state and a non-party state that is made in accordance with the other provisions of this compact.

6. This compact may be amended by the party states. No amendment to this compact shall become effective and binding upon the party states unless and until it is enacted into the laws of all party states.

7. Representatives of non-party states to this compact shall be invited to participate in the activities of the commission on a nonvoting basis prior to the adoption of this compact by all states.

335.410. CONSTRUCTION AND SEVERABILITY. — This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any party state, this compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

335.415. HEAD OF THE NURSE LICENSING BOARD DEFINED. — 1. The term "head of the nurse licensing board" as referred to in section 335.390 of this compact shall mean the executive director of the Missouri state board of nursing.

2. This compact is designed to facilitate the regulation of nurses, and does not relieve employers from complying with statutorily imposed obligations.

3. This compact does not supersede existing state labor laws.

338.200. PHARMACIST MAY DISPENSE EMERGENCY PRESCRIPTION, WHEN, REQUIREMENTS — RULEMAKING AUTHORITY. — 1. In the event a pharmacist is unable to obtain refill authorization from the prescriber due to death, incapacity, or when the pharmacist is unable to obtain refill authorization from the prescriber, a pharmacist may dispense an emergency supply of medication if:

(1) In the pharmacist's professional judgment, interruption of therapy might reasonably produce undesirable health consequences;

(2) The pharmacy previously dispensed or refilled a prescription from the applicable prescriber for the same patient and medication;

(3) The medication dispensed is not a controlled substance;

(4) The pharmacist informs the patient or the patient's agent either verbally, electronically, or in writing at the time of dispensing that authorization of a prescriber is required for future refills; and

(5) The pharmacist documents the emergency dispensing in the patient's prescription record, as provided by the board by rule.

2. (1) If the pharmacist is unable to obtain refill authorization from the prescriber, the amount dispensed shall be limited to the amount determined by the pharmacist within his or her professional judgment as needed for the emergency period, provided the amount dispensed shall not exceed a seven-day supply.

(2) In the event of prescriber death or incapacity or inability of the prescriber to provide medical services, the amount dispensed shall not exceed a thirty-day supply.

3. Pharmacists or permit holders dispensing an emergency supply pursuant to this section shall promptly notify the prescriber or the prescriber's office of the emergency dispensing, as required by the board by rule.

4. An emergency supply may not be dispensed pursuant to this section if the pharmacist has knowledge that the prescriber has otherwise prohibited or restricted emergency dispensing for the applicable patient.

5. **The determination to dispense an emergency supply of medication under this section shall only be made by a pharmacist licensed by the board.**

6. The board 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, 2013, shall be invalid and void.

338.202. MAINTENANCE MEDICATIONS, PHARMACIST MAY EXERCISE PROFESSIONAL JUDGMENT ON QUANTITY DISPENSED, WHEN. — 1. Notwithstanding any other provision of law to the contrary, unless the prescriber has specified on the prescription that dispensing a prescription for a maintenance medication in an initial amount followed by periodic refills is medically necessary, a pharmacist may exercise his or her professional judgment to dispense varying quantities of maintenance medication per fill up to the total number of dosage units as authorized by the prescriber on the original prescription, including any refills. Dispensing of the maintenance medication based on refills authorized by the prescriber on the prescription shall be limited to no more than a ninety-day supply of the medication, and the maintenance medication shall have been previously prescribed to the patient for at least a three-month period.

2. For the purposes of this section "maintenance medication" is a medication prescribed for chronic, long-term conditions and is taken on a regular, recurring basis, except that it shall not include controlled substances as defined in section 195.010.

376.379. MEDICATION SYNCHRONIZATION SERVICES, OFFER OF COVERAGE REQUIRED. — 1. A health carrier or managed care plan offering a health benefit plan in this state that provides prescription drug coverage shall offer, as part of the plan, medication synchronization services developed by the health carrier or managed care plan that allow for the alignment of refill dates for an enrollee's prescription drugs that are covered benefits.

2. Under its medication synchronization services, a health carrier or managed care plan shall:

(1) Not charge an amount in excess of the otherwise applicable co-payment amount under the health benefit plan for dispensing a prescription drug in a quantity that is less than the prescribed amount if:

(a) The pharmacy dispenses the prescription drug in accordance with the medication synchronization services offered under the health benefit plan; and

(b) A participating provider dispenses the prescription drug; and

(2) Provide a full dispensing fee to the pharmacy that dispenses the prescription drug to the covered person.

3. For purposes of this section, the terms "health carrier", "managed care plan", "health benefit plan", "enrollee", and "participating provider" shall have the same meanings given to such terms under section 376.1350.

376.388. MAXIMUM ALLOWABLE COSTS—DEFINITIONS—CONTRACT REQUIREMENTS—REIMBURSEMENT—APPEALS PROCESS REQUIRED. — 1. As used in this section, unless the context requires otherwise, the following terms shall mean:

(1) "Contracted pharmacy" or "pharmacy", a pharmacy located in Missouri participating in the network of a pharmacy benefits manager through a direct or indirect contract;

(2) "Health carrier", an entity subject to the insurance laws and regulations of this state that contracts or offers to contract to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services, including a sickness and accident insurance company, a health maintenance organization, a nonprofit hospital and health service corporation, or any other entity providing a plan of health insurance, health benefits, or health services, except that such plan shall not include any coverage pursuant to a liability insurance policy, workers' compensation insurance policy, or medical payments insurance issued as a supplement to a liability policy;

(3) "Maximum allowable cost", the per unit amount that a pharmacy benefits manager reimburses a pharmacist for a prescription drug, excluding a dispensing or professional fee;

(4) "Maximum allowable cost list" or "MAC list", a listing of drug products that meet the standard described in this section;

(5) "Pharmacy", as such term is defined in chapter 338;

(6) "Pharmacy benefits manager", an entity that contracts with pharmacies on behalf of health carriers or any health plan sponsored by the state or a political subdivision of the state.

2. Upon each contract execution or renewal between a pharmacy benefits manager and a pharmacy or between a pharmacy benefits manager and a pharmacy's contracting representative or agent, such as a pharmacy services administrative organization, a pharmacy benefits manager shall, with respect to such contract or renewal:

(1) Include in such contract or renewal the sources utilized to determine maximum allowable cost and update such pricing information at least every seven days; and

(2) Maintain a procedure to eliminate products from the maximum allowable cost list of drugs subject to such pricing or modify maximum allowable cost pricing at least every seven days, if such drugs do not meet the standards and requirements of this section, in order to remain consistent with pricing changes in the marketplace.

3. A pharmacy benefits manager shall reimburse pharmacies for drugs subject to maximum allowable cost pricing that has been updated to reflect market pricing at least every seven days as set forth under subdivision (1) of subsection 2 of this section.

4. A pharmacy benefits manager shall not place a drug on a maximum allowable cost list unless there are at least two therapeutically equivalent multisource generic drugs, or at least one generic drug available from at least one manufacturer, generally available for purchase by network pharmacies from national or regional wholesalers.

5. All contracts between a pharmacy benefits manager and a contracted pharmacy or between a pharmacy benefits manager and a pharmacy's contracting representative or agent, such as a pharmacy services administrative organization, shall include a process to internally appeal, investigate, and resolve disputes regarding maximum allowable cost pricing. The process shall include the following:

(1) The right to appeal shall be limited to fourteen calendar days following the reimbursement of the initial claim; and

(2) A requirement that the pharmacy benefits manager shall respond to an appeal described in this subsection no later than fourteen calendar days after the date the appeal was received by such pharmacy benefits manager.

6. For appeals that are denied, the pharmacy benefits manager shall provide the reason for the denial and identify the national drug code of a drug product that may be

purchased by contracted pharmacies at a price at or below the maximum allowable cost and, when applicable, may be substituted lawfully.

7. If the appeal is successful, the pharmacy benefits manager shall:

(1) Adjust the maximum allowable cost price that is the subject of the appeal effective on the day after the date the appeal is decided;

(2) Apply the adjusted maximum allowable cost price to all similarly situated pharmacies as determined by the pharmacy benefits manager; and

(3) Allow the pharmacy that succeeded in the appeal to reverse and rebill the pharmacy benefits claim giving rise to the appeal.

8. Appeals shall be upheld if:

(1) The pharmacy being reimbursed for the drug subject to the maximum allowable cost pricing in question was not reimbursed as required under subsection 3 of this section; or

(2) The drug subject to the maximum allowable cost pricing in question does not meet the requirements set forth under subsection 4 of this section.

376.1235. NO CO-PAYMENTS OR COINSURANCE FOR PHYSICAL OR OCCUPATIONAL THERAPY SERVICES, WHEN — ACTUARIAL ANALYSIS OF COST, WHEN. — 1. No health carrier or health benefit plan, as defined in section 376.1350, shall impose a co-payment or coinsurance percentage charged to the insured for services rendered for each date of service by a physical therapist licensed under chapter 334 **or an occupational therapist licensed under chapter 324**, for services that require a prescription, that is greater than the co-payment or coinsurance percentage charged to the insured for the services of a primary care physician licensed under chapter 334 for an office visit.

2. A health carrier or health benefit plan shall clearly state the availability of physical therapy **and occupational therapy** coverage under its plan and all related limitations, conditions, and exclusions.

3. Beginning September 1, [2013] **2016**, the oversight division of the joint committee on legislative research shall perform an actuarial analysis of the cost impact to health carriers, insureds with a health benefit plan, and other private and public payers if the provisions of this section **regarding occupational therapy coverage** were enacted. By December 31, [2013,] **2016**, the director of the oversight division of the joint committee on legislative research shall submit a report of the actuarial findings prescribed by this section to the speaker, the president pro tem, and the chairpersons of both the house of representatives and senate standing committees having jurisdiction over health insurance matters. If the fiscal note cost estimation is less than the cost of an actuarial analysis, the actuarial analysis requirement shall be waived.

376.1237. REFILLS FOR PRESCRIPTION EYE DROPS, REQUIRED, WHEN — DEFINITIONS — TERMINATION DATE. — 1. Each health carrier or health benefit plan that offers or issues health benefit plans which are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2014, and that provides coverage for prescription eye drops shall provide coverage for the refilling of an eye drop prescription prior to the last day of the prescribed dosage period without regard to a coverage restriction for early refill of prescription renewals as long as the prescribing health care provider authorizes such early refill, and the health carrier or the health benefit plan is notified.

2. For the purposes of this section, health carrier and health benefit plan shall have the same meaning as defined in section 376.1350.

3. The coverage required by this section shall not be subject to any greater deductible or co-payment than other similar health care services provided by the health benefit plan.

4. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-

term major medical policies of six months' or less duration, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

5. The provisions of this section shall terminate on January 1, [2017] 2020.

376.2020. CONTRACTS PROHIBITING DISCLOSURE OF CERTAIN PAYMENTS AND COSTS ARE UNENFORCEABLE. — 1. For purposes of this section, the following terms shall mean:

(1) "Contractual payment amount" or "payment amount", shall mean the total amount a health care provider is to be paid for providing a given health care service pursuant to a contract with a health carrier, and includes both the portions to be paid by the patient and by the health carrier. It is commonly referred to as the allowable amount;

(2) "Enrollee", shall have the same meaning ascribed to it in section 376.1350;

(3) "Health care provider", shall have the same meaning ascribed to it in section 376.1350;

(4) "Health care service", shall have the same meaning ascribed to it in section 376.1350;

(5) "Health carrier", shall have the same meaning ascribed to it in section 376.1350.

2. No provision in a contract in existence or entered into, amended, or renewed on or after August 28, 2016, between a health carrier and a health care provider shall be enforceable if such contractual provision prohibits, conditions, or in any way restricts any party to such contract from disclosing to an enrollee, or such person's parent or legal guardian, the contractual payment amount for a health care service if such payment amount is less than the health care provider's usual charge for the health care service, and if such contractual provision prevents the determination of the potential out-of-pocket cost for the health care service by the enrollee, parent, or legal guardian.

536.031. CODE TO BE PUBLISHED — TO BE REVISED MONTHLY — INCORPORATION BY REFERENCE AUTHORIZED, COURTS TO TAKE JUDICIAL NOTICE — INCORPORATION BY REFERENCE OF CERTAIN RULES, HOW. — 1. There is established a publication to be known as the "Code of State Regulations", which shall be published in a format and medium as prescribed and in writing upon request by the secretary of state as soon as practicable after ninety days following January 1, 1976, and may be republished from time to time thereafter as determined by the secretary of state.

2. The code of state regulations shall contain the full text of all rules of state agencies in force and effect upon the effective date of the first publication thereof, and effective September 1, 1990, it shall be revised no less frequently than monthly thereafter so as to include all rules of state agencies subsequently made, amended or rescinded. The code may also include citations, references, or annotations, prepared by the state agency adopting the rule or by the secretary of state, to any intraagency ruling, attorney general's opinion, determination, decisions, order, or other action of the administrative hearing commission, or any determination, decision, order, or other action of a court interpreting, applying, discussing, distinguishing, or otherwise affecting any rule published in the code.

3. The code of state regulations shall be published in looseleaf form in one or more volumes upon request and a format and medium as prescribed by the secretary of state with an appropriate index, and revisions in the text and index may be made by the secretary of state as necessary and provided in written format upon request.

4. An agency may incorporate by reference rules, regulations, standards, and guidelines of an agency of the United States or a nationally or state-recognized organization or association without publishing the material in full. The reference in the agency rules shall fully identify the incorporated material by publisher, address, and date in order to specify how a copy of the material may be obtained, and shall state that the referenced rule, regulation, standard, or guideline does not include any later amendments or additions; **except that, hospital licensure**

regulations governing life safety code standards promulgated under this chapter and chapter 197 to implement section 197.065 may incorporate, by reference, later additions or amendments to such rules, regulations, standards, or guidelines as needed to consistently apply current standards of safety and practice. The agency adopting a rule, regulation, standard, or guideline under this section shall maintain a copy of the referenced rule, regulation, standard, or guideline at the headquarters of the agency and shall make it available to the public for inspection and copying at no more than the actual cost of reproduction. The secretary of state may omit from the code of state regulations such material incorporated by reference in any rule the publication of which would be unduly cumbersome or expensive.

5. The courts of this state shall take judicial notice, without proof, of the contents of the code of state regulations.

[208.985. LEGISLATIVE BUDGET OFFICE TO CONDUCT FORECAST, ITEMS TO BE INCLUDED. — 1. Pursuant to section 33.803, by January 1, 2008, and each January first thereafter, the legislative budget office shall annually conduct a rolling five-year MO HealthNet forecast. The forecast shall be issued to the general assembly, the governor, the joint committee on MO HealthNet, and the oversight committee established in section 208.955. The forecast shall include, but not be limited to, the following, with additional items as determined by the legislative budget office:

- (1) The projected budget of the entire MO HealthNet program;
- (2) The projected budgets of selected programs within MO HealthNet;
- (3) Projected MO HealthNet enrollment growth, categorized by population and geographic area;
- (4) Projected required reimbursement rates for MO HealthNet providers; and
- (5) Projected financial need going forward.

2. In preparing the forecast required in subsection 1 of this section, where the MO HealthNet program overlaps more than one department or agency, the legislative budget office may provide for review and investigation of the program or service level on an interagency or interdepartmental basis in an effort to review all aspects of the program.]

[335.300. FINDINGS AND DECLARATION OF PURPOSE. — 1. The party states find that:

- (1) The health and safety of the public are affected by the degree of compliance with and the effectiveness of enforcement activities related to state nurse licensure laws;
- (2) Violations of nurse licensure and other laws regulating the practice of nursing may result in injury or harm to the public;
- (3) The expanded mobility of nurses and the use of advanced communication technologies as part of our nation's health care delivery system require greater coordination and cooperation among states in the areas of nurse licensure and regulation;
- (4) New practice modalities and technology make compliance with individual state nurse licensure laws difficult and complex;
- (5) The current system of duplicative licensure for nurses practicing in multiple states is cumbersome and redundant to both nurses and states.

2. The general purposes of this compact are to:

- (1) Facilitate the states' responsibility to protect the public's health and safety;
- (2) Ensure and encourage the cooperation of party states in the areas of nurse licensure and regulation;
- (3) Facilitate the exchange of information between party states in the areas of nurse regulation, investigation, and adverse actions;

(4) Promote compliance with the laws governing the practice of nursing in each jurisdiction;

(5) Invest all party states with the authority to hold a nurse accountable for meeting all state practice laws in the state in which the patient is located at the time care is rendered through the mutual recognition of party state licenses.]

[335.305. DEFINITIONS. — As used in this compact, the following terms shall mean:

(1) "Adverse action", a home or remote state action;

(2) "Alternative program", a voluntary, nondisciplinary monitoring program approved by a nurse licensing board;

(3) "Coordinated licensure information system", an integrated process for collecting, storing, and sharing information on nurse licensure and enforcement activities related to nurse licensure laws, which is administered by a nonprofit organization composed of and controlled by state nurse licensing boards;

(4) "Current significant investigative information":

(a) Investigative information that a licensing board, after a preliminary inquiry that includes notification and an opportunity for the nurse to respond if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or

(b) Investigative information that indicates that the nurse represents an immediate threat to public health and safety regardless of whether the nurse has been notified and had an opportunity to respond;

(5) "Home state", the party state that is the nurse's primary state of residence;

(6) "Home state action", any administrative, civil, equitable, or criminal action permitted by the home state's laws that are imposed on a nurse by the home state's licensing board or other authority including actions against an individual's license such as: revocation, suspension, probation, or any other action affecting a nurse's authorization to practice;

(7) "Licensing board", a party state's regulatory body responsible for issuing nurse licenses;

(8) "Multistate licensing privilege", current, official authority from a remote state permitting the practice of nursing as either a registered nurse or a licensed practical/vocational nurse in such party state. All party states have the authority, in accordance with existing state due process law, to take actions against the nurse's privilege such as: revocation, suspension, probation, or any other action that affects a nurse's authorization to practice;

(9) "Nurse", a registered nurse or licensed/vocational nurse, as those terms are defined by each state's practice laws;

(10) "Party state", any state that has adopted this compact;

(11) "Remote state", a party state, other than the home state:

(a) Where a patient is located at the time nursing care is provided; or

(b) In the case of the practice of nursing not involving a patient, in such party state where the recipient of nursing practice is located;

(12) "Remote state action":

(a) Any administrative, civil, equitable, or criminal action permitted by a remote state's laws which are imposed on a nurse by the remote state's licensing board or other authority including actions against an individual's multistate licensure privilege to practice in the remote state; and

(b) Cease and desist and other injunctive or equitable orders issued by remote states or the licensing boards thereof;

(13) "State", a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico;

(14) "State practice laws", those individual party's state laws and regulations that govern the practice of nursing, define the scope of nursing practice, and create the methods and grounds for imposing discipline. State practice laws does not include the initial qualifications for licensure or requirements necessary to obtain and retain a license, except for qualifications or requirements of the home state.]

[335.310. GENERAL PROVISIONS AND JURISDICTION. — 1. A license to practice registered nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a multistate licensure privilege to practice as a registered nurse in such party state. A license to practice licensed practical/vocational nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a multistate licensure privilege to practice as a licensed practical/vocational nurse in such party state. In order to obtain or retain a license, an applicant must meet the home state's qualifications for licensure and license renewal as well as all other applicable state laws.

2. Party states may, in accordance with state due process laws, limit or revoke the multistate licensure privilege of any nurse to practice in their state and may take any other actions under their applicable state laws necessary to protect the health and safety of their citizens. If a party state takes such action, it shall promptly notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the home state of any such actions by remote states.

3. Every nurse practicing in a party state must comply with the state practice laws of the state in which the patient is located at the time care is rendered. In addition, the practice of nursing is not limited to patient care, but shall include all nursing practice as defined by the state practice laws of a party state. The practice of nursing will subject a nurse to the jurisdiction of the nurse licensing board and the courts, as well as the laws, in that party state.

4. This compact does not affect additional requirements imposed by states for advanced practice registered nursing. However, a multistate licensure privilege to practice registered nursing granted by a party state shall be recognized by other party states as a license to practice registered nursing if one is required by state law as a precondition for qualifying for advanced practice registered nurse authorization.

5. Individuals not residing in a party state shall continue to be able to apply for nurse licensure as provided for under the laws of each party state. However, the license granted to these individuals will not be recognized as granting the privilege to practice nursing in any other party state unless explicitly agreed to by that party state.]

[335.315. APPLICATIONS FOR LICENSURE IN A PARTY STATE. — 1. Upon application for a license, the licensing board in a party state shall ascertain, through the coordinated licensure information system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any restrictions on the multistate licensure privilege, and whether any other adverse action by any state has been taken against the license.

2. A nurse in a party state shall hold licensure in only one party state at a time, issued by the home state.

3. A nurse who intends to change primary state of residence may apply for licensure in the new home state in advance of such change. However, new licenses

will not be issued by a party state until after a nurse provides evidence of change in primary state of residence satisfactory to the new home state's licensing board.

4. When a nurse changes primary state of residence by:

- (1) Moving between two party states, and obtains a license from the new home state, the license from the former home state is no longer valid;
- (2) Moving from a nonparty state to a party state, and obtains a license from the new home state, the individual state license issued by the nonparty state is not affected and will remain in full force if so provided by the laws of the nonparty state;
- (3) Moving from a party state to a nonparty state, the license issued by the prior home state converts to an individual state license, valid only in the former home state, without the multistate licensure privilege to practice in other party states.]

[335.320. ADVERSE ACTIONS. — In addition to the general provisions described in article III of this compact, the following provisions apply:

(1) The licensing board of a remote state shall promptly report to the administrator of the coordinated licensure information system any remote state actions including the factual and legal basis for such action, if known. The licensing board of a remote state shall also promptly report any significant current investigative information yet to result in a remote state action. The administrator of the coordinated licensure information system shall promptly notify the home state of any such reports;

(2) The licensing board of a party state shall have the authority to complete any pending investigations for a nurse who changes primary state of residence during the course of such investigations. It shall also have the authority to take appropriate actions, and shall promptly report the conclusions of such investigations to the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any such actions;

(3) A remote state may take adverse action affecting the multistate licensure privilege to practice within that party state. However, only the home state shall have the power to impose adverse action against the license issued by the home state;

(4) For purposes of imposing adverse action, the licensing board of the home state shall give the same priority and effect to reported conduct received from a remote state as it would if such conduct had occurred within the home state, in so doing, it shall apply its own state laws to determine appropriate action;

(5) The home state may take adverse action based on the factual findings of the remote state, so long as each state follows its own procedures for imposing such adverse action;

(6) Nothing in this compact shall override a party state's decision that participation in an alternative program may be used in lieu of licensure action and that such participation shall remain nonpublic if required by the party state's laws. Party states must require nurses who enter any alternative programs to agree not to practice in any other party state during the term of the alternative program without prior authorization from such other party state.]

[335.325. ADDITIONAL AUTHORITIES INVESTED IN PARTY STATE NURSE LICENSING BOARDS. — Notwithstanding any other powers, party state nurse licensing boards shall have the authority to:

(1) If otherwise permitted by state law, recover from the affected nurse the costs of investigations and disposition of cases resulting from any adverse action taken against that nurse;

(2) Issue subpoenas for both hearings and investigations which require the attendance and testimony of witnesses, and the production of evidence. Subpoenas

issued by a nurse licensing board in a party state for the attendance and testimony of witnesses, and/or the production of evidence from another party state, shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses and evidence are located;

(3) Issue cease and desist orders to limit or revoke a nurse's authority to practice in their state;

(4) Promulgate uniform rules and regulations as provided for in subsection 3 of section 335.335.]

[335.330. COORDINATED LICENSURE INFORMATION SYSTEM. — 1. All party states shall participate in a cooperative effort to create a coordinated database of all licensed registered nurses and licensed practical/vocational nurses. This system will include information on the licensure and disciplinary history of each nurse, as contributed by party states, to assist in the coordination of nurse licensure and enforcement efforts.

2. Notwithstanding any other provision of law, all party states' licensing boards shall promptly report adverse actions, actions against multistate licensure privileges, any current significant investigative information yet to result in adverse action, denials of applications, and the reasons for such denials to the coordinated licensure information system.

3. Current significant investigative information shall be transmitted through the coordinated licensure information system only to party state licensing boards.

4. Notwithstanding any other provision of law, all party states' licensing boards contributing information to the coordinated licensure information system may designate information that may not be shared with nonparty states or disclosed to other entities or individuals without the express permission of the contributing state.

5. Any personally identifiable information obtained by a party state's licensing board from the coordinated licensure information system may not be shared with nonparty states or disclosed to other entities or individuals except to the extent permitted by the laws of the party state contributing the information.

6. Any information contributed to the coordinated licensure information system that is subsequently required to be expunged by the laws of the party state contributing that information shall also be expunged from the coordinated licensure information system.

7. The compact administrators, acting jointly with each other and in consultation with the administrator of the coordinated licensure information system, shall formulate necessary and proper procedures for the identification, collection, and exchange of information under this compact.]

[335.335. COMPACT ADMINISTRATION AND INTERCHANGE OF INFORMATION. — 1. The head of the nurse licensing board, or his/her designee, of each party state shall be the administrator of this compact for his/her state.

2. The compact administrator of each party shall furnish to the compact administrator of each other party state any information and documents including, but not limited to, a uniform data set of investigations, identifying information, licensure data, and disclosable alternative program participation information to facilitate the administration of this compact.

3. Compact administrators shall have the authority to develop uniform rules to facilitate and coordinate implementation of this compact. These uniform rules shall be

adopted by party states, under the authority invested under subsection 4 of section 335.325.]

[335.340. IMMUNITY. — No party state or the officers or employees or agents of a party state's nurse licensing board who acts in accordance with the provisions of this compact shall be liable on account of any act or omission in good faith while engaged in the performance of their duties under this compact. Good faith in this article shall not include willful misconduct, gross negligence, or recklessness.]

[335.345. ENTRY INTO FORCE, WITHDRAWAL AND AMENDMENT. — 1. This compact shall enter into force and become effective as to any state when it has been enacted into the laws of that state. Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until six months after the withdrawing state has given notice of the withdrawal to the executive heads of all other party states.

2. No withdrawal shall affect the validity or applicability by the licensing boards of states remaining party to the compact of any report of adverse action occurring prior to the withdrawal.

3. Nothing contained in this compact shall be construed to invalidate or prevent any nurse licensure agreement or other cooperative arrangement between a party state and a non-party state that is made in accordance with the other provisions of this compact.

4. This compact may be amended by the party states. No amendment to this compact shall become effective and binding upon the party states unless and until it is enacted into the laws of all party states.]

[335.350. CONSTRUCTION AND SEVERABILITY. — 1. This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

2. In the event party states find a need for settling disputes arising under this compact:

(1) The party states may submit the issues in dispute to an arbitration panel which will be comprised of an individual appointed by the compact administrator in the home state, an individual appointed by the compact administrator in the remote states involved, and an individual mutually agreed upon by the compact administrators of all the party states involved in the dispute;

(2) The decision of a majority of the arbitrators shall be final and binding.]

[335.355. APPLICABILITY OF COMPACT — 1. The term "head of the nurse licensing board" as referred to in article VIII of this compact shall mean the executive director of the Missouri state board of nursing.

2. A person who is extended the privilege to practice in this state pursuant to the nurse licensure compact is subject to discipline by the board, as set forth in this chapter, for violation of this chapter or the rules and regulations promulgated herein. A person extended the privilege to practice in this state pursuant to the nurse licensure compact

shall be subject to adhere to all requirements of this chapter, as if such person were originally licensed in this state.

3. Sections 335.300 to 335.355 are applicable only to nurses whose home states are determined by the Missouri state board of nursing to have licensure requirements that are substantially equivalent or more stringent than those of Missouri.

4. This compact is designed to facilitate the regulation of nurses, and does not relieve employers from complying with statutorily imposed obligations.

5. This compact does not supercede existing state labor laws.]

SECTION B. CONTINGENT EFFECTIVE DATE. — The repeal of sections 335.300, 335.305, 335.310, 335.315, 335.320, 335.325, 335.330, 335.335, 335.340, 335.345, 335.350, and 335.355 and the enactment of sections 335.360, 335.365, 335.370, 335.375, 335.380, 335.385, 335.390, 335.395, 335.400, 335.405, 335.410, 335.415, of this act shall become effective on December 31, 2018, or upon the enactment of sections 335.360, 335.365, 335.370, 335.375, 335.380, 335.385, 335.390, 335.395, 335.400, 335.405, 335.410, 335.415, of this act by no less than twenty-six states and notification of such enactment to the revisor of statutes by the Interstate Commission of Nurse Licensure Compact Administrators, whichever occurs first.

Vetoed June 27, 2016

Overridden September 14, 2016

SB 641 [SB 641]

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 income tax deduction for payments received as part of a program that compensates agricultural producers for losses from disaster or emergency

AN ACT to repeal section 143.121, RSMo, and to enact in lieu thereof one new section relating to a deduction for compensation payments for agricultural losses.

SECTION

A. Enacting clause.

143.121. Missouri adjusted gross income.

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

SECTION A. ENACTING CLAUSE. — Section 143.121, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 143.121, to read as follows:

143.121. MISSOURI ADJUSTED GROSS INCOME. — 1. The Missouri adjusted gross income of a resident individual shall be the taxpayer's federal adjusted gross income subject to the modifications in this section.

2. There shall be added to the taxpayer's federal adjusted gross income:

(1) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit;

(2) Interest on certain governmental obligations excluded from federal gross income by Section 103 of the Internal Revenue Code. The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (1) of subsection 3 of this section. The amount added pursuant to this subdivision shall be reduced by the amounts applicable to such interest

that would have been deductible in computing the taxable income of the taxpayer except only for the application of Section 265 of the Internal Revenue Code. The reduction shall only be made if it is at least five hundred dollars;

(3) The amount of any deduction that is included in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002 to the extent the amount deducted relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount deducted exceeds the amount that would have been deductible pursuant to Section 168 of the Internal Revenue Code of 1986 as in effect on January 1, 2002;

(4) The amount of any deduction that is included in the computation of federal taxable income for net operating loss allowed by Section 172 of the Internal Revenue Code of 1986, as amended, other than the deduction allowed by Section 172(b)(1)(G) and Section 172(i) of the Internal Revenue Code of 1986, as amended, for a net operating loss the taxpayer claims in the tax year in which the net operating loss occurred or carries forward for a period of more than twenty years and carries backward for more than two years. Any amount of net operating loss taken against federal taxable income but disallowed for Missouri income tax purposes pursuant to this subdivision after June 18, 2002, may be carried forward and taken against any income on the Missouri income tax return for a period of not more than twenty years from the year of the initial loss; and

(5) For nonresident individuals in all taxable years ending on or after December 31, 2006, the amount of any property taxes paid to another state or a political subdivision of another state for which a deduction was allowed on such nonresident's federal return in the taxable year unless such state, political subdivision of a state, or the District of Columbia allows a subtraction from income for property taxes paid to this state for purposes of calculating income for the income tax for such state, political subdivision of a state, or the District of Columbia.

3. There shall be subtracted from the taxpayer's federal adjusted gross income the following amounts to the extent included in federal adjusted gross income:

(1) Interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent exempt from Missouri income taxes pursuant to the laws of the United States. The amount subtracted pursuant to this subdivision shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend income described in this subdivision. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining the taxpayer's federal adjusted gross income or included in the taxpayer's Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;

(2) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to one-half of such portion of the gain;

(3) The amount necessary to prevent the taxation pursuant to this chapter of any annuity or other amount of income or gain which was properly included in income or gain and was taxed pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

(4) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income;

(5) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;

(6) The portion of capital gain specified in section 135.357 that would otherwise be included in federal adjusted gross income;

(7) The amount that would have been deducted in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as in effect on January 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent that amount exceeds the amount actually deducted pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002;

(8) For all tax years beginning on or after January 1, 2005, the amount of any income received for military service while the taxpayer serves in a combat zone which is included in federal adjusted gross income and not otherwise excluded therefrom. As used in this section, "combat zone" means any area which the President of the United States by Executive Order designates as an area in which Armed Forces of the United States are or have engaged in combat. Service is performed in a combat zone only if performed on or after the date designated by the President by Executive Order as the date of the commencing of combat activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone; [and]

(9) For all tax years ending on or after July 1, 2002, with respect to qualified property that is sold or otherwise disposed of during a taxable year by a taxpayer and for which an additional modification was made under subdivision (3) of subsection 2 of this section, the amount by which additional modification made under subdivision (3) of subsection 2 of this section on qualified property has not been recovered through the additional subtractions provided in subdivision (7) of this subsection; and

(10) For all tax years beginning on or after January 1, 2014, the amount of any income received as payment from any program which provides compensation to agricultural producers who have suffered a loss as the result of a disaster or emergency, including the:

- (a) Livestock Forage Disaster Program;**
- (b) Livestock Indemnity Program;**
- (c) Emergency Assistance for Livestock, Honeybees, and Farm- Raised Fish;**
- (d) Emergency Conservation Program;**
- (e) Noninsured Crop Disaster Assistance Program;**
- (f) Pasture, Rangeland, Forage Pilot Insurance Program;**
- (g) Annual Forage Pilot Program;**
- (h) Livestock Risk Protection Insurance Plan; and**
- (i) Livestock Gross Margin insurance plan.**

4. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

5. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the modifications provided in section 143.411.

6. In addition to the modifications to a taxpayer's federal adjusted gross income in this section, to calculate Missouri adjusted gross income there shall be subtracted from the taxpayer's federal adjusted gross income any gain recognized pursuant to Section 1033 of the Internal Revenue Code of 1986, as amended, arising from compulsory or involuntary conversion of property as a result of condemnation or the imminence thereof.

7. (1) As used in this subsection, "qualified health insurance premium" means the amount paid during the tax year by such taxpayer for any insurance policy primarily providing health care coverage for the taxpayer, the taxpayer's spouse, or the taxpayer's dependents.

(2) In addition to the subtractions in subsection 3 of this section, one hundred percent of the amount of qualified health insurance premiums shall be subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid for such premiums is included in federal

taxable income. The taxpayer shall provide the department of revenue with proof of the amount of qualified health insurance premiums paid.

8. (1) Beginning January 1, 2014, in addition to the subtractions provided in this section, one hundred percent of the cost incurred by a taxpayer for a home energy audit conducted by an entity certified by the department of natural resources under section 640.153 or the implementation of any energy efficiency recommendations made in such an audit shall be subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid for any such activity is included in federal taxable income. The taxpayer shall provide the department of revenue with a summary of any recommendations made in a qualified home energy audit, the name and certification number of the qualified home energy auditor who conducted the audit, and proof of the amount paid for any activities under this subsection for which a deduction is claimed. The taxpayer shall also provide a copy of the summary of any recommendations made in a qualified home energy audit to the department of natural resources.

(2) At no time shall a deduction claimed under this subsection by an individual taxpayer or taxpayers filing combined returns exceed one thousand dollars per year for individual taxpayers or cumulatively exceed two thousand dollars per year for taxpayers filing combined returns.

(3) Any deduction claimed under this subsection shall be claimed for the tax year in which the qualified home energy audit was conducted or in which the implementation of the energy efficiency recommendations occurred. If implementation of the energy efficiency recommendations occurred during more than one year, the deduction may be claimed in more than one year, subject to the limitations provided under subdivision (2) of this subsection.

(4) A deduction shall not be claimed for any otherwise eligible activity under this subsection if such activity qualified for and received any rebate or other incentive through a state-sponsored energy program or through an electric corporation, gas corporation, electric cooperative, or municipally owned utility.

9. The provisions of subsection 8 of this section shall expire on December 31, 2020.

Vetoed June 28, 2016

Overridden September 14, 2016

SB 656 [CCS HCS SB 656]

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 firearms

AN ACT to repeal sections 50.535, 563.031, 571.030, 571.101, 571.104, 571.111, and 571.126, RSMo, and to enact in lieu thereof fourteen new sections relating to weapons, with penalty provisions, an emergency clause for a certain section, and an effective date for a certain section.

SECTION

- A. Enacting clause.
 - 50.535. County sheriff's revolving fund established — fees deposited into, use of moneys — no prior approval for expenditures required — authorized payment of certain expenses — excess funds, use of.
 - 57.281. Fingerprint background checks, sheriffs in counties of the third classification may provide service to certain persons and entities.
 - 563.031. Use of force in defense of persons.
 - 571.030. Unlawful use of weapons — exceptions — penalties.
 - 571.101. Concealed carry permits, application requirements — approval procedures — issuance, when — information on permit — fees.
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- 571.104. Suspension or revocation of endorsements and permits, when—renewal procedures—change of name or residence notification requirements—military personnel, two-month renewal period.
- 571.111. Firearms training requirements—safety instructor requirements—penalty for violations.
- 571.126. List of persons who have obtained a concealed carry endorsement or permit, no disclosure to federal government.
- 571.205. Issuance of lifetime or extended permit, requirements—application contents—sheriff's duties—recordkeeping—confidentiality of information—fees.
- 571.210. Suspension or revocation, when—procedures—reactivation—notice to sheriff required, when—renewal—background check.
- 571.215. Permit authorizes carrying on person or in vehicle—prohibited areas—penalty for violation.
- 571.220. Denial of application, right of appeal—appeal forms—right to trial de novo, when.
- 571.225. Revocation, petition to revoke, when—revocation form—hearing—appeal—sheriff immune from liability, when.
- 571.230. Duty to carry permit—display of permit, when—citation for violation.
 - B. Emergency clause.
 - C. Delayed effective date.

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

SECTION A. ENACTING CLAUSE.—Sections 50.535, 563.031, 571.030, 571.101, 571.104, 571.111, and 571.126, RSMo, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 50.535, 57.281, 563.031, 571.030, 571.101, 571.104, 571.111, 571.126, 571.205, 571.210, 571.215, 571.220, 571.225, and 571.230, to read as follows:

50.535. COUNTY SHERIFF'S REVOLVING FUND ESTABLISHED—FEES DEPOSITED INTO, USE OF MONEYS—NO PRIOR APPROVAL FOR EXPENDITURES REQUIRED—AUTHORIZED PAYMENT OF CERTAIN EXPENSES—EXCESS FUNDS, USE OF.—1. Notwithstanding the provisions of sections 50.525 to 50.745, the fee collected pursuant to subsections 11 and 12 of section 571.101 shall be deposited by the county treasurer into a separate interest-bearing fund to be known as the "County Sheriff's Revolving Fund" to be expended at the direction of the county or city sheriff or his or her designee as provided in this section.

2. No prior approval of the expenditures from this fund shall be required by the governing body of the county or city not within a county, nor shall any prior audit or encumbrance of the fund be required before any expenditure is made by the sheriff from this fund. This fund shall only be used by law enforcement agencies for the purchase of equipment, to provide training, and to make necessary expenditures to process applications for concealed carry permits or renewals, including but not limited to the purchase of equipment, information and data exchange, training, fingerprinting and background checks, employment of additional personnel, and any expenditure necessitated by an action under section 571.114 or 571.117. **Except as provided in subsection 5 of this section**, if the moneys collected and deposited into this fund are not totally expended annually, then the unexpended balance [shall] **may** remain in said fund and the balance [shall] **may** be kept in said fund to accumulate from year to year. This fund may be audited by the state auditor's office or the appropriate auditing agency. **The funds received under section 571.101 shall be used only to supplement the sheriff's funding received from other county, state, or general funds. The county commission shall not reduce any sheriff's budget as a result of funds received under section 571.101.**

3. Notwithstanding any provision of this section to the contrary, the sheriff of every county, regardless of classification, is authorized to pay, from the sheriff's revolving fund, all reasonable and necessary costs and expenses for activities or services occasioned by compliance with sections 571.101 to 571.121. Such was the intent of the general assembly in original enactment of this section and sections 571.101 to 571.121, and it is made express by this section in light of the decision in *Brooks v. State of Missouri*, (Mo. Sup. Ct. February 26, 2004). The application and renewal fees to be charged pursuant to section 571.101 shall be based on the sheriff's good faith estimate, made during regular budgeting cycles, of the actual costs and expenses to be incurred by reason of compliance with sections 571.101 to 571.121. If the maximum fee permitted by section 571.101 is inadequate to cover the actual reasonable and necessary expenses

in a given year, and there are not sufficient accumulated unexpended funds in the revolving fund, a sheriff may present specific and verified evidence of the unreimbursed expenses to the office of administration, which upon certification by the attorney general shall reimburse such sheriff for those expenses from an appropriation made for that purpose.

4. If pursuant to subsection 13 of section 571.101, the sheriff of a county of the first classification designates one or more chiefs of police of any town, city, or municipality within such county to accept and process applications for concealed carry permits, then that sheriff shall reimburse such chiefs of police, out of the moneys deposited into this fund, for any reasonable expenses related to accepting and processing such applications.

5. Any excess funds unnecessary to meet the mandate of subsection 3 of this section may be expended for other purposes or transferred to discretionary funds for county sheriffs; provided that, no claim for inadequate coverage under subsection 3 of this section has been made within the last five years resulting in reimbursement from the office of administration for expenses incurred implementing sections 571.101 to 571.121.

57.281. FINGERPRINT BACKGROUND CHECKS, SHERIFFS IN COUNTIES OF THE THIRD CLASSIFICATION MAY PROVIDE SERVICE TO CERTAIN PERSONS AND ENTITIES. — 1. This section shall only apply to sheriffs of counties of the third classification. Under this section, a sheriff may elect, but is not mandated to elect, to utilize the provisions of this section and provide a service authorized in this section. A sheriff may discontinue a service authorized in this section at his or her discretion.

2. Any state agency listed in section 621.045; the division of professional registration of the department of insurance, financial institutions and professional registration; the department of social services; the supreme court of Missouri; the state courts administrator; the department of elementary and secondary education; the department of natural resources; the Missouri lottery; the Missouri gaming commission; or any state, municipal, or county agency which screens persons seeking employment with such agencies or issues or renews a license, permit, certificate, or registration of authority from such agencies; or any state, municipal, or county agency or committee, or state school of higher education that is authorized by state statute or executive order, or local or county ordinance to screen applicants or candidates seeking or considered for employment, assignment, contracting, or appointment to a position within state, municipal, or county government; or the Missouri peace officers standards and training (POST) commission that screens persons not employed by a criminal justice agency who seek enrollment or access into a certified POST training academy police school, or persons seeking a permit to purchase or possess a firearm for employment as a watchman, security personnel, or private investigator; or law enforcement agencies that screen persons seeking issuance or renewal of a license, permit, certificate, or registration to purchase or possess a firearm may, in counties of the third classification where the sheriff has elected to provide the services authorized under this section, submit two sets of fingerprints to the sheriff of counties of the third classification for the purpose of checking the person's criminal history. The first set of fingerprints shall be used to search the Missouri criminal records repository, and the second set of fingerprints shall be submitted to the Federal Bureau of Investigation to be used for searching the federal criminal history files, if necessary. The fingerprints shall be submitted on forms and in the manner prescribed by the sheriff of a county of the third classification. Fees assessed for the searches shall be paid by the applicant or in the manner prescribed by the sheriff and shall be deposited to the credit of the fund provided in subsection 3 of section 57.280 and subject to the limitations therein. Notwithstanding the provisions of section 610.120, all records related to any criminal history information discovered shall be accessible and available to the state, municipal, or county agency making the record request.

563.031. USE OF FORCE IN DEFENSE OF PERSONS. — 1. A person may, subject to the provisions of subsection 2 of this section, use physical force upon another person when and to the extent he or she reasonably believes such force to be necessary to defend himself or herself or a third person from what he or she reasonably believes to be the use or imminent use of unlawful force by such other person, unless:

(1) The actor was the initial aggressor; except that in such case his or her use of force is nevertheless justifiable provided:

(a) He or she has withdrawn from the encounter and effectively communicated such withdrawal to such other person but the latter persists in continuing the incident by the use or threatened use of unlawful force; or

(b) He or she is a law enforcement officer and as such is an aggressor pursuant to section 563.046; or

(c) The aggressor is justified under some other provision of this chapter or other provision of law;

(2) Under the circumstances as the actor reasonably believes them to be, the person whom he or she seeks to protect would not be justified in using such protective force;

(3) The actor was attempting to commit, committing, or escaping after the commission of a forcible felony.

2. A person [may] **shall** not use deadly force upon another person under the circumstances specified in subsection 1 of this section unless:

(1) He or she reasonably believes that such deadly force is necessary to protect himself, or herself or her unborn child, or another against death, serious physical injury, or any forcible felony;

(2) Such force is used against a person who unlawfully enters, remains after unlawfully entering, or attempts to unlawfully enter a dwelling, residence, or vehicle lawfully occupied by such person; or

(3) Such force is used against a person who unlawfully enters, remains after unlawfully entering, or attempts to unlawfully enter private property that is owned or leased by an individual, **or is occupied by an individual who has been given specific authority by the property owner to occupy the property**, claiming a justification of using protective force under this section.

3. A person does not have a duty to retreat:

(1) From a dwelling, residence, or vehicle where the person is not unlawfully entering or unlawfully remaining]. A person does not have a duty to retreat];

(2) From private property that is owned or leased by such individual; or

(3) If the person is in any other location such person has the right to be.

4. The justification afforded by this section extends to the use of physical restraint as protective force provided that the actor takes all reasonable measures to terminate the restraint as soon as it is reasonable to do so.

5. The defendant shall have the burden of injecting the issue of justification under this section. If a defendant asserts that his or her use of force is described under subdivision (2) of subsection 2 of this section, the burden shall then be on the state to prove beyond a reasonable doubt that the defendant did not reasonably believe that the use of such force was necessary to defend against what he or she reasonably believed was the use or imminent use of unlawful force.

571.030. UNLAWFUL USE OF WEAPONS — EXCEPTIONS — PENALTIES. — 1. A person commits the [crime] **offense** of unlawful use of weapons, **except as otherwise provided by sections 571.101 to 571.121**, if he or she knowingly:

(1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use **into any area where firearms are restricted under section 571.107**; or

- (2) Sets a spring gun; or
- (3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, or any building or structure used for the assembling of people; or
- (4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or
- (5) Has a firearm or projectile weapon readily capable of lethal use on his or her person, while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self-defense; or
- (6) Discharges a firearm within one hundred yards of any occupied schoolhouse, courthouse, or church building; or
- (7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or
- (8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof; or
- (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or
- (10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board; or
- (11) Possesses a firearm while also knowingly in possession of a controlled substance that is sufficient for a felony violation of section [195.202] **579.015**.

2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the persons described in this subsection, regardless of whether such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties except as otherwise provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this section shall not apply to or affect any of the following persons, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties, except as otherwise provided in this subsection:

- (1) All state, county and municipal peace officers who have completed the training required by the police officer standards and training commission pursuant to sections 590.030 to 590.050 and who possess the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection 12 of this section, and who carry the identification defined in subsection 13 of this section, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;
- (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;
- (3) Members of the Armed Forces or National Guard while performing their official duty;
- (4) Those persons vested by Article V, Section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;
- (5) Any person whose bona fide duty is to execute process, civil or criminal;
- (6) Any federal probation officer or federal flight deck officer as defined under the federal flight deck officer program, 49 U.S.C. Section 44921, regardless of whether such officers are on duty, or within the law enforcement agency's jurisdiction;

(7) Any state probation or parole officer, including supervisors and members of the board of probation and parole;

(8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the department of public safety under section 590.750;

(9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;

(10) Any **municipal or county** prosecuting attorney or assistant prosecuting attorney[.]; circuit attorney or assistant circuit attorney[.]; **municipal, associate, or circuit judge**; or any person appointed by a court to be a special prosecutor who has completed the firearms safety training course required under subsection 2 of section 571.111;

(11) Any member of a fire department or fire protection district who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit under section 571.111 when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties; and

(12) Upon the written approval of the governing body of a fire department or fire protection district, any paid fire department or fire protection district [chief] **member** who is employed on a full-time basis and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.

3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply to any person nineteen years of age or older or eighteen years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event.

4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any person who has a valid concealed carry permit issued pursuant to sections 571.101 to 571.121, a valid concealed carry endorsement issued before August 28, 2013, or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state.

5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031.

6. Notwithstanding any provision of this section to the contrary, the state shall not prohibit any state employee from having a firearm in the employee's vehicle on the state's property provided that the vehicle is locked and the firearm is not visible. This subsection shall only apply to the state as an employer when the state employee's vehicle is on property owned or leased by the state and the state employee is conducting activities within the scope of his or her employment. For the purposes of this subsection, "state employee" means an employee of the executive, legislative, or judicial branch of the government of the state of Missouri.

7. Nothing in this section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored or club-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

8. [Unlawful use of weapons is a class D felony unless committed pursuant to subdivision (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of subsection 1 of this section, in which case it is a class B felony, except that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony.] **A person who commits the crime of unlawful use of weapons under:**

(1) Subdivision (2), (3), (4), or (11) of subsection 1 of this section shall be guilty of a class E felony;

(2) Subdivision (1), (6), (7), or (8) of subsection 1 of this section shall be guilty of a class B misdemeanor, except when a concealed weapon is carried onto any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one or more signs displayed in a conspicuous place of a minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less than one inch, in which case the penalties of subsection 2 of section 571.107 shall apply;

(3) Subdivision (5) or (10) of subsection 1 of this section shall be guilty of a class A misdemeanor if the firearm is unloaded and a class E felony if the firearm is loaded;

(4) Subdivision (9) of subsection 1 of this section shall be guilty of a class B felony, except that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony.

9. Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:

(1) For the first violation a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony;

(2) For any violation by a prior offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation or conditional release for a term of ten years;

(3) For any violation by a persistent offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or conditional release;

(4) For any violation which results in injury or death to another person, a person shall be sentenced to an authorized disposition for a class A felony.

10. Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons.

11. Notwithstanding any other provision of law, no person who pleads guilty to or is found guilty of a felony violation of subsection 1 of this section shall receive a suspended imposition of sentence if such person has previously received a suspended imposition of sentence for any other firearms- or weapons-related felony offense.

12. As used in this section "qualified retired peace officer" means an individual who:

(1) Retired in good standing from service with a public agency as a peace officer, other than for reasons of mental instability;

(2) Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

(3) Before such retirement, was regularly employed as a peace officer for an aggregate of fifteen years or more, or retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

(4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such a plan is available;

(5) During the most recent twelve-month period, has met, at the expense of the individual, the standards for training and qualification for active peace officers to carry firearms;

(6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

(7) Is not prohibited by federal law from receiving a firearm.

13. The identification required by subdivision (1) of subsection 2 of this section is:

(1) A photographic identification issued by the agency from which the individual retired from service as a peace officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm; or

(2) A photographic identification issued by the agency from which the individual retired from service as a peace officer; and

(3) A certification issued by the state in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the state to meet the standards established by the state for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm.

571.101. CONCEALED CARRY PERMITS, APPLICATION REQUIREMENTS — APPROVAL PROCEDURES — ISSUANCE, WHEN — INFORMATION ON PERMIT — FEES. — 1. All applicants for concealed carry permits issued pursuant to subsection 7 of this section must satisfy the requirements of sections 571.101 to 571.121. If the said applicant can show qualification as provided by sections 571.101 to 571.121, the county or city sheriff shall issue a concealed carry permit authorizing the carrying of a concealed firearm on or about the applicant's person or within a vehicle. A concealed carry permit shall be valid from the date of issuance or renewal until five years from the last day of the month in which the permit was issued or renewed. The concealed carry permit is valid throughout this state. Although the permit is considered valid in the state, a person who fails to renew his or her permit within five years from the date of issuance or renewal shall not be eligible for an exception to a National Instant Criminal Background Check under federal regulations currently codified under 27 CFR 478.102(d), relating to the transfer, sale, or delivery of firearms from licensed dealers. A concealed carry endorsement issued prior to August 28, 2013, shall continue from the date of issuance or renewal until three years from the last day of the month in which the endorsement was issued or renewed to authorize the carrying of a concealed firearm on or about the applicant's person or within a vehicle in the same manner as a concealed carry permit issued under subsection 7 of this section on or after August 28, 2013.

2. A concealed carry permit issued pursuant to subsection 7 of this section shall be issued by the sheriff or his or her designee of the county or city in which the applicant resides, if the applicant:

(1) Is at least nineteen years of age, is a citizen or permanent resident of the United States and either:

(a) Has assumed residency in this state; or

(b) Is a member of the Armed Forces stationed in Missouri, or the spouse of such member of the military;

(2) Is at least nineteen years of age, or is at least eighteen years of age and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces, and is a citizen of the United States and either:

(a) Has assumed residency in this state;

(b) Is a member of the Armed Forces stationed in Missouri; or

(c) The spouse of such member of the military stationed in Missouri and nineteen years of age;

(3) Has not pled guilty to or entered a plea of nolo contendere or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;

(4) Has not been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a concealed carry permit or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a concealed carry permit;

(5) Is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

(6) Has not been discharged under dishonorable conditions from the United States Armed Forces;

(7) Has not engaged in a pattern of behavior, documented in public or closed records, that causes the sheriff to have a reasonable belief that the applicant presents a danger to himself or others;

(8) Is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state following a hearing at which the defendant was represented by counsel or a representative;

(9) Submits a completed application for a permit as described in subsection 3 of this section;

(10) Submits an affidavit attesting that the applicant complies with the concealed carry safety training requirement pursuant to subsections 1 and 2 of section 571.111;

(11) Is not the respondent of a valid full order of protection which is still in effect;

(12) Is not otherwise prohibited from possessing a firearm under section 571.070 or 18 U.S.C. Section 922(g).

3. The application for a concealed carry permit issued by the sheriff of the county of the applicant's residence shall contain only the following information:

(1) The applicant's name, address, telephone number, gender, date and place of birth, and, if the applicant is not a United States citizen, the applicant's country of citizenship and any alien or admission number issued by the Federal Bureau of Customs and Immigration Enforcement or any successor agency;

(2) An affirmation that the applicant has assumed residency in Missouri or is a member of the Armed Forces stationed in Missouri or the spouse of such a member of the Armed Forces and is a citizen or permanent resident of the United States;

(3) An affirmation that the applicant is at least nineteen years of age or is eighteen years of age or older and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces;

(4) An affirmation that the applicant has not pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

(5) An affirmation that the applicant has not been convicted of, pled guilty to, or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a permit or if the applicant has

not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a permit;

(6) An affirmation that the applicant is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;

(7) An affirmation that the applicant has not been discharged under dishonorable conditions from the United States Armed Forces;

(8) An affirmation that the applicant is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state pursuant to chapter 632, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply;

(9) An affirmation that the applicant has received firearms safety training that meets the standards of applicant firearms safety training defined in subsection 1 or 2 of section 571.111;

(10) An affirmation that the applicant, to the applicant's best knowledge and belief, is not the respondent of a valid full order of protection which is still in effect;

(11) A conspicuous warning that false statements made by the applicant will result in prosecution for perjury pursuant to the laws of the state of Missouri; and

(12) A government-issued photo identification. This photograph shall not be included on the permit and shall only be used to verify the person's identity for permit renewal, or for the issuance of a new permit due to change of address, or for a lost or destroyed permit.

4. An application for a concealed carry permit shall be made to the sheriff of the county or any city not within a county in which the applicant resides. An application shall be filed in writing, signed under oath and under the penalties of perjury, and shall state whether the applicant complies with each of the requirements specified in subsection 2 of this section. In addition to the completed application, the applicant for a concealed carry permit must also submit the following:

(1) A photocopy of a firearms safety training certificate of completion or other evidence of completion of a firearms safety training course that meets the standards established in subsection 1 or 2 of section 571.111; and

(2) A nonrefundable permit fee as provided by subsection 11 or 12 of this section.

5. (1) Before an application for a concealed carry permit is approved, the sheriff shall make only such inquiries as he or she deems necessary into the accuracy of the statements made in the application. The sheriff may require that the applicant display a Missouri driver's license or nondriver's license or military identification and orders showing the person being stationed in Missouri. In order to determine the applicant's suitability for a concealed carry permit, the applicant shall be fingerprinted. No other biometric data shall be collected from the applicant. The sheriff shall conduct an inquiry of the National Instant Criminal Background Check System within three working days after submission of the properly completed application for a concealed carry permit. If no disqualifying record is identified by these checks at the state level, the fingerprints shall be forwarded to the Federal Bureau of Investigation for a national criminal history record check. Upon receipt of the completed report from the National Instant Criminal Background Check System and the response from the Federal Bureau of Investigation national criminal history record check, the sheriff shall examine the results and, if no disqualifying information is identified, shall issue a concealed carry permit within three working days.

(2) In the event the report from the National Instant Criminal Background Check System and the response from the Federal Bureau of Investigation national criminal history record check

prescribed by subdivision (1) of this subsection are not completed within forty-five calendar days and no disqualifying information concerning the applicant has otherwise come to the sheriff's attention, the sheriff shall issue a provisional permit, clearly designated on the certificate as such, which the applicant shall sign in the presence of the sheriff or the sheriff's designee. This permit, when carried with a valid Missouri driver's or nondriver's license or a valid military identification, shall permit the applicant to exercise the same rights in accordance with the same conditions as pertain to a concealed carry permit issued under this section, provided that it shall not serve as an alternative to a national instant criminal background check required by 18 U.S.C. Section 922(t). The provisional permit shall remain valid until such time as the sheriff either issues or denies the certificate of qualification under subsection 6 or 7 of this section. The sheriff shall revoke a provisional permit issued under this subsection within twenty-four hours of receipt of any report that identifies a disqualifying record, and shall notify the concealed carry permit system established under subsection 5 of section 650.350. The revocation of a provisional permit issued under this section shall be proscribed in a manner consistent to the denial and review of an application under subsection 6 of this section.

6. The sheriff may refuse to approve an application for a concealed carry permit if he or she determines that any of the requirements specified in subsection 2 of this section have not been met, or if he or she has a substantial and demonstrable reason to believe that the applicant has rendered a false statement regarding any of the provisions of sections 571.101 to 571.121. If the applicant is found to be ineligible, the sheriff is required to deny the application, and notify the applicant in writing, stating the grounds for denial and informing the applicant of the right to submit, within thirty days, any additional documentation relating to the grounds of the denial. Upon receiving any additional documentation, the sheriff shall reconsider his or her decision and inform the applicant within thirty days of the result of the reconsideration. The applicant shall further be informed in writing of the right to appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114. After two additional reviews and denials by the sheriff, the person submitting the application shall appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114.

7. If the application is approved, the sheriff shall issue a concealed carry permit to the applicant within a period not to exceed three working days after his or her approval of the application. The applicant shall sign the concealed carry permit in the presence of the sheriff or his or her designee.

8. The concealed carry permit shall specify only the following information:

- (1) Name, address, date of birth, gender, height, weight, color of hair, color of eyes, and signature of the permit holder;
- (2) The signature of the sheriff issuing the permit;
- (3) The date of issuance; and
- (4) The expiration date.

The permit shall be no larger than two and one-eighth inches wide by three and three-eighths inches long and shall be of a uniform style prescribed by the department of public safety. The permit shall also be assigned a concealed carry permit system county code and shall be stored in sequential number.

9. (1) The sheriff shall keep a record of all applications for a concealed carry permit or a provisional permit and his or her action thereon. Any record of an application that is incomplete or denied for any reason shall be kept for a period not to exceed one year. Any record of an application that was approved shall be kept for a period of one year after the expiration and nonrenewal of the permit.

(2) The sheriff shall report the issuance of a concealed carry permit or provisional permit to the concealed carry permit system. All information on any such permit that is protected information on any driver's or nondriver's license shall have the same personal protection for purposes of sections 571.101 to 571.121. An applicant's status as a holder of a concealed carry permit, provisional permit, or a concealed carry endorsement issued prior to August 28, 2013,

shall not be public information and shall be considered personal protected information. Information retained in the concealed carry permit system under this subsection shall not be distributed to any federal, state, or private entities and shall only be made available for a single entry query of an individual in the event the individual is a subject of interest in an active criminal investigation or is arrested for a crime. A sheriff may access the concealed carry permit system for administrative purposes to issue a permit, verify the accuracy of permit holder information, change the name or address of a permit holder, suspend or revoke a permit, cancel an expired permit, or cancel a permit upon receipt of a certified death certificate for the permit holder. Any person who violates the provisions of this subdivision by disclosing protected information shall be guilty of a class A misdemeanor.

10. Information regarding any holder of a concealed carry permit, or a concealed carry endorsement issued prior to August 28, 2013, is a closed record. No bulk download or batch data shall be distributed to any federal, state, or private entity, except to MoSMART or a designee thereof. Any state agency that has retained any documents or records, including fingerprint records provided by an applicant for a concealed carry endorsement prior to August 28, 2013, shall destroy such documents or records, upon successful issuance of a permit.

11. For processing an application for a concealed carry permit pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed one hundred dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund. **This fee shall include the cost to reimburse the Missouri state highway patrol for the costs of fingerprinting and criminal background checks. An additional fee shall be added to each credit card, debit card, or other electronic transaction equal to the charge paid by the state or the applicant for the use of the credit card, debit card, or other electronic payment method by the applicant.**

12. For processing a renewal for a concealed carry permit pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed fifty dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

13. For the purposes of sections 571.101 to 571.121, the term "sheriff" shall include the sheriff of any county or city not within a county or his or her designee and in counties of the first classification the sheriff may designate the chief of police of any city, town, or municipality within such county.

14. For the purposes of this chapter, "concealed carry permit" shall include any concealed carry endorsement issued by the department of revenue before January 1, 2014, and any concealed carry document issued by any sheriff or under the authority of any sheriff after December 31, 2013.

571.104. SUSPENSION OR REVOCATION OF ENDORSEMENTS AND PERMITS, WHEN — RENEWAL PROCEDURES — CHANGE OF NAME OR RESIDENCE NOTIFICATION REQUIREMENTS — MILITARY PERSONNEL, TWO-MONTH RENEWAL PERIOD. — 1. A concealed carry endorsement issued prior to August 28, 2013, shall be suspended or revoked if the concealed carry endorsement holder becomes ineligible for such endorsement under the criteria established in subdivisions (3), (4), (5), (8), and (11) of subsection 2 of section 571.101 or upon the issuance of a valid full order of protection. The following procedures shall be followed:

(1) When a valid full order of protection, or any arrest warrant, discharge, or commitment for the reasons listed in subdivision (3), (4), (5), (8), or (11) of subsection 2 of section 571.101, is issued against a person holding a concealed carry endorsement issued prior to August 28, 2013, upon notification of said order, warrant, discharge or commitment or upon an order of a court of competent jurisdiction in a criminal proceeding, a commitment proceeding or a full order of protection proceeding ruling that a person holding a concealed carry endorsement presents a risk of harm to themselves or others, then upon notification of such order, the holder of the concealed carry endorsement shall surrender the driver's license or nondriver's license containing the concealed carry endorsement to the court, officer, or other official serving the

order, warrant, discharge, or commitment. The official to whom the driver's license or nondriver's license containing the concealed carry endorsement is surrendered shall issue a receipt to the licensee for the license upon a form, approved by the director of revenue, that serves as a driver's license or a nondriver's license and clearly states the concealed carry endorsement has been suspended. The official shall then transmit the driver's license or a nondriver's license containing the concealed carry endorsement to the circuit court of the county issuing the order, warrant, discharge, or commitment. The concealed carry endorsement issued prior to August 28, 2013, shall be suspended until the order is terminated or until the arrest results in a dismissal of all charges. The official to whom the endorsement is surrendered shall administratively suspend the endorsement in the concealed carry permit system established under subsection 5 of section 650.350 until such time as the order is terminated or until the charges are dismissed. Upon dismissal, the court holding the driver's license or nondriver's license containing the concealed carry endorsement shall return such license to the individual, and the official to whom the endorsement was surrendered shall administratively return the endorsement to good standing within the concealed carry permit system.

(2) Any conviction, discharge, or commitment specified in sections 571.101 to 571.121 shall result in a revocation. Upon conviction, the court shall forward a notice of conviction or action and the driver's license or nondriver's license with the concealed carry endorsement to the department of revenue. The department of revenue shall notify the sheriff of the county which issued the certificate of qualification for a concealed carry endorsement. The sheriff who issued the certificate of qualification prior to August 28, 2013, shall report the change in status of the endorsement to the concealed carry permit system established under subsection 5 of section 650.350. The director of revenue shall immediately remove the endorsement issued prior to August 28, 2013, from the individual's driving record within three days of the receipt of the notice from the court. The director of revenue shall notify the licensee that he or she must apply for a new license pursuant to chapter 302 which does not contain such endorsement. This requirement does not affect the driving privileges of the licensee. The notice issued by the department of revenue shall be mailed to the last known address shown on the individual's driving record. The notice is deemed received three days after mailing.

2. A concealed carry permit issued pursuant to sections 571.101 to 571.121 after August 28, 2013, shall be suspended or revoked if the concealed carry permit holder becomes ineligible for such permit or endorsement under the criteria established in subdivisions (3), (4), (5), (8), and (11) of subsection 2 of section 571.101 or upon the issuance of a valid full order of protection. The following procedures shall be followed:

(1) When a valid full order of protection or any arrest warrant, discharge, or commitment for the reasons listed in subdivision (3), (4), (5), (8), or (11) of subsection 2 of section 571.101 is issued against a person holding a concealed carry permit, upon notification of said order, warrant, discharge, or commitment or upon an order of a court of competent jurisdiction in a criminal proceeding, a commitment proceeding, or a full order of protection proceeding ruling that a person holding a concealed carry permit presents a risk of harm to themselves or others, then upon notification of such order, the holder of the concealed carry permit shall surrender the permit to the court, officer, or other official serving the order, warrant, discharge, or commitment. The permit shall be suspended until the order is terminated or until the arrest results in a dismissal of all charges. The official to whom the permit is surrendered shall administratively suspend the permit in the concealed carry permit system until the order is terminated or the charges are dismissed. Upon dismissal, the court holding the permit shall return such permit to the individual and the official to whom the permit was surrendered shall administratively return the permit to good standing within the concealed carry permit system;

(2) Any conviction, discharge, or commitment specified in sections 571.101 to 571.121 shall result in a revocation. Upon conviction, the court shall forward a notice of conviction or action and the permit to the issuing county sheriff. The sheriff who issued the concealed carry

permit shall report the change in status of the concealed carry permit to the concealed carry permit system.

3. A concealed carry permit shall be renewed for a qualified applicant upon receipt of the properly completed renewal application and the required renewal fee by the sheriff of the county of the applicant's residence. The renewal application shall contain the same required information as set forth in subsection 3 of section 571.101, except that in lieu of the fingerprint requirement of subsection 5 of section 571.101 and the firearms safety training, the applicant need only display his or her current concealed carry permit. A name-based inquiry of the National Instant Criminal Background Check System shall be completed for each renewal application. The sheriff shall review the results of the report from the National Instant Criminal Background Check System, and when the sheriff has determined the applicant has successfully completed all renewal requirements and is not disqualified under any provision of section 571.101, the sheriff shall issue a new concealed carry permit which contains the date such permit was renewed. The process for renewing a concealed carry endorsement issued prior to August 28, 2013, shall be the same as the process for renewing a permit, except that in lieu of the fingerprint requirement of subsection 5 of section 571.101 and the firearms safety training, the applicant need only display his or her current driver's license or nondriver's license containing an endorsement. Upon successful completion of all renewal requirements, the sheriff shall issue a new concealed carry permit as provided under this subsection.

4. A person who has been issued a concealed carry permit, or a certificate of qualification for a concealed carry endorsement prior to August 28, 2013, who fails to file a renewal application for a concealed carry permit on or before its expiration date must pay an additional late fee of ten dollars per month for each month it is expired for up to six months. After six months, the sheriff who issued the expired concealed carry permit or certificate of qualification shall notify the concealed carry permit system that such permit is expired and cancelled. If the person has a concealed carry endorsement issued prior to August 28, 2013, the sheriff who issued the certificate of qualification for the endorsement shall notify the director of revenue that such certificate is expired regardless of whether the endorsement holder has applied for a concealed carry permit under subsection 3 of this section. The director of revenue shall immediately remove such endorsement from the individual's driving record and notify the individual that his or her driver's license or nondriver's license has expired. The notice shall be conducted in the same manner as described in subsection 1 of this section. Any person who has been issued a concealed carry permit pursuant to sections 571.101 to 571.121, or a concealed carry endorsement issued prior to August 28, 2013, who fails to renew his or her application within the six-month period must reapply for a new concealed carry permit and pay the fee for a new application.

5. Any person issued a concealed carry permit pursuant to sections 571.101 to 571.121, or a concealed carry endorsement issued prior to August 28, 2013, shall notify the sheriff of the new jurisdiction of the permit or endorsement holder's change of residence within thirty days after the changing of a permanent residence to a location outside the county of permit issuance. The permit or endorsement holder shall furnish proof to the sheriff in the new jurisdiction that the permit or endorsement holder has changed his or her residence. The sheriff in the new jurisdiction shall notify the sheriff in the old jurisdiction of the permit holder's change of address and the sheriff in the old jurisdiction shall transfer any information on file for the permit holder to the sheriff in the new jurisdiction within thirty days. The sheriff of the new jurisdiction may charge a processing fee of not more than ten dollars for any costs associated with notification of a change in residence. The sheriff shall report the residence change to the concealed carry permit system, take possession and destroy the old permit, and then issue a new permit to the permit holder. The new address shall be accessible by the concealed carry permit system within three days of receipt of the information. If the person has a concealed carry endorsement issued prior to August 28, 2013, the endorsement holder shall also furnish proof to the department of revenue

of his or her residence change. In such cases, the change of residence shall be made by the department of revenue onto the individual's driving record.

6. Any person issued a concealed carry permit pursuant to sections 571.101 to 571.121, or a concealed carry endorsement issued prior to August 28, 2013, shall notify the sheriff or his or her designee of the permit or endorsement holder's county or city of residence within seven days after actual knowledge of the loss or destruction of his or her permit or driver's license or nondriver's license containing a concealed carry endorsement. The permit or endorsement holder shall furnish a statement to the sheriff that the permit or driver's license or nondriver's license containing the concealed carry endorsement has been lost or destroyed. After notification of the loss or destruction of a permit or driver's license or nondriver's license containing a concealed carry endorsement, the sheriff may charge a processing fee of ten dollars for costs associated with replacing a lost or destroyed permit or driver's license or nondriver's license containing a concealed carry endorsement and shall reissue a new concealed carry permit within three working days of being notified by the concealed carry permit or endorsement holder of its loss or destruction. The new concealed carry permit shall contain the same personal information, including expiration date, as the original concealed carry permit.

7. If a person issued a concealed carry permit, or endorsement issued prior to August 28, 2013, changes his or her name, the person to whom the permit or endorsement was issued shall obtain a corrected or new concealed carry permit with a change of name from the sheriff who issued the original concealed carry permit or the original certificate of qualification for an endorsement upon the sheriff's verification of the name change. The sheriff may charge a processing fee of not more than ten dollars for any costs associated with obtaining a corrected or new concealed carry permit. The permit or endorsement holder shall furnish proof of the name change to the sheriff within thirty days of changing his or her name and display his or her concealed carry permit or current driver's license or nondriver's license containing a concealed carry endorsement. The sheriff shall report the name change to the concealed carry permit system, and the new name shall be accessible by the concealed carry permit system within three days of receipt of the information.

8. The person with a concealed carry permit, or endorsement issued prior to August 28, 2013, shall notify the sheriff of a name or address change within thirty days of the change. A concealed carry permit and, if applicable, endorsement shall be automatically invalid after one hundred eighty days if the permit or endorsement holder has changed his or her name or changed his or her residence and not notified the sheriff as required in subsections 5 and 7 of this section. The sheriff shall assess a late penalty of ten dollars per month for each month, up to six months and not to exceed sixty dollars, for the failure to notify the sheriff of the change of name or address within thirty days.

9. Notwithstanding any provision of this section to the contrary, if a concealed carry permit, or endorsement issued prior to August 28, 2013, expires while the person issued the permit or endorsement is on active duty in the armed forces, on active state duty, full-time National Guard duty under Title 32, or active duty under Title 10 with the National Guard, or is physically incapacitated due to an injury incurred while in the services of the National Guard or armed forces, the permit shall be renewed if the person completes the renewal requirements under subsection 3 of this section within two months of returning to Missouri after discharge from such duty or recovery from such incapacitation. Once the two-month period has expired, the provisions of subsection 4 of this section shall apply except the penalties shall begin to accrue upon the expiration of the two-month period described in this subsection rather than on the expiration date of the permit or endorsement.

571.111. FIREARMS TRAINING REQUIREMENTS—SAFETY INSTRUCTOR REQUIREMENTS
— PENALTY FOR VIOLATIONS. — 1. An applicant for a concealed carry permit shall

demonstrate knowledge of firearms safety training. This requirement shall be fully satisfied if the applicant for a concealed carry permit:

(1) Submits a photocopy of a certificate of firearms safety training course completion, as defined in subsection 2 of this section, signed by a qualified firearms safety instructor as defined in subsection 5 of this section; or

(2) Submits a photocopy of a certificate that shows the applicant completed a firearms safety course given by or under the supervision of any state, county, municipal, or federal law enforcement agency; or

(3) Is a qualified firearms safety instructor as defined in subsection 5 of this section; or

(4) Submits proof that the applicant currently holds any type of valid peace officer license issued under the requirements of chapter 590; or

(5) Submits proof that the applicant is currently allowed to carry firearms in accordance with the certification requirements of section 217.710; or

(6) Submits proof that the applicant is currently certified as any class of corrections officer by the Missouri department of corrections and has passed at least one eight-hour firearms training course, approved by the director of the Missouri department of corrections under the authority granted to him or her, that includes instruction on the justifiable use of force as prescribed in chapter 563; or

(7) Submits a photocopy of a certificate of firearms safety training course completion that was issued on August 27, 2011, or earlier so long as the certificate met the requirements of subsection 2 of this section that were in effect on the date it was issued.

2. A certificate of firearms safety training course completion may be issued to any applicant by any qualified firearms safety instructor. On the certificate of course completion the qualified firearms safety instructor shall affirm that the individual receiving instruction has taken and passed a firearms safety course of at least eight hours in length taught by the instructor that included:

(1) Handgun safety in the classroom, at home, on the firing range and while carrying the firearm;

(2) A physical demonstration performed by the applicant that demonstrated his or her ability to safely load and unload either a revolver or a semiautomatic pistol and demonstrated his or her marksmanship with either firearm;

(3) The basic principles of marksmanship;

(4) Care and cleaning of concealable firearms;

(5) Safe storage of firearms at home;

(6) The requirements of this state for obtaining a concealed carry permit from the sheriff of the individual's county of residence;

(7) The laws relating to firearms as prescribed in this chapter;

(8) The laws relating to the justifiable use of force as prescribed in chapter 563;

(9) A live firing exercise of sufficient duration for each applicant to fire either a revolver or a semiautomatic pistol, from a standing position or its equivalent, a minimum of twenty rounds from the handgun at a distance of seven yards from a B-27 silhouette target or an equivalent target;

(10) A live-fire test administered to the applicant while the instructor was present of twenty rounds from either a revolver or a semiautomatic pistol from a standing position or its equivalent at a distance from a B-27 silhouette target, or an equivalent target, of seven yards.

3. **A certificate of firearms safety training course completion may also be issued to an applicant who presents proof to a qualified firearms safety instructor that the applicant has passed a regular or online course on firearm safety conducted by an instructor certified by the National Rifle Association that is at least one hour in length and who also passes the requirements of subdivisions (1), (2), (6), (7), (8), (9), and (10) of subsection 2 of this section in a course, not restricted by a period of hours, that is taught by a qualified firearms safety instructor.**

4. A qualified firearms safety instructor shall not give a grade of passing to an applicant for a concealed carry permit who:

- (1) Does not follow the orders of the qualified firearms instructor or cognizant range officer;
- or
- (2) Handles a firearm in a manner that, in the judgment of the qualified firearm safety instructor, poses a danger to the applicant or to others; or
 - (3) During the live-fire testing portion of the course fails to hit the silhouette portion of the targets with at least fifteen rounds.

[4.] 5. Qualified firearms safety instructors who provide firearms safety instruction to any person who applies for a concealed carry permit shall:

- (1) Make the applicant's course records available upon request to the sheriff of the county in which the applicant resides;
- (2) Maintain all course records on students for a period of no less than four years from course completion date; and
- (3) Not have more than forty students per certified instructor in the classroom portion of the course or more than five students per range officer engaged in range firing.

[5.] 6. A firearms safety instructor shall be considered to be a qualified firearms safety instructor by any sheriff issuing a concealed carry permit pursuant to sections 571.101 to 571.121 if the instructor:

- (1) Is a valid firearms safety instructor certified by the National Rifle Association holding a rating as a personal protection instructor or pistol marksmanship instructor; or
- (2) Submits a photocopy of a notarized certificate from a firearms safety instructor's course offered by a local, state, or federal governmental agency; or
- (3) Submits a photocopy of a notarized certificate from a firearms safety instructor course approved by the department of public safety; or
- (4) Has successfully completed a firearms safety instructor course given by or under the supervision of any state, county, municipal, or federal law enforcement agency; or
- (5) Is a certified police officer firearms safety instructor.

[6.] 7. Any firearms safety instructor qualified under subsection [5] 6 of this section may submit a copy of a training instructor certificate, course outline bearing the notarized signature of the instructor, and a recent photograph of the instructor to the sheriff of the county in which the instructor resides. The sheriff shall review the training instructor certificate along with the course outline and verify the firearms safety instructor is qualified and the course meets the requirements provided under this section. If the sheriff verifies the firearms safety instructor is qualified and the course meets the requirements provided under this section, the sheriff shall collect an annual registration fee of ten dollars from each qualified instructor who chooses to submit such information and submit the registration to the Missouri sheriff methamphetamine relief taskforce. The Missouri sheriff methamphetamine relief taskforce, or its designated agent, shall create and maintain a statewide database of qualified instructors. This information shall be a closed record except for access by any sheriff. Firearms safety instructors may register annually and the registration is only effective for the calendar year in which the instructor registered. Any sheriff may access the statewide database maintained by the Missouri sheriff methamphetamine relief taskforce to verify the firearms safety instructor is qualified and the course offered by the instructor meets the requirements provided under this section. Unless a sheriff has reason to believe otherwise, a sheriff shall presume a firearms safety instructor is qualified to provide firearms safety instruction in counties throughout the state under this section if the instructor is registered on the statewide database of qualified instructors.

[7.] 8. Any firearms safety instructor who knowingly provides any sheriff with any false information concerning an applicant's performance on any portion of the required training and qualification shall be guilty of a class C misdemeanor. A violation of the provisions of this section shall result in the person being prohibited from instructing concealed carry permit classes and issuing certificates.

571.126. LIST OF PERSONS WHO HAVE OBTAINED A CONCEALED CARRY ENDORSEMENT OR PERMIT, NO DISCLOSURE TO FEDERAL GOVERNMENT. — Notwithstanding any other state law to the contrary, no state agency shall disclose to the federal government the statewide list of persons who have obtained a concealed carry endorsement or permit, **including Missouri lifetime and extended concealed carry permits**. Nothing in this section shall be construed to restrict access to individual records by any criminal justice agency authorized to access the Missouri uniform law enforcement system.

571.205. ISSUANCE OF LIFETIME OR EXTENDED PERMIT, REQUIREMENTS — APPLICATION CONTENTS — SHERIFF'S DUTIES — RECORDKEEPING — CONFIDENTIALITY OF INFORMATION — FEES. — **1.** Upon request and payment of the required fee, the sheriff shall issue a concealed carry permit that is valid through the state of Missouri for the lifetime of the permit holder to a Missouri resident who meets the requirements of sections 571.205 to 571.230, known as a Missouri lifetime concealed carry permit. A person may also request, and the sheriff shall issue upon payment of the required fee, a concealed carry permit that is valid through the state of Missouri for a period of either ten years or twenty-five years from the date of issuance or renewal to a Missouri resident who meets the requirements of sections 571.205 to 571.230. Such permit shall be known as a Missouri extended concealed carry permit. A person issued a Missouri lifetime or extended concealed carry permit shall be required to comply with the provisions of sections 571.205 to 571.230. If the applicant can show qualification as provided by sections 571.205 to 571.230, the sheriff shall issue a Missouri lifetime or extended concealed carry permit authorizing the carrying of a concealed firearm on or about the applicant's person or within a vehicle.

2. A Missouri lifetime or extended concealed carry permit shall be suspended if the permit holder becomes a resident of another state. The permit may be reactivated upon reestablishment of Missouri residency if the applicant meets the requirements of sections 571.205 to 571.230, and upon successful completion of a name-based inquiry of the National Instant Background Check System.

3. A Missouri lifetime or extended concealed carry permit shall be issued by the sheriff or his or her designee of the county or city in which the applicant resides, if the applicant:

(1) Is at least nineteen years of age, is a citizen or permanent resident of the United States and has assumed residency in this state, or is at least eighteen years of age and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces, and is a citizen of the United States and has assumed residency in this state;

(2) Has not pled guilty to or entered a plea of nolo contendere or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States, other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

(3) Has not been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a Missouri lifetime or extended concealed carry permit or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a Missouri lifetime or extended concealed carry permit;

(4) Is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state of the United States, other than a crime classified as a

misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

(5) Has not been discharged under dishonorable conditions from the United States Armed Forces;

(6) Has not engaged in a pattern of behavior, documented in public or closed records, that causes the sheriff to have a reasonable belief that the applicant presents a danger to himself or herself or others;

(7) Is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state following a hearing at which the defendant was represented by counsel or a representative;

(8) Submits a completed application for a permit as described in subsection 4 of this section;

(9) Submits an affidavit attesting that the applicant complies with the concealed carry safety training requirement under subsections 1 and 2 of section 571.111;

(10) Is not the respondent of a valid full order of protection which is still in effect;

(11) Is not otherwise prohibited from possessing a firearm under section 571.070 or 18 U.S.C. Section 922(g).

4. The application for a Missouri lifetime or extended concealed carry permit issued by the sheriff of the county of the applicant's residence shall contain only the following information:

(1) The applicant's name, address, telephone number, gender, date and place of birth, and, if the applicant is not a United States citizen, the applicant's country of citizenship and any alien or admission number issued by the United States Immigration and Customs Enforcement or any successor agency;

(2) An affirmation that the applicant has assumed residency in Missouri and is a citizen or permanent resident of the United States;

(3) An affirmation that the applicant is at least nineteen years of age or is eighteen years of age or older and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces;

(4) An affirmation that the applicant has not pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

(5) An affirmation that the applicant has not been convicted of, pled guilty to, or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a permit or that the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a permit;

(6) An affirmation that the applicant is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

(7) An affirmation that the applicant has not been discharged under dishonorable conditions from the United States Armed Forces;

(8) An affirmation that the applicant is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a

mental health facility, as defined in section 632.005, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state under chapter 632, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply;

(9) An affirmation that the applicant has received firearms safety training that meets the standards of applicant firearms safety training defined in subsection 1 or 2 of section 571.111;

(10) An affirmation that the applicant, to the applicant's best knowledge and belief, is not the respondent of a valid full order of protection which is still in effect;

(11) A conspicuous warning that false statements made by the applicant will result in prosecution for perjury under the laws of the state of Missouri; and

(12) A government-issued photo identification. This photograph shall not be included on the permit and shall only be used to verify the person's identity for the issuance of a new permit, issuance of a new permit due to change of name or address, renewal of an extended permit, or for a lost or destroyed permit, or reactivation under subsection 2 of this section.

5. An application for a Missouri lifetime or extended concealed carry permit shall be made to the sheriff of the county in which the applicant resides. An application shall be filed in writing, signed under oath and under the penalties of perjury, and shall state whether the applicant complies with each of the requirements specified in subsection 3 of this section. In addition to the completed application, the applicant for a Missouri lifetime or extended concealed carry permit shall also submit the following:

(1) A photocopy of a firearms safety training certificate of completion or other evidence of completion of a firearms safety training course that meets the standards established in subsection 1 or 2 of section 571.111; and

(2) A nonrefundable permit fee as provided by subsection 12 of this section.

6. (1) Before an application for a Missouri lifetime or extended concealed carry permit is approved, the sheriff shall make only such inquiries as he or she deems necessary into the accuracy of the statements made in the application. The sheriff may require that the applicant display a Missouri driver's license or nondriver's license or military identification. No biometric data shall be collected from the applicant. The sheriff shall conduct an inquiry of the National Instant Criminal Background Check System within three working days after submission of the properly completed application for a Missouri lifetime or extended concealed carry permit. Upon receipt of the completed report from the National Instant Criminal Background Check System, the sheriff shall examine the results and, if no disqualifying information is identified, shall issue a Missouri lifetime or extended concealed carry permit within three working days.

(2) In the event the report from the National Instant Criminal Background Check System and the response from the Federal Bureau of Investigation national criminal history record check prescribed by subdivision (1) of this subsection are not completed within forty-five calendar days and no disqualifying information concerning the applicant has otherwise come to the sheriff's attention, the sheriff shall issue a provisional permit, clearly designated on the certificate as such, which the applicant shall sign in the presence of the sheriff or the sheriff's designee. This permit, when carried with a valid Missouri driver's or nondriver's license, shall permit the applicant to exercise the same rights in accordance with the same conditions as pertain to a Missouri lifetime or extended concealed carry permit issued under this section, provided that it shall not serve as an alternative to a national instant criminal background check required by 18 U.S.C. Section 922(t). The provisional permit shall remain valid until such time as the sheriff either issues or denies the permit under subsection 7 or 8 of this section. The sheriff shall revoke a provisional permit issued under this subsection within twenty-four hours of receipt of any report that identifies a disqualifying record, and shall notify the concealed carry permit

system established under subsection 5 of section 650.350. The revocation of a provisional permit issued under this section shall be proscribed in a manner consistent to the denial and review of an application under subsection 7 of this section.

7. The sheriff may refuse to approve an application for a Missouri lifetime or extended concealed carry permit if he or she determines that any of the requirements specified in subsection 3 of this section have not been met, or if he or she has a substantial and demonstrable reason to believe that the applicant has rendered a false statement regarding any of the provisions of sections 571.205 to 571.230. If the applicant is found to be ineligible, the sheriff is required to deny the application, and notify the applicant in writing, stating the grounds for denial and informing the applicant of the right to submit, within thirty days, any additional documentation relating to the grounds of the denial. Upon receiving any additional documentation, the sheriff shall reconsider his or her decision and inform the applicant within thirty days of the result of the reconsideration. The applicant shall further be informed in writing of the right to appeal the denial under section 571.220. After two additional reviews and denials by the sheriff, the person submitting the application shall appeal the denial under section 571.220.

8. If the application is approved, the sheriff shall issue a Missouri lifetime or extended concealed carry permit to the applicant within a period not to exceed three working days after his or her approval of the application. The applicant shall sign the Missouri lifetime or extended concealed carry permit in the presence of the sheriff or his or her designee.

9. The Missouri lifetime or extended concealed carry permit shall specify only the following information:

- (1) Name, address, date of birth, gender, height, weight, color of hair, color of eyes, and signature of the permit holder;
 - (2) The signature of the sheriff issuing the permit;
 - (3) The date of issuance;
 - (4) A clear statement indicating that the permit is only valid within the state of Missouri; and
 - (5) If the permit is a Missouri extended concealed carry permit, the expiration date.
- The permit shall be no larger than two and one-eighth inches wide by three and three-eighths inches long and shall be of a uniform style prescribed by the department of public safety. The permit shall also be assigned a concealed carry permit system county code and shall be stored in sequential number.

10. (1) The sheriff shall keep a record of all applications for a Missouri lifetime or extended concealed carry permit or a provisional permit and his or her action thereon. Any record of an application that is incomplete or denied for any reason shall be kept for a period not to exceed one year.

(2) The sheriff shall report the issuance of a Missouri lifetime or extended concealed carry permit or provisional permit to the concealed carry permit system. All information on any such permit that is protected information on any driver's or nondriver's license shall have the same personal protection for purposes of sections 571.205 to 571.230. An applicant's status as a holder of a Missouri lifetime or extended concealed carry permit or provisional permit shall not be public information and shall be considered personal protected information. Information retained in the concealed carry permit system under this subsection shall not be distributed to any federal, state, or private entities and shall only be made available for a single entry query of an individual in the event the individual is a subject of interest in an active criminal investigation or is arrested for a crime. A sheriff may access the concealed carry permit system for administrative purposes to issue a permit, verify the accuracy of permit holder information, change the name or address of a permit holder, suspend or revoke a permit, cancel an expired permit, or cancel a permit upon receipt of a certified death certificate for the permit holder. Any person who violates the provisions of this subdivision by disclosing protected information shall be guilty of a class A misdemeanor.

11. Information regarding any holder of a Missouri lifetime or extended concealed carry permit is a closed record. No bulk download or batch data shall be distributed to any federal, state, or private entity, except to MoSMART or a designee thereof.

12. For processing an application, the sheriff in each county shall charge a nonrefundable fee not to exceed:

(1) Two hundred dollars for a new Missouri extended concealed carry permit that is valid for ten years from the date of issuance or renewal;

(2) Two hundred fifty dollars for a new Missouri extended concealed carry permit that is valid for twenty-five years from the date of issuance or renewal;

(3) Fifty dollars for a renewal of a Missouri extended concealed carry permit;

(4) Five hundred dollars for a Missouri lifetime concealed carry permit, which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

571.210. SUSPENSION OR REVOCATION, WHEN — PROCEDURES — REACTIVATION — NOTICE TO SHERIFF REQUIRED, WHEN — RENEWAL — BACKGROUND CHECK. — 1. A Missouri lifetime or extended concealed carry permit issued under sections 571.205 to 571.230 shall be suspended or revoked if the Missouri lifetime or extended concealed carry permit holder becomes ineligible for such permit under the criteria established in subdivisions (2), (3), (4), (5), (7), or (10) of subsection 3 of section 571.205. The following procedures shall be followed:

(1) When a valid full order of protection or any arrest warrant, discharge, or commitment for the reasons listed in subdivision (2), (3), (4), (5), (7), or (10) of subsection 3 of section 571.205 is issued against a person holding a Missouri lifetime or extended concealed carry permit, upon notification of said order, warrant, discharge, or commitment or upon an order of a court of competent jurisdiction in a criminal proceeding, a commitment proceeding, or a full order of protection proceeding ruling that a person holding a Missouri lifetime or extended concealed carry permit presents a risk of harm to themselves or others, then upon notification of such order, the holder of the Missouri lifetime or extended concealed carry permit shall surrender the permit to the court, officer, or other official serving the order, warrant, discharge, or commitment. The permit shall be suspended until the order is terminated or until the arrest results in a dismissal of all charges. The official to whom the permit is surrendered shall administratively suspend the permit in the concealed carry permit system until the order is terminated or the charges are dismissed. Upon dismissal, the court holding the permit shall return such permit to the individual and the official to whom the permit was surrendered shall administratively return the permit to good standing within the concealed carry permit system;

(2) Any conviction, discharge, or commitment specified in sections 571.205 to 571.230 shall result in a revocation. Upon conviction, the court shall forward a notice of conviction or action and the permit to the issuing county sheriff. The sheriff who issued the Missouri lifetime or extended concealed carry permit shall report the change in status of the concealed carry permit to the concealed carry permit system.

2. A Missouri lifetime or extended concealed carry permit shall be reactivated for a qualified applicant upon receipt of the properly completed application by the sheriff of the county of the applicant's residence and in accordance with subsection 2 of section 571.205. A name-based inquiry of the National Instant Criminal Background Check System shall be completed for each reactivation application. The sheriff shall review the results of the report from the National Instant Criminal Background Check System, and when the sheriff has determined the applicant has successfully completed all reactivation requirements and is not disqualified under any provision of section 571.205, the sheriff shall issue a new Missouri lifetime or extended concealed carry permit, which contains the date such permit was reactivated.

3. Any person issued a Missouri lifetime or extended concealed carry permit shall notify the sheriff or his or her designee where the permit was issued within seven days after actual knowledge of the loss or destruction of his or her permit. The permit holder shall furnish a statement to the sheriff that the permit has been lost or destroyed. After notification of the loss or destruction of a permit, the sheriff may charge a processing fee of ten dollars for costs associated with replacing a lost or destroyed permit and shall reissue a new Missouri lifetime or extended concealed carry permit within three working days of being notified by the permit holder of its loss or destruction. The new Missouri lifetime or extended concealed carry permit shall contain the same personal information as the original concealed carry permit.

4. If a person issued a Missouri lifetime or extended concealed carry permit changes his or her name, the person to whom the permit was issued shall obtain a corrected or new Missouri lifetime or extended concealed carry permit with a change of name from the sheriff who issued the Missouri lifetime or extended concealed carry permit or upon the sheriff's verification of the name change. The sheriff may charge a processing fee of not more than ten dollars for any costs associated with obtaining a corrected or new Missouri lifetime or extended concealed carry permit. The permit holder shall furnish proof of the name change to the sheriff within thirty days of changing his or her name and display his or her Missouri lifetime or extended concealed carry permit. The sheriff shall report the name change to the concealed carry permit system, and the new name shall be accessible by the concealed carry permit system within three days of receipt of the information.

5. Any person issued a Missouri lifetime or extended concealed carry permit shall notify the sheriff of the new jurisdiction of the permit holder's change of residence within thirty days after the changing of a permanent residence to a location outside the county of permit issuance. The permit holder shall furnish proof to the sheriff in the new jurisdiction that the permit holder has changed his or her residence. The sheriff shall report the residence change to the concealed carry permit system, take possession and destroy the old permit, and then issue a new permit to the permit holder. The new address shall be accessible by the concealed carry permit system within three days of receipt of the information.

6. A Missouri extended concealed carry permit shall be renewed for a qualified applicant upon receipt of the properly completed renewal application and payment of the required fee. The renewal application shall contain the same required information as set forth in subsection 3 of section 571.205, except that in lieu of the firearms safety training, the applicant need only display his or her current Missouri extended concealed carry permit. A name-based inquiry of the National Instant Criminal Background Check System shall be completed for each renewal application. The sheriff shall review the results of the report from the National Instant Criminal Background Check System, and when the sheriff has determined the applicant has successfully completed all renewal requirements and is not disqualified under any provision of section 571.205, the sheriff shall issue a new Missouri extended concealed carry permit which contains the date such permit was renewed. Upon successful completion of all renewal requirements, the sheriff shall issue a new Missouri extended concealed carry permit as provided under this subsection.

7. A person who has been issued a Missouri extended concealed carry permit who fails to file a renewal application for a Missouri extended concealed carry permit on or before its expiration date shall pay an additional late fee of ten dollars per month for each month it is expired for up to six months. After six months, the sheriff who issued the expired Missouri extended concealed carry permit shall notify the concealed carry permit system that such permit is expired and cancelled. Any person who has been issued a Missouri extended concealed carry permit under sections 571.101 to 571.121 who fails to

renew his or her application within the six-month period shall reapply for a concealed carry permit and pay the fee for a new application.

8. The sheriff of the county that issued the Missouri lifetime or extended concealed carry permit shall conduct a name-based inquiry of the National Instant Criminal Background Check System once every five years from the date of issuance or renewal of the permit. The sheriff shall review the results of the report from the National Instant Criminal Background Check System. If the sheriff determines the permit holder is disqualified under any provision of section 571.205, the sheriff shall revoke the Missouri lifetime or extended concealed carry permit and shall report the revocation to the concealed carry permit system.

571.215. PERMIT AUTHORIZES CARRYING ON PERSON OR IN VEHICLE — PROHIBITED AREAS — PENALTY FOR VIOLATION. — 1. A Missouri lifetime or extended concealed carry permit issued under sections 571.205 to 571.230 shall authorize the person in whose name the permit is issued to carry concealed firearms on or about his or her person or vehicle throughout the state. No Missouri lifetime or extended concealed carry permit shall authorize any person to carry concealed firearms into:

(1) Any police, sheriff, or highway patrol office or station without the consent of the chief law enforcement officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(2) Within twenty-five feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(3) The facility of any adult or juvenile detention or correctional institution, prison or jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention, or correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(4) Any courthouse solely occupied by the circuit, appellate or supreme court, or any courtrooms, administrative offices, libraries, or other rooms of any such court whether or not such court solely occupies the building in question. This subdivision shall also include, but not be limited to, any juvenile, family, drug, or other court offices, any room or office wherein any of the courts or offices listed in this subdivision are temporarily conducting any business within the jurisdiction of such courts or offices, and such other locations in such manner as may be specified by supreme court rule under subdivision (6) of this subsection. Nothing in this subdivision shall preclude those persons listed in subdivision (1) of subsection 2 of section 571.030 while within their jurisdiction and on duty, those persons listed in subdivisions (2), (4), and (10) of subsection 2 of section 571.030, or such other persons who serve in a law enforcement capacity for a court as may be specified by supreme court rule under subdivision (6) of this subsection from carrying a concealed firearm within any of the areas described in this subdivision. Possession of a firearm in a vehicle on the premises of any of the areas listed in this subdivision shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(5) Any meeting of the governing body of a unit of local government, or any meeting of the general assembly or a committee of the general assembly, except that nothing in this subdivision shall preclude a member of the body holding a valid Missouri lifetime or extended concealed carry permit from carrying a concealed firearm at a meeting of the body which he or she is a member. Possession of a firearm in a vehicle on the premises

shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision shall preclude a member of the general assembly, a full-time employee of the general assembly employed under Section 17, Article III, Constitution of Missouri, legislative employees of the general assembly as determined under section 21.155, or statewide elected officials and their employees, holding a valid Missouri lifetime or extended concealed carry permit, from carrying a concealed firearm in the state capitol building or at a meeting whether of the full body of a house of the general assembly or a committee thereof, that is held in the state capitol building;

(6) The general assembly, supreme court, county, or municipality may by rule, administrative regulation, or ordinance prohibit or limit the carrying of concealed firearms by permit holders in that portion of a building owned, leased, or controlled by that unit of government. Any portion of a building in which the carrying of concealed firearms is prohibited or limited shall be clearly identified by signs posted at the entrance to the restricted area. The statute, rule, or ordinance shall exempt any building used for public housing by private persons, highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled by that unit of government from any restriction on the carrying or possession of a firearm. The statute, rule, or ordinance shall not specify any criminal penalty for its violation but may specify that persons violating the statute, rule, or ordinance may be denied entrance to the building, ordered to leave the building and if employees of the unit of government, be subjected to disciplinary measures for violation of the provisions of the statute, rule, or ordinance. The provisions of this subdivision shall not apply to any other unit of government;

(7) Any establishment licensed to dispense intoxicating liquor for consumption on the premises, which portion is primarily devoted to that purpose, without the consent of the owner or manager. The provisions of this subdivision shall not apply to the licensee of said establishment. The provisions of this subdivision shall not apply to any bona fide restaurant open to the general public having dining facilities for not less than fifty persons and that receives at least fifty-one percent of its gross annual income from the dining facilities by the sale of food. This subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision authorizes any individual who has been issued a Missouri lifetime or extended concealed carry permit to possess any firearm while intoxicated;

(8) Any area of an airport to which access is controlled by the inspection of persons and property. Possession of a firearm in a vehicle on the premises of the airport shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(9) Any place where the carrying of a firearm is prohibited by federal law;

(10) Any higher education institution or elementary or secondary school facility without the consent of the governing body of the higher education institution or a school official or the district school board, unless the person with the Missouri lifetime or extended concealed carry permit is a teacher or administrator of an elementary or secondary school who has been designated by his or her school district as a school protection officer and is carrying a firearm in a school within that district, in which case no consent is required. Possession of a firearm in a vehicle on the premises of any higher education institution or elementary or secondary school facility shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(11) Any portion of a building used as a child care facility without the consent of the manager. Nothing in this subdivision shall prevent the operator of a child care facility in

a family home from owning or possessing a firearm or a Missouri lifetime or extended concealed carry permit;

(12) Any riverboat gambling operation accessible by the public without the consent of the owner or manager under rules promulgated by the gaming commission. Possession of a firearm in a vehicle on the premises of a riverboat gambling operation shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(13) Any gated area of an amusement park. Possession of a firearm in a vehicle on the premises of the amusement park shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(14) Any church or other place of religious worship without the consent of the minister or person or persons representing the religious organization that exercises control over the place of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(15) Any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one or more signs displayed in a conspicuous place of a minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less than one inch. The owner, business or commercial lessee, manager of a private business enterprise, or any other organization, entity, or person may prohibit persons holding a Missouri lifetime or extended concealed carry permit from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a Missouri lifetime or extended concealed carry permit from carrying concealed firearms on the property of the employer. If the building or the premises are open to the public, the employer of the business enterprise shall post signs on or about the premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees or other persons holding a Missouri lifetime or extended concealed carry permit from carrying a concealed firearm in vehicles owned by the employer;

(16) Any sports arena or stadium with a seating capacity of five thousand or more. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(17) Any hospital accessible by the public. Possession of a firearm in a vehicle on the premises of a hospital shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

2. Carrying of a concealed firearm in a location specified in subdivisions (1) to (17) of subsection 1 of this section by any individual who holds a Missouri lifetime or extended concealed carry permit shall not be a criminal act but may subject the person to denial to the premises or removal from the premises. If such person refuses to leave the premises and a peace officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars for the first offense. If a second citation for a similar violation occurs within a six-month period, such person shall be fined an amount not to exceed two hundred dollars and his or her permit to carry concealed firearms shall be suspended for a period of one year. If a third citation for a similar violation is issued within one year of the first citation, such person shall be fined an amount not to exceed five hundred dollars and shall have his or her Missouri lifetime or extended concealed carry permit revoked and such person shall not be eligible for a Missouri lifetime or extended concealed carry permit or a concealed carry permit issued under sections 571.101 to 571.121 for a period of three years. Upon conviction of charges arising from a citation issued under this subsection, the court shall notify the sheriff of the county which

issued the Missouri lifetime or extended concealed carry permit. The sheriff shall suspend or revoke the Missouri lifetime or extended concealed carry permit.

571.220. DENIAL OF APPLICATION, RIGHT OF APPEAL — APPEAL FORMS — RIGHT TO TRIAL DE NOVO, WHEN. — 1. In any case when the sheriff refuses to issue a Missouri lifetime or extended concealed carry permit or to act on an application for such permit, the denied applicant shall have the right to appeal the denial within thirty days of receiving written notice of the denial. Such appeals shall be heard in small claims court as defined in section 482.300, and the provisions of sections 482.300, 482.310, and 482.335 shall apply to such appeals.

2. A denial of or refusal to act on an application for a Missouri lifetime or extended concealed carry permit may be appealed by filing with the clerk of the small claims court a copy of the sheriff's written refusal and a form substantially similar to the appeal form provided in this section. Appeal forms shall be provided by the clerk of the small claims court free of charge to any person:

SMALL CLAIMS COURT

In the Circuit Court of, Missouri

....., Denied Applicant

)
)
vs.) Case Number
)
)

....., Sheriff

Return Date

APPEAL OF A DENIAL OF A MISSOURI LIFETIME OR EXTENDED CONCEALED CARRY PERMIT

The denied applicant states that his or her properly completed application for a Missouri lifetime or extended concealed carry permit was denied by the sheriff of County, Missouri, without just cause. The denied applicant affirms that all of the statements in the application are true.

....., Denied Applicant

3. The notice of appeal in a denial of a Missouri lifetime or extended concealed carry permit appeal shall be made to the sheriff in a manner and form determined by the small claims court judge.

4. If at the hearing the person shows he or she is entitled to the requested Missouri lifetime or extended concealed carry permit, the court shall issue an appropriate order to cause the issuance of the Missouri lifetime or extended concealed carry permit. Costs shall not be assessed against the sheriff unless the action of the sheriff is determined by the judge to be arbitrary and capricious.

5. Any person aggrieved by any final judgment rendered by a small claims court in a denial of a Missouri lifetime or extended concealed carry permit appeal may have a right to trial de novo as provided in sections 512.180 to 512.320.

571.225. REVOCATION, PETITION TO REVOKE, WHEN — REVOCATION FORM — HEARING — APPEAL — SHERIFF IMMUNE FROM LIABILITY, WHEN. — 1. Any person who has knowledge that another person, who was issued a Missouri lifetime or extended concealed carry permit under sections 571.205 to 571.230, never was or no longer is eligible for such permit under the criteria established in sections 571.205 to 571.230 may file a petition with the clerk of the small claims court to revoke that person's Missouri lifetime or extended concealed carry permit. The petition shall be in a form substantially similar to the petition for revocation of a Missouri lifetime or extended concealed carry

permit provided in this section. Appeal forms shall be provided by the clerk of the small claims court free of charge to any person:

SMALL CLAIMS COURT

In the Circuit Court ofMissouri

....., PLAINTIFF

vs.

Case Number

....., DEFENDANT,
Lifetime or Extended Carry Permit Holder
....., DEFENDANT,
Sheriff of Issuance

PETITION FOR REVOCATION OF A MISSOURI LIFETIME OR EXTENDED CONCEALED CARRY PERMIT

Plaintiff states to the court that the defendant,, has a Missouri lifetime or extended concealed carry permit issued pursuant to sections 571.205 to 571.230, RSMo, and that the defendant's Missouri lifetime or extended concealed carry permit should now be revoked because the defendant either never was or no longer is eligible for such a permit pursuant to the provisions of sections 571.205 to 571.230, RSMo, specifically plaintiff states that defendant,, never was or no longer is eligible for such permit for one or more of the following reasons:

(CHECK BELOW EACH REASON THAT APPLIES TO THIS DEFENDANT)

- Defendant is not at least nineteen years of age or at least eighteen years of age and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces.
- Defendant is not a citizen or permanent resident of the United States.
- Defendant had not resided in this state prior to issuance of the permit or is not a current resident of this state.
- Defendant has pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding two years under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun.
- Defendant has been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a Missouri lifetime or extended concealed carry permit issued pursuant to sections 571.205 to 571.230, RSMo, or the defendant has been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a concealed carry permit issued pursuant to sections 571.205 to 571.230, RSMo.
- Defendant is a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun. Defendant has been discharged under dishonorable conditions from the United States Armed Forces.
- Defendant is reasonably believed by the sheriff to be a danger to self or others based on previous, documented pattern.

- [] Defendant is adjudged mentally incompetent at the time of application or for five years prior to application, or has been committed to a mental health facility, as defined in section 632.005 or a similar institution located in another state, except that a person whose release or discharge from a facility in this state pursuant to chapter 632, RSMo, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply.
- [] Defendant failed to submit a completed application for a concealed carry permit issued pursuant to sections 571.205 to 571.230, RSMo.
- [] Defendant failed to submit to or failed to clear the required background check. (Note: This does not apply if the defendant has submitted to a background check and been issued a provisional permit pursuant to subdivision (2) of subsection 6 of section 571.205, RSMo, and the results of the background check are still pending.)
- [] Defendant failed to submit an affidavit attesting that the applicant complies with the concealed carry safety training requirement pursuant to subsections 1 and 2 of section 571.111, RSMo.
- [] Defendant is otherwise disqualified from possessing a firearm pursuant to 18 U.S.C. Section 922(g) or section 571.070, RSMo, because (specify reason):

The plaintiff subject to penalty for perjury states that the information contained in this petition is true and correct to the best of the plaintiff's knowledge, is reasonably based upon the petitioner's personal knowledge and is not primarily intended to harass the defendant/respondent named herein.

....., PLAINTIFF

2. If at the hearing the plaintiff shows that the defendant was not eligible for the Missouri lifetime or extended concealed carry permit issued under sections 571.205 to 571.230 at the time of issuance or renewal or is no longer eligible for a Missouri lifetime or extended concealed carry permit the court shall issue an appropriate order to cause the revocation of the Missouri lifetime or extended concealed carry permit. Costs shall not be assessed against the sheriff.

3. The finder of fact, in any action brought against a permit holder under subsection 1 of this section, shall make findings of fact and the court shall make conclusions of law addressing the issues at dispute. If it is determined that the plaintiff in such an action acted without justification or with malice or primarily with an intent to harass the permit holder or that there was no reasonable basis to bring the action, the court shall order the plaintiff to pay the defendant/respondent all reasonable costs incurred in defending the action including, but not limited to, attorney's fees, deposition costs, and lost wages. Once the court determines that the plaintiff is liable to the defendant/respondent for costs and fees, the extent and type of fees and costs to be awarded should be liberally calculated in defendant/respondent's favor. Notwithstanding any other provision of law, reasonable attorney's fees shall be presumed to be at least one hundred fifty dollars per hour.

4. Any person aggrieved by any final judgment rendered by a small claims court in a petition for revocation of a Missouri lifetime or extended concealed carry permit may have a right to trial de novo as provided in sections 512.180 to 512.320.

5. The office of the county sheriff or any employee or agent of the county sheriff shall not be liable for damages in any civil action arising from alleged wrongful or improper granting, renewing, or failure to revoke a Missouri lifetime or extended concealed carry permit issued under sections 571.205 to 571.230 so long as the sheriff acted in good faith.

571.230. DUTY TO CARRY PERMIT — DISPLAY OF PERMIT, WHEN — CITATION FOR VIOLATION. — Any person issued a Missouri lifetime or extended concealed carry permit under sections 571.205 to 571.230, shall carry the permit at all times the person is carrying a concealed firearm and shall display the permit and a state or federal government-issued photo identification upon the request of any peace officer. Failure to comply with this

section shall not be a criminal offense but the Missouri lifetime or extended concealed carry permit holder may be issued a citation for an amount not to exceed thirty-five dollars.

SECTION B. EMERGENCY CLAUSE. — Because of the need to ensure members of the armed services and National Guard are not penalized under the concealed carry laws as a result of their service to the country, the repeal and reenactment of section 571.104 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 the repeal and reenactment of section 571.104 of this act shall be in full force and effect upon its passage and approval.

SECTION C. DELAYED EFFECTIVE DATE. — The repeal and reenactment of section 571.030 of this act shall become effective January 1, 2017.

Vetoed June 27, 2016

Overridden September 14, 2016

SB 844 [SB 844]

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 livestock trespass liability

AN ACT to repeal sections 272.030 and 272.230, RSMo, and to enact in lieu thereof one new section relating to livestock trespass.

SECTION

A. Enacting clause.

272.030. Owners of stock liable for damages, when.

272.230. Trespass by stock, damages and compensation — action — lien.

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

SECTION A. ENACTING CLAUSE. — Sections 272.030 and 272.230, RSMo, are repealed and one new section enacted in lieu thereof, to be known as section 272.030, to read as follows:

272.030. OWNERS OF STOCK LIABLE FOR DAMAGES, WHEN. — If any horses, cattle or other stock shall break over or through any lawful fence, as defined in section 272.020, and by so doing obtain access to, or do trespass upon, the premises of another, the owner of such animal shall, for the first trespass, make reparation to the party injured for the true value of the damages sustained, to be recovered with costs before a circuit or associate circuit judge, and for any subsequent trespass the party injured may put up said animal or animals and take good care of the same and immediately notify the owner, who shall pay to taker-up the amount of the damages sustained, and such compensation as shall be reasonable for the taking up and keeping of such animals, before he shall be allowed to remove the same, and if the owner and taker-up cannot agree upon the amount of the damages and compensation, either party may institute an action in circuit court as in other civil cases. If the owner recover, he shall recover his costs and any damages he may have sustained, and the court shall issue an order requiring the taker-up to deliver to him the animals. If the taker-up recover, the judgment shall be a lien upon the animals taken up, and in addition to a general judgment and execution, he shall have a special execution

against such animals to pay the judgment rendered, and costs] **be liable for any damages sustained if the owner of the trespassing horses, cattle, or other stock was negligent.**

[272.230. TRESPASS BY STOCK, DAMAGES AND COMPENSATION — ACTION — LIEN. — If any horses, cattle or other stock trespass upon the premises of another, the owner of the animal shall for the first trespass make reparation to the party injured for the true value of the damages sustained, to be recovered with costs before an associate circuit judge, or in any court of competent jurisdiction, and for any subsequent trespass the party injured may put up the animal or animals and take good care of them and immediately notify the owner, who shall pay to the taker-up the amount of the damages sustained, and such compensation as shall be reasonable for the taking up and keeping of the animals, before he shall be allowed to remove them, and if the owner and taker-up cannot agree upon the amount of the damages and compensation either party may make complaint to an associate circuit judge of the county, setting forth the fact of the disagreement, and the associate circuit judge shall be possessed of the cause, and shall issue a summons to the adverse party and proceed with the cause as in other civil cases. If the owner recovers, he shall recover his costs and any damages he may have sustained, and the associate circuit judge shall issue an order requiring the taker-up to deliver to him the animals. If the taker-up recover, the judgment shall be a lien upon the animals taken up, and, in addition to a general judgment and execution, he shall have a special execution against the animals to pay the judgment rendered and costs.]

Vetoed June 28, 2016

Overridden September 14, 2016

SB 994 [CCS HCS SB 994]

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 alcohol

AN ACT to repeal sections 262.823, 311.060, 311.091, and 311.205, RSMo, and to enact in lieu thereof five new sections relating to alcohol.

SECTION

- A. Enacting clause.
- 262.823. Purpose of the board, goals.
- 311.060. Qualifications for licenses — resident corporation and financial interest defined — revocation, effect of, new license, when.
- 311.091. Boat or vessel, liquor sale by drink, requirements, fee.
- 311.205. Self-dispensing of beer permitted, when.
- 311.950. Entertainment facilities, purchase through mobile application — identification required — rulemaking authority.

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

SECTION A. ENACTING CLAUSE. — Sections 262.823, 311.060, 311.091, and 311.205, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 262.823, 311.060, 311.091, 311.205, and 311.950, to read as follows:

262.823. PURPOSE OF THE BOARD, GOALS. — The purpose of the board shall be to further the growth and development of the grape growing industry in the state of Missouri. The board

shall have a correlate purpose of fostering the expansion of the grape market for Missouri grapes. To effectuate these goals, the board may:

(1) Participate in cooperation with state, regional, national, or international activities, groups, and organizations whose objectives are that of developing new and better grape varieties to determine their suitability for growing in Missouri;

(2) Participate in and develop research projects on improved wine-making methods utilizing the new grape varieties to be grown in Missouri;

(3) Utilize the individual and collective expertise of the board members as well as experts in the fields of enology and viticulture selected by the board, to update and improve the quality of grapes grown in Missouri and advanced methods of producing wines from these Missouri grapes;

(4) Furnish current information and associated data on research conducted by and for the board to grape growers and vintners in Missouri as well as to interested persons considering entering these fields within the state; and

(5) Participate in subsequent studies, programs, research, and information and data dissemination in the areas of sales, promotions, and effective distribution of Missouri wines, **and to oversee and provide any professional or legal services to promote such marketing goals.**

311.060. QUALIFICATIONS FOR LICENSES—RESIDENT CORPORATION AND FINANCIAL INTEREST DEFINED—REVOCAION, EFFECT OF, NEW LICENSE, WHEN. — 1. No person shall

be granted a license hereunder unless such person is of good moral character and a qualified legal voter and a taxpaying citizen of the county, town, city or village, nor shall any corporation be granted a license hereunder unless the managing officer of such corporation is of good moral character and a qualified legal voter and taxpaying citizen of the county, town, city or village; and, **except as otherwise provided under subsection 7 of this section**, no person shall be granted a license or permit hereunder whose license as such dealer has been revoked, or who has been convicted, since the ratification of the twenty-first amendment to the Constitution of the United States, of a violation of the provisions of any law applicable to the manufacture or sale of intoxicating liquor, or who employs in his or her business as such dealer any person whose license has been revoked **unless five years have passed since the revocation as provided under subsection 6 of this section**, or who has been convicted of violating such law since the date aforesaid; provided, that nothing in this section contained shall prevent the issuance of licenses to nonresidents of Missouri or foreign corporations for the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquors to, by or through a duly licensed wholesaler, within this state.

2. (1) No person, partnership or corporation shall be qualified for a license under this law if such person, any member of such partnership, or such corporation, or any officer, director, or any stockholder owning, legally or beneficially, directly or indirectly, ten percent or more of the stock of such corporation, or other financial interest therein, or ten percent or more of the interest in the business for which the person, partnership or corporation is licensed, or any person employed in the business licensed under this law shall have had a license revoked under this law **except as otherwise provided under subsections 6 and 7 of this section**, or shall have been convicted of violating the provisions of any law applicable to the manufacture or sale of intoxicating liquor since the ratification of the twenty-first amendment to the Constitution of the United States, or shall not be a person of good moral character.

(2) No license issued under this chapter shall be denied, suspended, revoked or otherwise affected based solely on the fact that an employee of the licensee has been convicted of a felony unrelated to the manufacture or sale of intoxicating liquor. Each employer shall report the identity of any employee convicted of a felony to the division of liquor control. The division of liquor control shall promulgate rules to enforce the provisions of this subdivision.

(3) No wholesaler license shall be issued to a corporation for the sale of intoxicating liquor containing alcohol in excess of five percent by weight, except to a resident corporation as defined in this section.

3. A "resident corporation" is defined to be a corporation incorporated under the laws of this state, all the officers and directors of which, and all the stockholders, who legally and beneficially own or control sixty percent or more of the stock in amount and in voting rights, shall be qualified legal voters and taxpaying citizens of the county and municipality in which they reside and who shall have been bona fide residents of the state for a period of three years continuously immediately prior to the date of filing of application for a license, provided that a stockholder need not be a voter or a taxpayer, and all the resident stockholders of which shall own, legally and beneficially, at least sixty percent of all the financial interest in the business to be licensed under this law; provided, that no corporation, licensed under the provisions of this law on January 1, 1947, nor any corporation succeeding to the business of a corporation licensed on January 1, 1947, as a result of a tax-free reorganization coming within the provisions of Section 112, United States Internal Revenue Code, shall be disqualified by reason of the new requirements herein, except corporations engaged in the manufacture of alcoholic beverages containing alcohol in excess of five percent by weight, or owned or controlled, directly or indirectly, by nonresident persons, partnerships or corporations engaged in the manufacture of alcoholic beverages containing alcohol in excess of five percent by weight.

4. The term "financial interest" as used in this chapter is defined to mean all interest, legal or beneficial, direct or indirect, in the capital devoted to the licensed enterprise and all such interest in the net profits of the enterprise, after the payment of reasonable and necessary operating business expenses and taxes, including interest in dividends, preferred dividends, interest and profits, directly or indirectly paid as compensation for, or in consideration of interest in, or for use of, the capital devoted to the enterprise, or for property or money advanced, loaned or otherwise made available to the enterprise, except by way of ordinary commercial credit or bona fide bank credit not in excess of credit customarily granted by banking institutions, whether paid as dividends, interest or profits, or in the guise of royalties, commissions, salaries, or any other form whatsoever.

5. The supervisor shall by regulation require all applicants for licenses to file written statements, under oath, containing the information reasonably required to administer this section. Statements by applicants for licenses as wholesalers and retailers shall set out, with other information required, full information concerning the residence of all persons financially interested in the business to be licensed as required by regulation. All material changes in the information filed shall be promptly reported to the supervisor.

6. Any person whose license or permit issued under this chapter has been revoked shall be automatically eligible to work as an employee of an establishment holding a license or permit under this chapter five years after the date of the revocation.

7. Any person whose license or permit issued under this chapter has been revoked shall be eligible to apply and be qualified for a new license or permit five years after the date of the revocation. The person may be issued a new license or permit at the discretion of the division of alcohol and tobacco control. If the division denies the request for a new permit or license, the person may not submit a new application for five years from the date of the denial. If the application is approved, the person shall pay all fees required by law for the license or permit. Any person whose request for a new license or permit is denied may seek a determination by the administrative hearing commission as provided under section 311.691.

311.091. BOAT OR VESSEL, LIQUOR SALE BY DRINK, REQUIREMENTS, FEE. — 1. Except as provided under subsection 2 of this section and notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter and who meets the requirements of and complies with the provisions of this chapter may apply for

and the supervisor of alcohol and tobacco control may issue a license to sell intoxicating liquor, as defined in this chapter, by the drink at retail for consumption on the premises of any boat, or other vessel licensed by the United States Coast Guard to carry [one hundred] **thirty** or more passengers for hire on navigable waters in or adjacent to this state, which has a regular place of mooring in a location in this state or within two hundred yards of a location which would otherwise be licensable under this chapter. The license shall be valid even though the boat, or other vessel, leaves its regular place of mooring during the course of its operation.

2. [Any person who possesses the qualifications required by this chapter and who meets the requirements of, and complies with the provisions of, this chapter may apply for, and the supervisor of alcohol and tobacco control may issue, a license to sell intoxicating liquor by the drink at retail for consumption on the premises of any boat or other vessel licensed by the United States Coast Guard to carry forty-five to ninety-nine passengers for hire on a lake with a shoreline that is in three counties, one of which is any county of the third classification without a township form of government and with more than thirty-three thousand but fewer than thirty-seven thousand inhabitants and with a city of the fourth classification with more than three thousand but fewer than three thousand seven hundred inhabitants as the county seat, one of which is any county of the third classification without a township form of government and with more than twenty-nine thousand but fewer than thirty-three thousand inhabitants and with a city of the fourth classification with more than four hundred but fewer than four hundred fifty inhabitants as the county seat, and one of which is any county of the first classification with more than fifty thousand but fewer than seventy thousand inhabitants. The boat must have a regular place of mooring in a location in this state or within two hundred yards of a location which would otherwise be licensable under this chapter. The license shall be valid even though the boat, or other vessel, leaves its regular place of mooring during the course of its operation.

3.] For every license for sale of liquor by the drink at retail for consumption on the premises of any boat or other vessel issued under the provisions of this section, the licensee shall pay to the director of revenue the sum of three hundred dollars per year.

311.205. SELF-DISPENSING OF BEER PERMITTED, WHEN. — 1. Any person licensed to sell liquor at retail by the drink for consumption on the premises where sold may use a [table tap dispensing] **self-dispensing** system [to allow], **which is monitored and controlled by the licensee and allows** patrons of the licensee to [dispense] **self-dispense** beer [at a table] **or wine**. Before a patron may dispense beer **or wine**, an employee of the licensee must first authorize an amount of beer **or wine**, not to exceed thirty-two ounces **of beer or sixteen ounces of wine** per patron per authorization, to be dispensed by the [table tap dispensing] **self-dispensing** system.

2. No provision of law or rule or regulation of the supervisor shall be interpreted to allow any wholesaler, distributor, or manufacturer of intoxicating liquor to furnish [table tap dispensing] **self-dispensing** or cooling equipment or provide services for the maintenance, sanitation, or repair of [table tap dispensing] **self-dispensing** systems.

311.950. ENTERTAINMENT FACILITIES, PURCHASE THROUGH MOBILE APPLICATION — IDENTIFICATION REQUIRED — RULEMAKING AUTHORITY. — 1. **Notwithstanding any provision of law to the contrary, entertainment facilities including, but not limited to, arenas and stadiums used primarily for concerts, shows, and sporting events of any kind and entities selling concessions at such facilities that possess all necessary and valid licenses and permits to allow for the sale of alcoholic beverages shall not be prohibited from selling and delivering alcoholic beverages purchased through the use of mobile applications to individuals attending events on the premises of such facilities if the facilities are in compliance with all applicable state laws and regulations regarding the sale of alcoholic beverages.**

2. For purposes of this section, the term "mobile application" shall mean a computer program or software designed to be used on hand-held mobile devices such as cellular phones and tablet computers.

3. Any employee of a facility or entity selling concessions at a facility who delivers an alcoholic beverage purchased through a mobile application to an individual shall require the individual to show a valid, government-issued identification document that includes the photograph and birth date of the individual, such as a driver's license, and shall verify that the individual is twenty-one years of age or older before the individual is allowed possession of the alcoholic beverage.

4. The division of alcohol and tobacco control may 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, 2016, shall be invalid and void.

Vetoed July 1, 2016

Overridden September 14, 2016

SB 1025 [SB 1025]

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

Exempts instructional classes from sales tax

AN ACT to repeal sections 144.010, 144.018, and 144.020, RSMo, and to enact in lieu thereof three new sections relating to the taxation of instructional classes.

SECTION

- A. Enacting clause.
- 144.010. Definitions.
- 144.018. Resale of tangible personal property, exempt or excluded from sales and use tax, when — intent of exclusion.
- 144.020. Rate of tax — tickets, notice of sales tax.

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

SECTION A. ENACTING CLAUSE. — Sections 144.010, 144.018, and 144.020, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 144.010, 144.018, and 144.020, to read as follows:

144.010. DEFINITIONS. — 1. The following words, terms, and phrases when used in sections 144.010 to 144.525 have the meanings ascribed to them in this section, except when the context indicates a different meaning:

(1) "Admission" includes seats and tables, reserved or otherwise, and other similar accommodations and charges made therefor and amount paid for admission, exclusive of any admission tax imposed by the federal government or by sections 144.010 to 144.525;

(2) "Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either direct or indirect, and the

classification of which business is of such character as to be subject to the terms of sections 144.010 to 144.525. A person is "engaging in business" in this state for purposes of sections 144.010 to 144.525 if such person "engages in business in this state" or "maintains a place of business in this state" under section 144.605. The isolated or occasional sale of tangible personal property, service, substance, or thing, by a person not engaged in such business, does not constitute engaging in business within the meaning of sections 144.010 to 144.525 unless the total amount of the gross receipts from such sales, exclusive of receipts from the sale of tangible personal property by persons which property is sold in the course of the partial or complete liquidation of a household, farm or nonbusiness enterprise, exceeds three thousand dollars in any calendar year. The provisions of this subdivision shall not be construed to make any sale of property which is exempt from sales tax or use tax on June 1, 1977, subject to that tax thereafter;

(3) "Captive wildlife", includes but is not limited to exotic partridges, gray partridge, northern bobwhite quail, ring-necked pheasant, captive waterfowl, captive white-tailed deer, captive elk, and captive furbearers held under permit issued by the Missouri department of conservation for hunting purposes. The provisions of this subdivision shall not apply to sales tax on a harvested animal;

(4) "Gross receipts", except as provided in section 144.012, means the total amount of the sale price of the sales at retail including any services other than charges incident to the extension of credit that are a part of such sales made by the businesses herein referred to, capable of being valued in money, whether received in money or otherwise; except that, the term "gross receipts" shall not include the sale price of property returned by customers when the full sale price thereof is refunded either in cash or by credit. In determining any tax due under sections 144.010 to 144.525 on the gross receipts, charges incident to the extension of credit shall be specifically exempted. For the purposes of sections 144.010 to 144.525 the total amount of the sale price above mentioned shall be deemed to be the amount received. It shall also include the lease or rental consideration where the right to continuous possession or use of any article of tangible personal property is granted under a lease or contract and such transfer of possession would be taxable if outright sale were made and, in such cases, the same shall be taxable as if outright sale were made and considered as a sale of such article, and the tax shall be computed and paid by the lessee upon the rentals paid;

(5) **"Instructional class", includes any class, lesson, or instruction intended or used for teaching;**

(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, horses, other equine, or rabbits raised in confinement for human consumption;

[(6)] (7) "Motor vehicle leasing company" shall be a company obtaining a permit from the director of revenue to operate as a motor vehicle leasing company. Not all persons renting or leasing trailers or motor vehicles need to obtain such a permit; however, no person failing to obtain such a permit may avail itself of the optional tax provisions of subsection 5 of section 144.070, as hereinafter provided;

[(7)] (8) "Person" includes any individual, firm, copartnership, joint adventure, association, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or agency, except the state transportation department, estate, trust, business trust, receiver or trustee appointed by the state or federal court, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number;

[(8)] (9) "Purchaser" means a person who purchases tangible personal property or to whom are rendered services, receipts from which are taxable under sections 144.010 to 144.525;

[(9)] (10) "Research or experimentation activities" are the development of an experimental or pilot model, plant process, formula, invention or similar property, and the improvement of

existing property of such type. Research or experimentation activities do not include activities such as ordinary testing or inspection of materials or products for quality control, efficiency surveys, advertising promotions or research in connection with literary, historical or similar projects;

[(10)] (11) "Sale" or "sales" includes installment and credit sales, and the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale, and means any transfer, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for valuable consideration and the rendering, furnishing or selling for a valuable consideration any of the substances, things and services herein designated and defined as taxable under the terms of sections 144.010 to 144.525;

[(11)] (12) "Sale at retail" means any transfer made by any person engaged in business as defined herein of the ownership of, or title to, tangible personal property to the purchaser, for use or consumption and not for resale in any form as tangible personal property, for a valuable consideration; except that, for the purposes of sections 144.010 to 144.525 and the tax imposed thereby: (i) purchases of tangible personal property made by duly licensed physicians, dentists, optometrists and veterinarians and used in the practice of their professions shall be deemed to be purchases for use or consumption and not for resale; and (ii) the selling of computer printouts, computer output or microfilm or microfiche and computer-assisted photo compositions to a purchaser to enable the purchaser to obtain for his or her own use the desired information contained in such computer printouts, computer output on microfilm or microfiche and computer-assisted photo compositions shall be considered as the sale of a service and not as the sale of tangible personal property. Where necessary to conform to the context of sections 144.010 to 144.525 and the tax imposed thereby, the term "sale at retail" shall be construed to embrace:

(a) Sales of admission tickets, cash admissions, charges and fees to or in places of amusement, entertainment and recreation, games and athletic events, **except amounts paid for any instructional class**;

(b) Sales of electricity, electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(c) 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 the sale, rental or leasing of all equipment or services pertaining or incidental thereto;

(d) Sales of service for transmission of messages by telegraph companies;

(e) Sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist camp, tourist cabin, or other place in which rooms, meals or drinks are regularly served to the public;

(f) Sales of 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;

[(12)] (13) "Seller" means a person selling or furnishing tangible personal property or rendering services, on the receipts from which a tax is imposed pursuant to section 144.020;

[(13)] (14) The noun "tax" means either the tax payable by the purchaser of a commodity or service subject to tax, or the aggregate amount of taxes due from the vendor of such commodities or services during the period for which he or she is required to report his or her collections, as the context may require;

[(14)] (15) "Telecommunications service", for the purpose of this chapter, the transmission of information by wire, radio, optical cable, coaxial cable, electronic impulses, or other similar means. As used in this definition, "information" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols. Telecommunications service does not include the following if such services are

separately stated on the customer's bill or on records of the seller maintained in the ordinary course of business:

- (a) Access to the internet, access to interactive computer services or electronic publishing services, except the amount paid for the telecommunications service used to provide such access;
- (b) Answering services and one-way paging services;
- (c) Private mobile radio services which are not two-way commercial mobile radio services such as wireless telephone, personal communications services or enhanced specialized mobile radio services as defined pursuant to federal law; or
- (d) Cable or satellite television or music services; and

~~[(15)]~~ (16) "Product which is intended to be sold ultimately for final use or consumption" means tangible personal property, or any service that is subject to state or local sales or use taxes, or any tax that is substantially equivalent thereto, in this state or any other state.

2. For purposes of the taxes imposed under sections 144.010 to 144.525, and any other provisions of law pertaining to sales or use taxes which incorporate the provisions of sections 144.010 to 144.525 by reference, the term "manufactured homes" shall have the same meaning given it in section 700.010.

3. Sections 144.010 to 144.525 may be known and quoted as the "Sales Tax Law".

144.018. RESALE OF TANGIBLE PERSONAL PROPERTY, EXEMPT OR EXCLUDED FROM SALES AND USE TAX, WHEN — INTENT OF EXCLUSION. — 1. Notwithstanding any other provision of law to the contrary, except as provided under subsection 2 or 3 of this section, when a purchase of tangible personal property or service subject to tax is made for the purpose of resale, such purchase shall be either exempt or excluded under this chapter if the subsequent sale is:

- (1) Subject to a tax in this or any other state;
- (2) For resale;
- (3) Excluded from tax under this chapter;
- (4) Subject to tax but exempt under this chapter; or
- (5) Exempt from the sales tax laws of another state, if the subsequent sale is in such other state. The purchase of tangible personal property by a taxpayer shall not be deemed to be for resale if such property is used or consumed by the taxpayer in providing a service on which tax is not imposed by subsection 1 of section 144.020, except purchases made in fulfillment of any obligation under a defense contract with the United States government.

2. For purposes of subdivision (2) of subsection 1 of section 144.020, a place of amusement, entertainment or recreation, including games or athletic events, shall remit tax on the amount paid for admissions or seating accommodations, or fees paid to, or in such place of amusement, entertainment or recreation, **except amounts paid for any instructional class.** Any subsequent sale of such admissions or seating accommodations shall not be subject to tax if the initial sale was an arms length transaction for fair market value with an unaffiliated entity. If the sale of such admissions or seating accommodations is exempt or excluded from payment of sales and use taxes, the provisions of this subsection shall not require the place of amusement, entertainment, or recreation to remit tax on that sale.

3. For purposes of subdivision (6) of subsection 1 of section 144.020, a 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 shall remit tax on the amount of sales or charges for all rooms, meals, and drinks furnished at such 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. Any subsequent sale of such rooms, meals, or drinks shall not be subject to tax if the initial sale was an arms length transaction for fair market value with an unaffiliated entity. If the sale of such rooms, meals, or drinks is exempt or excluded from payment of sales and use taxes, the provisions of this subsection shall not require the 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 to remit tax on that sale.

4. The provisions of this section are intended to reject and abrogate earlier case law interpretations of the state's sales and use tax law with regard to sales for resale as extended in *Music City Centre Management, LLC v. Director of Revenue*, 295 S.W.3d 465, (Mo. 2009) and *ICC Management, Inc. v. Director of Revenue*, 290 S.W.3d 699, (Mo. 2009). The provisions of this section are intended to clarify the exemption or exclusion of purchases for resale from sales and use taxes as originally enacted in this chapter.

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, **except amounts paid for any instructional class;**

(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."

Vetoed June 28, 2016

Overridden September 14, 2016

SCR 46 [SCR 46]

Disapproves and suspends the final order of rulemaking for the proposed rule 19 CSR 15-8.410 Personal Care Attendant Wage Range

An act by concurrent resolution and pursuant to Article IV, Section 8, to disapprove the final order of rulemaking for the proposed rule 19 CSR 15-8.410 Personal Care Attendant Wage Range.

Whereas, the Department of Health and Senior Services filed a proposed rule 19 CSR 15-8.410 on December 26, 2014, and filed the order of rulemaking with the Joint Committee on Administrative Rules on May 1, 2015; and

Whereas, the Joint Committee on Administrative Rules held a hearing on May 12, 2015, and has found 19 CSR 15-8.410, lacking in compliance with the provisions of Chapter 536, RSMo;

Now Therefore Be It Resolved the General Assembly finds that the Department of Health and Senior Services has violated the provisions of Chapter 536, RSMo, when it failed to comply with the provisions of sections 536.014, 536.200, 536.205, 536.300, and 536.303, RSMo; and

Be It Further Resolved that the Ninety-eighth General Assembly, Second Regular Session, upon concurrence of a majority of the members of the Senate and a majority of the members of the House of Representatives, hereby permanently disapproves and suspends the final order of rulemaking for the proposed rule 19 CSR 15-8.410 Personal Care Attendant Wage Range; and

Be It Further Resolved that a copy of the foregoing be submitted to the Secretary of State so that the Secretary of State may publish in the Missouri Register, as soon as practicable, notice of the disapproval of the final order of rulemaking for the proposed rule 19 CSR 15-8.410, upon

this resolution having been signed by the Governor or having been approved by two-thirds of each house of the Ninety-eighth General Assembly, Second Regular Session, after veto by the Governor as provided in Article III, Sections 31 and 32, and Article IV, Section 8 of the Missouri Constitution; and

Be It Further Resolved that a properly inscribed copy be presented to the Governor in accordance with Article IV, Section 8 of the Missouri Constitution.

Vetoed February 26, 2016
Overridden May 3, 2016

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**PROPOSED AMENDMENTS TO THE
CONSTITUTION OF MISSOURI**

HJR 53 [SS HJR 53]

Proposes a constitutional amendment specifying that a person seeking to vote in a public election may be required by general law to provide a valid government-issued photo identification

CONSTITUTIONAL AMENDMENT NO. 6. — (Proposed by the 98th General Assembly, Second Regular Session, HJR 53)

Official Ballot Title:

Shall the Constitution of Missouri be amended to state that voters may be required by law, which may be subject to exception, to verify one's identity, citizenship, and residence by presenting identification that may include valid government-issued photo identification?

The proposed amendment will result in no costs or savings because any potential costs would be due to the enactment of a general law allowed by this proposal. If such a general law is enacted, the potential costs to state and local governments is unknown, but could exceed \$2.1 million annually.

Fair Ballot Language:

A "yes" vote will amend the Missouri Constitution to state that voters may be required by law to verify their identity, citizenship, and residence by presenting identification that may include valid government-issued photo identification. Exceptions to this identification requirement may also be provided by law.

A "no" vote will not amend the Missouri Constitution regarding elections.

If passed, this measure will have no impact on taxes.

JOINT RESOLUTION Submitting to the qualified voters of Missouri an amendment to article VIII of the Constitution of Missouri, and adopting one new section relating to elections.

SECTION

- A. Enacting clause.
 - 11. Voter identification, authorized to identify voter and verify citizenship and residency—photo identification permitted.
- B. Summary statement.

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

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2014, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for

adoption or rejection, the following amendment to article I of the Constitution of the state of Missouri:

SECTION A. ENACTING CLAUSE.— Article VIII, Constitution of Missouri, is amended by adding one new section, to be known as section 11, to read as follows:

SECTION 11. VOTER IDENTIFICATION, AUTHORIZED TO IDENTIFY VOTER AND VERIFY CITIZENSHIP AND RESIDENCY—PHOTO IDENTIFICATION PERMITTED.—A person seeking to vote in person in public elections may be required by general law to identify himself or herself and verify his or her qualifications as a citizen of the United States of America and a resident of the state of Missouri by providing election officials with a form of identification, which may include valid government-issued photo identification. Exceptions to the identification requirement may also be provided for by general law.

SECTION B. SUMMARY STATEMENT.— Pursuant to Chapter 116 and other applicable constitutional provisions and laws of this state allowing the general assembly to adopt ballot language for the submission of a joint resolution to the voters of this state, the official summary statement of this legislation shall be as follows:

"Shall the Constitution of Missouri be amended to state that voters may be required by law, which may be subject to exception, to verify one's identity, citizenship, and residence by presenting identification that may include valid government-issued photo identification?"

SJR 1 [SS SJR 1]

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

Resubmits the parks and soils tax to a vote of the people starting in 2008.

CONSTITUTIONAL AMENDMENT NO. 1. — (Proposed by Article IV, Section 47(c), Missouri Constitution (SJR 1, 2005))

Official Ballot Title:

Shall Missouri continue for 10 years the one-tenth of one percent sales/use tax that is used for soil and water conservation and for state parks and historic sites, and resubmit this tax to the voters for approval in 10 years?

The measure continues and does not increase the existing sales and use tax of one-tenth of one percent for 10 years. The measure would continue to generate approximately \$90 million annually for soil and water conservation and operation of the state park system.

Fair Ballot Language:

A “yes” vote will continue for 10 years the one-tenth of one percent sales/use tax that is used for soil and water conservation and for state parks and historic sites. This will be resubmitted to the voters for approval in 10 years.

A "no" vote will not continue this sales/use tax.

If passed, this measure will not increase or decrease taxes.

JOINT RESOLUTION Submitting to the qualified voters of Missouri, an amendment repealing section 47(c) of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the parks and soils tax.

SECTION

- A. Enacting clause.
47(c). Provisions self-enforcing, exception — not part of general revenue or expense of state — effective and expiration dates.

Be it resolved by the Senate, the House of Representatives concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2006, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article IV of the Constitution of the state of Missouri:

SECTION A. ENACTING CLAUSE. — Section 47(c), article IV, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 47(c), to read as follows:

SECTION 47(C). PROVISIONS SELF-ENFORCING, EXCEPTION — NOT PART OF GENERAL REVENUE OR EXPENSE OF STATE — EFFECTIVE AND EXPIRATION DATES. — [The effective date of this amendment shall be November 8, 1998.] All laws inconsistent with this amendment shall no longer remain in full force and effect after the effective date of this section. All of the provisions of Sections 47(a), 47(b) and 47(c) shall be self-enforcing except that the General Assembly shall adjust brackets for the collection of the sales and use taxes. The additional revenue provided by Sections 47(a), 47(b) and 47(c) shall not be part of the "total state revenue" within the meaning of Sections 17 and 18 of Article X of this Constitution. The expenditure of this additional revenue shall not be an "expense of state government" under Section 20 of Article X of this Constitution. [This Section 47(a), 47(b) and 47(c) shall terminate after ten years following the effective date of this amendment.] **Upon voter approval of this measure in a general election held in 2006, or at a special election to be called by the governor for that purpose, the provisions of this section, 47(b), and 47(a) shall be reauthorized and continue until a general election is held in 2016 or at a special election to be called by the governor for that purpose. Every ten years thereafter, the issue of whether to continue to impose the sales and use tax described in this section shall be resubmitted to the voters for approval. If a majority of the voters fail to approve the continuance of such sales and use tax, Section 47(a), 47(b), and 47(c) shall terminate at the end of the second fiscal year after the last election was held.**

[Proposed by Initiative Petition]

Official Ballot Title:

Constitutional Amendment 2

Shall Missouri law be amended to:

- ! establish limits on campaign contributions by individuals or entities to political parties, political committees, or committees to elect candidates for state or judicial office;
- ! prohibit individuals and entities from intentionally concealing the source of such contributions;
- ! require corporations or labor organizations to meet certain requirements in order to make such contributions; and
- ! provide a complaint process and penalties for any violations of this amendment?

It is estimated this proposal will increase state government costs by at least \$118,000 annually and have an unknown change in costs for local governmental entities. Any potential impact to revenues for state and local governmental entities is unknown.

Fair Ballot Language:

A “**yes**” vote will amend the Missouri Constitution to establish limits on campaign contributions by individuals or entities to political parties, political committees, or committees to elect candidates for state or judicial office. This amendment prohibits individuals and entities from intentionally concealing the source of such contributions. This amendment also requires corporations or labor organizations to meet certain requirements in order to make such contributions. This amendment further provides a complaint process and penalties for any violations of this amendment.

A “**no**” vote will not amend the Missouri Constitution to establish limits on campaign contributions.

If passed, this measure will have no impact on taxes.

Constitutional Amendment 2**Missouri Constitution Article VIII**

Be it resolved by the people of the state of Missouri that the Constitution be amended:

One new section is adopted by adding one new section to be known as section 23 of Article VIII to read as follows:

Section 23. 1. This section shall be known as the "Missouri Campaign Contribution Reform Initiative."

2. The people of the State of Missouri hereby find and declare that excessive campaign contributions to political candidates create the potential for corruption and the appearance of corruption; that large campaign contributions made to influence election outcomes allow

wealthy individuals, corporations and special interest groups to exercise a disproportionate level of influence over the political process; that the rising costs of campaigning for political office prevent qualified citizens from running for political office; that political contributions from corporations and labor organizations are not necessarily an indication of popular support for the corporation's or labor organization's political ideas and can unfairly influence the outcome of Missouri elections; and that the interests of the public are best served by limiting campaign contributions, providing for full and timely disclosure of campaign contributions, and strong enforcement of campaign finance requirements.

3. (1) Except as provided in subdivisions (2), (3) and (4) of this subsection, the amount of contributions made by or accepted from any person other than the candidate in any one election shall not exceed the following:

(a) To elect an individual to the office of governor, lieutenant governor, secretary of state, state treasurer, state auditor, attorney general, office of state senator, office of state representative or any other state or judicial office, two thousand six hundred dollars.

(2) (a) No political party shall accept aggregate contributions from any person that exceed twenty-five thousand dollars per election at the state, county, municipal, district, ward, and township level combined.

(b) No political party shall accept aggregate contributions from any committee that exceed twenty-five thousand dollars per election at the state, county, municipal, district, ward, and township level combined.

(3) (a) It shall be unlawful for a corporation or labor organization to make contributions to a campaign committee, candidate committee, exploratory committee, political party committee or a political party; except that a corporation or labor organization may establish a continuing committee which may accept contributions or dues from members, officers, directors, employees or security holders.

(b) The prohibition contained in subdivision (a) of this subsection shall not apply to a corporation that:

(i) Is formed for the purpose of promoting political ideas and cannot engage in business activities; and

(ii) Has no security holders or other persons with a claim on its assets or income; and

(iii) Was not established by and does not accept contributions from business corporations or labor organizations.

(4) No candidate's candidate committee shall accept contributions from, or make contributions to, another candidate committee, including any candidate committee, or equivalent entity, established under federal law.

(5) Notwithstanding any other subdivision of this subsection to the contrary, a candidate's candidate committee may receive a loan from a financial institution organized under state or federal law if the loan bears the usual and customary interest rate, is made on a basis that assures repayments, is evidenced by a written instrument, and is subject to a due date or amortization schedule. The contribution limits described in this subsection shall not apply to a loan as described in this subdivision.

(6) No campaign committee, candidate committee, continuing committee, exploratory committee, political party committee, and political party shall accept a contribution in cash exceeding one hundred dollars per election.

(7) No contribution shall be made or accepted, directly or indirectly, in a fictitious name, in the name of another person, or by or through another person in such a manner as to conceal the identity of the actual source of the contribution or the actual recipient. Any person who receives contributions for a committee shall disclose to that committee's treasurer, deputy treasurer or candidate the recipient's own name and address and the name and address of the actual source of each contribution such person has received for that committee.

(8) No anonymous contribution of more than twenty-five dollars shall be made by any person, and no anonymous contribution of more than twenty-five dollars shall be accepted by any candidate or committee. If any anonymous contribution of more than twenty-five dollars is received, it shall be returned immediately to the contributor, if the contributor's identity can be ascertained, and if the contributor's identity cannot be ascertained, the candidate, committee treasurer or deputy treasurer shall immediately transmit that portion of the contribution which exceeds twenty-five dollars to the state treasurer and it shall escheat to the state.

(9) The maximum aggregate amount of anonymous contributions which shall be accepted per election by any committee shall be the greater of five hundred dollars or one percent of the aggregate amount of all contributions received by that committee in the same election. If any anonymous contribution is received which causes the aggregate total of anonymous contributions to exceed the foregoing limitation, it shall be returned immediately to the contributor, if the contributor's identity can be ascertained, and, if the contributor's identity cannot be ascertained, the committee treasurer, deputy treasurer or candidate shall immediately transmit the anonymous contribution to the state treasurer to escheat to the state.

(10) Notwithstanding the provisions of subdivision (9) of this subsection, contributions from individuals whose names and addresses cannot be ascertained which are received from a fund-raising activity or event, such as defined in section 130.011, RSMo, as amended from time to time, shall not be deemed anonymous contributions, provided the following conditions are met:

(a) There are twenty-five or more contributing participants in the activity or event;

(b) The candidate, committee treasurer, deputy treasurer or the person responsible for conducting the activity or event makes an announcement that it is illegal for anyone to make or receive a contribution in excess of one hundred dollars unless the contribution is accompanied by the name and address of the contributor;

(c) The person responsible for conducting the activity or event does not knowingly accept payment from any single person of more than one hundred dollars unless the name and address of the person making such payment is obtained and recorded pursuant to the record-keeping requirements of section 130.036, RSMo, as amended from time to time;

(d) A statement describing the event shall be prepared by the candidate or the treasurer of the committee for whom the funds were raised or by the person responsible for conducting the activity or event and attached to the disclosure report of contributions and expenditures required by section 130.041, RSMo, as amended from time to time. The following information to be listed in the statement is in addition to, not in lieu of, the requirements elsewhere in this chapter relating to the recording and reporting of contributions and expenditures:

(i) The name and mailing address of the person or persons responsible for conducting the event or activity and the name and address of the candidate or committee for whom the funds were raised;

(ii) The date on which the event occurred;

(iii) The name and address of the location where the event occurred and the approximate number of participants in the event;

(iv) A brief description of the type of event and the fund-raising methods used;

(v) The gross receipts from the event and a listing of the expenditures incident to the event;

(vi) The total dollar amount of contributions received from the event from participants whose names and addresses were not obtained with such contributions and an explanation of why it was not possible to obtain the names and addresses of such participants;

(vii) The total dollar amount of contributions received from contributing participants in the event who are identified by name and address in the records required to be maintained pursuant to section 130.036, RSMo, as amended from time to time.

(11) No candidate or committee in this state shall accept contributions from any out-of-state committee unless the out-of-state committee from whom the contributions are received has filed a statement of organization pursuant to section 130.021, RSMo, as amended from time to time, or has filed the reports required by sections 130.049 and 130.050, RSMo, as amended from time to time, whichever is applicable to that committee.

(12) Political action committees shall only receive contributions from individuals; unions; federal political action committees; and corporations, associations, and partnerships formed under chapters 347 to 360, RSMo, as amended from time to time, and shall be prohibited from receiving contributions from other political action committees, candidate committees, political party committees, campaign committees, exploratory committees, or debt service committees. However, candidate committees, political party committees, campaign committees, exploratory committees, and debt service committees shall be allowed to return contributions to a donor political action committee that is the origin of the contribution .

(13) The prohibited committee transfers described in subdivision (12) of this subsection shall not apply to the following committees:

(a) The state house committee per political party designated by the respective majority or minority floor leader of the house of representatives or the chair of the state party if the party does not have majority or minority party status;

(b) The state senate committee per political party designated by the respective majority or minority floor leader of the senate or the chair of the state party if the party does not have majority or minority party status.

(14) No person shall transfer anything of value to any committee with the intent to conceal, from the Missouri ethics commission, the identity of the actual source. Any violation of this subdivision shall be punishable as follows:

(a) For the first violation, the Missouri ethics commission shall notify such person that the transfer to the committee is prohibited under this section within five days of determining that

the transfer is prohibited, and that such person shall notify the committee to which the funds were transferred that the funds must be returned within ten days of such notification;

(b) For the second violation, the person transferring the funds shall be guilty of a class C misdemeanor;

(c) For the third and subsequent violations, the person transferring the funds shall be guilty of a class D felony.

(15) No person shall make a contribution to a campaign committee, candidate committee, continuing committee, exploratory committee, political party committee, and political party with the expectation that some or all of the amounts of such contribution will be reimbursed by another person. No person shall be reimbursed for a contribution made to any campaign committee, candidate committee, continuing committee, exploratory committee, political party committee, and political party, nor shall any person make such reimbursement expect as provided in subdivision (5) of this subsection.

(16) No campaign committee, candidate committee, continuing committee, exploratory committee, political party committee, and political party shall knowingly accept contributions from:

(a) Any natural person who is not a citizen of the United States;

(b) A foreign government; or

(c) Any foreign corporation that does not have the authority to transact business in this state pursuant to Chapter 347, RSMo, as amended from time to time.

(17) Contributions from persons under fourteen years of age shall be considered made by the parents or guardians of such person and shall be attributed toward any contribution limits prescribed in this chapter. Where the contributor under fourteen years of age has two custodial parents or guardians, fifty percent of the contribution shall be attributed to each parent or guardian, and where such contributor has one custodial parent or guardian, all such contributors shall be attributed to the custodial parent or guardian.

(18) Each limit on contributions described in subdivisions (1), (2)(a), and (2)(b) of this subsection shall be adjusted by an amount based upon the average of the percentage change over a four year period in the United States Bureau of Labor Statistics Consumer Price Index for Kansas City, all items, all consumers, or its successor index, rounded to the nearest lowest twenty-five dollars and the percentage change over a four year period in the United States Bureau of Labor Statistics Consumer Price Index for St. Louis, all items, all consumers, or its successor index, rounded to the nearest lowest twenty-five dollars. The first adjustment shall be done in the first quarter of 2019, and then every four years thereafter. The secretary of state shall calculate such an adjustment in each limit and specify the limits in rules promulgated in accordance with Chapter 536, RSMo, as amended from time to time.

4. (1) Notwithstanding the provisions of subsection 3 of section 105.957, RSMo, as amended from time to time, any natural person may file a complaint with the Missouri ethics commission alleging a violation of the provisions of section 3 of this Article by any candidate for elective office, within sixty days prior to the primary election at which such candidate is running for office, until after the general election. Any such complaint shall be in writing, shall state all facts known by the complainant which have given rise to the complaint, and shall be sworn to, under penalty of perjury, by the complainant.

(2) Within the first business day after receipt of a complaint pursuant to this section, the executive director shall supply a copy of the complaint to the person or entity named in the complaint. The executive director of the Missouri ethics commission shall notify the complainant and the person or entity named in the complaint of the date and time at which the commission shall audit and investigate the allegations contained in the complaint pursuant to subdivision (3) of this subsection.

(3) Within fifteen business days of receipt of a complaint pursuant to this section, the commission shall audit and investigate the allegations contained in the complaint and shall determine by a vote of at least four members of the commission that there are reasonable grounds to believe that a violation of law has occurred within the jurisdiction of the commission. The respondent may reply in writing or in person to the allegations contained in the complaint and may state justifications to dismiss the complaint. The complainant may also present evidence in support of the allegations contained in the complaint, but such evidence shall be limited in scope to the allegations contained in the original complaint, and such complaint may not be supplemented or otherwise enlarged in scope.

(4) If, after audit and investigation of the complaint and upon a vote of at least four members of the commission, the commission determines that there are reasonable grounds to believe that a violation of law has occurred within the jurisdiction of the commission, the commission shall proceed with such complaint as provided by sections 105.957 to 105.963, RSMo, as amended from time to time. If the commission does not determine that there are reasonable grounds to believe that such a violation of law has occurred, the complaint shall be dismissed. If a complaint is dismissed, the fact that such complaint was dismissed, with a statement of the nature of the complaint, shall be made public within twenty-four hours of the commission's action.

(5) Any complaint made pursuant to this section, and all proceedings and actions concerning such a complaint, shall be subject to the provisions of subsection 15 of section 105.961, RSMo, as amended from time to time.

(6) No complaint shall be accepted by the commission within fifteen days prior to the primary or general election at which such candidate is running for office.

5. Any person who knowingly and willfully accepts or makes a contribution in violation of any provision of section 3 of this Article or who knowingly and willfully conceals a contribution by filing a false or incomplete report or by not filing a required report under Chapter 130, RSMo, as amended from time to time, shall be held liable to the state in civil penalties in an amount of at least double and up to five times the amount of any such contribution.

6. (1) Any person who purposely violates the provisions of section 3 of this Article is guilty of a class A misdemeanor.

(2) Notwithstanding any other provision of law which bars prosecutions for any offenses other than a felony unless commenced within one year after the commission of the offense, any offense under the provisions of this section may be prosecuted if the indictment be found or prosecution be instituted within three years after the commission of the alleged offense.

(3) Any prohibition to the contrary notwithstanding, no person shall be deprived of the rights, guarantees, protections or privileges accorded by sections 130.011 to 130.026, 130.031 to 130.068, 130.072, and 130.081, RSMO, as amended from time to time, by any person, corporation, entity or political subdivision.

7. As used in this section, the following terms have the following meanings:

(1) "Appropriate officer" or "appropriate officers", the person or persons designated in section 130.026, or any successor section, to receive certain required statements and reports;

(2) "Candidate", an individual who seeks nomination or election to public office. The term "candidate" includes an elected officeholder who is the subject of a recall election, an individual who seeks nomination by the individual's political party for election to public office, an individual standing for retention in an election to an office to which the individual was previously appointed, an individual who seeks nomination or election whether or not the specific elective public office to be sought has been finally determined by such individual at the time the individual meets the conditions described in paragraph (a) or (b) of this subdivision, and an individual who is a write-in candidate as defined in subdivision (26) of this section. A candidate shall be deemed to seek nomination or election when the person first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote the person's candidacy for office; or

(b) Knows or has reason to know that contributions are being received or expenditures are being made or space or facilities are being reserved with the intent to promote the person's candidacy for office; except that, such individual shall not be deemed a candidate if the person files a statement with the appropriate officer within five days after learning of the receipt of contributions, the making of expenditures, or the reservation of space or facilities disavowing the candidacy and stating that the person will not accept nomination or take office if elected; provided that, if the election at which such individual is supported as a candidate is to take place within five days after the person's learning of the above-specified activities, the individual shall file the statement disavowing the candidacy within one day; or

(c) Announces or files a declaration of candidacy for office.

(3) "Cash", currency, coin, United States postage stamps, or any negotiable instrument which can be transferred from one person to another person without the signature or endorsement of the transferor.

(4) "Committee", a person or any combination of persons, who accepts contributions or makes expenditures for the primary or incidental purpose of influencing or attempting to influence the action of voters for or against the nomination or election to public office of one or more candidates or the qualification, passage or defeat of any ballot measure or for the purpose of paying a previously incurred campaign debt or obligation of a candidate or the debts or obligations of a committee or for the purpose of contributing funds to another committee.

(5) "Committee", does not include:

(a) A person or combination of persons, if neither the aggregate of expenditures made nor the aggregate of contributions received during a calendar year exceeds five hundred dollars and if no single contributor has contributed more than two hundred fifty dollars of such aggregate contributions;

(b) An individual, other than a candidate, who accepts no contributions and who deals only with the individual's own funds or property;

(c) A corporation, cooperative association, partnership, proprietorship, or joint venture organized or operated for a primary or principal purpose other than that of influencing or attempting to influence the action of voters for or against the nomination or election to public office of one or more candidates or the qualification, passage or defeat of any ballot measure, and it accepts no contributions, and all expenditures it makes are from its own funds or property obtained in the usual course of business or in any commercial or other transaction and which are not contributions as defined by subdivision (7) of this section;

(d) A labor organization organized or operated for a primary or principal purpose other than that of influencing or attempting to influence the action of voters for or against the nomination or election to public office of one or more candidates, or the qualification, passage, or defeat of any ballot measure, and it accepts no contributions, and expenditures made by the organization are from its own funds or property received from membership dues or membership fees which were given or solicited for the purpose of supporting the normal and usual activities and functions of the organization and which are not contributions as defined by subdivision (7) of this section;

(e) A person who acts as an authorized agent for a committee in soliciting or receiving contributions or in making expenditures or incurring indebtedness on behalf of the committee if such person renders to the committee treasurer or deputy treasurer or candidate, if applicable, an accurate account of each receipt or other transaction in the detail required by the treasurer to comply with all record-keeping and reporting requirements; or

(f) Any department, agency, board, institution or other entity of the state or any of its subdivisions or any officer or employee thereof, acting in the person's official capacity.

(6) The term "committee" includes, but is not limited to, each of the following committees: campaign committee, candidate committee, continuing committee and political party committee:

(a) "Campaign committee", a committee, other than a candidate committee, which shall be formed by an individual or group of individuals to receive contributions or make expenditures and whose sole purpose is to support or oppose the qualification and passage of one or more particular ballot measures in an election or the retention of judges under the nonpartisan court plan, such committee shall be formed no later than thirty days prior to the election for which the committee receives contributions or makes expenditures, and which shall terminate the later of either thirty days after the general election or upon the satisfaction of all committee debt after the general election, except that no committee retiring debt shall engage in any other activities in support of a measure for which the committee was formed;

(b) "Candidate committee", a committee which shall be formed by a candidate to receive contributions or make expenditures in behalf of the person's candidacy and which shall continue in existence for use by an elected candidate or which shall terminate the later of either thirty days after the general election for a candidate who was not elected or upon the satisfaction of all committee debt after the election, except that no committee retiring debt shall engage in any other activities in support of the candidate for which the committee was formed. Any candidate for elective office shall have only one candidate committee for the elective office sought, which is controlled directly by the candidate for the purpose of making expenditures. A candidate committee is presumed to be under the control and direction of the candidate unless the candidate files an affidavit with the appropriate officer stating that the committee is acting without control or direction on the candidate's part;

(c) "Continuing committee", a committee of continuing existence which is not formed, controlled or directed by a candidate, and is a committee other than a candidate committee or campaign committee, whose primary or incidental purpose is to receive contributions or make expenditures to influence or attempt to influence the action of voters whether or not a particular candidate or candidates or a particular ballot measure or measures to be supported or opposed has been determined at the time the committee is required to file any statement or report pursuant to the provisions of this chapter. "Continuing committee" includes, but is not limited to, any committee organized or sponsored by a business entity, a labor organization, a professional association, a trade or business association, a club or other organization and whose primary purpose is to solicit, accept and use contributions from the members, employees or stockholders of such entity and any individual or group of individuals who accept and use contributions to influence or attempt to influence the action of voters. Such committee shall be formed no later than sixty days prior to the election for which the committee receives contributions or makes expenditures; and

(d) "Connected organization", any organization such as a corporation, a labor organization, a membership organization, a cooperative, or trade or professional association which expends funds or provides services or facilities to establish, administer or maintain a committee or to solicit contributions to a committee from its members, officers, directors, employees or security holders. An organization shall be deemed to be the connected organization if more than fifty percent of the persons making contributions to the committee during the current calendar year are members, officers, directors, employees or security holders of such organization or their spouses.

(7) "Contribution", a payment, gift, loan, advance, deposit, or donation of money or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office or the qualification, passage or defeat of any ballot measure, or for the support of any committee supporting or opposing candidates or ballot measures or for paying debts or obligations of any candidate or committee previously incurred for the above purposes. A contribution of anything of value shall be deemed to have a money value equivalent to the fair market value. "Contribution" includes, but is not limited to:

(a) A candidate's own money or property used in support of the person's candidacy other than expense of the candidate's food, lodging, travel, and payment of any fee necessary to the filing for public office;

(b) Payment by any person, other than a candidate or committee, to compensate another person for services rendered to that candidate or committee;

(c) Receipts from the sale of goods and services, including the sale of advertising space in a brochure, booklet, program or pamphlet of a candidate or committee and the sale of tickets or political merchandise;

(d) Receipts from fund-raising events including testimonial affairs;

(e) Any loan, guarantee of a loan, cancellation or forgiveness of a loan or debt or other obligation by a third party, or payment of a loan or debt or other obligation by a third party if the loan or debt or other obligation was contracted, used, or intended, in whole or in part, for use in an election campaign or used or intended for the payment of such debts or obligations of a candidate or committee previously incurred, or which was made or received by a committee;

(f) Funds received by a committee which are transferred to such committee from another committee or other source, except funds received by a candidate committee as a transfer of funds from another candidate committee controlled by the same candidate but such transfer shall be included in the disclosure reports;

(g) Facilities, office space or equipment supplied by any person to a candidate or committee without charge or at reduced charges, except gratuitous space for meeting purposes which is made available regularly to the public, including other candidates or committees, on an equal basis for similar purposes on the same conditions; and

(h) The direct or indirect payment by any person, other than a connected organization, of the costs of establishing, administering, or maintaining a committee, including legal, accounting and computer services, fund raising and solicitation of contributions for a committee.

(8) "Contribution" does not include:

(a) Ordinary home hospitality or services provided without compensation by individuals volunteering their time in support of or in opposition to a candidate, committee or ballot measure, nor the necessary and ordinary personal expenses of such volunteers incidental to the performance of voluntary activities, so long as no compensation is directly or indirectly asked or given;

(b) An offer or tender of a contribution which is expressly and unconditionally rejected and returned to the donor within ten business days after receipt or transmitted to the state treasurer;

(c) Interest earned on deposit of committee funds; or

(d) The costs incurred by any connected organization listed pursuant to subdivision (4) of subsection 5 of section 130.021, RSMo, as amended from time to time, for establishing, administering or maintaining a committee, or for the solicitation of contributions to a committee which solicitation is solely directed or related to the members, officers, directors, employees or security holders of the connected organization.

(9) "County", any one of the several counties of this state or the city of St. Louis.

(10) "Disclosure report", an itemized report of receipts, expenditures and incurred indebtedness which is prepared on forms approved by the Missouri ethics commission and filed at the times and places prescribed.

(11) "Election", any primary, general or special election held to nominate or elect an individual to public office, to retain or recall an elected officeholder or to submit a ballot measure to the voters, and any caucus or other meeting of a political party or a political party committee at which that party's candidate or candidates for public office are officially selected. A primary election and the succeeding general election shall be considered separate elections.

(12) "Expenditure", a payment, advance, conveyance, deposit, donation or contribution of money or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office or the qualification or passage of any ballot measure or for the support of any committee which in turn supports or opposes any candidate or ballot measure or for the purpose of paying a previously incurred campaign debt or obligation of a candidate or the debts or obligations of a committee; a payment, or an

agreement or promise to pay, money or anything of value, including a candidate's own money or property, for the purchase of goods, services, property, facilities or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office or the qualification or passage of any ballot measure or for the support of any committee which in turn supports or opposes any candidate or ballot measure or for the purpose of paying a previously incurred campaign debt or obligation of a candidate or the debts or obligations of a committee. An expenditure of anything of value shall be deemed to have a money value equivalent to the fair market value. "Expenditure" includes, but is not limited to:

(a) Payment by anyone other than a committee for services of another person rendered to such committee;

(b) The purchase of tickets, goods, services or political merchandise in connection with any testimonial affair or fund-raising event of or for candidates or committees, or the purchase of advertising in a brochure, booklet, program or pamphlet of a candidate or committee;

(c) The transfer of funds by one committee to another committee; and

(d) The direct or indirect payment by any person, other than a connected organization for a committee, of the costs of establishing, administering or maintaining a committee, including legal, accounting and computer services, fund raising and solicitation of contributions for a committee.

(13) "Expenditure" does not include:

(a) Any news story, commentary or editorial which is broadcast or published by any broadcasting station, newspaper, magazine or other periodical without charge to the candidate or to any person supporting or opposing a candidate or ballot measure;

(b) The internal dissemination by any membership organization, proprietorship, labor organization, corporation, association or other entity of information advocating the election or defeat of a candidate or candidates or the passage or defeat of a ballot measure or measures to its directors, officers, members, employees or security holders, provided that the cost incurred is reported pursuant to subsection 2 of section 130.051, RSMo, as amended from time to time;

(c) Repayment of a loan, but such repayment shall be indicated in required reports;

(d) The rendering of voluntary personal services by an individual of the sort commonly performed by volunteer campaign workers and the payment by such individual of the individual's necessary and ordinary personal expenses incidental to such volunteer activity, provided no compensation is, directly or indirectly, asked or given;

(e) The costs incurred by any connected organization listed pursuant to subdivision (4) of subsection 5 of section 130.021, RSMo, as amended from time to time, for establishing, administering or maintaining a committee, or for the solicitation of contributions to a committee which solicitation is solely directed or related to the members, officers, directors, employees or security holders of the connected organization; or

(f) The use of a candidate's own money or property for expense of the candidate's personal food, lodging, travel, and payment of any fee necessary to the filing for public office, if such expense is not reimbursed to the candidate from any source.

(14) "Exploratory committees", a committee which shall be formed by an individual to receive contributions and make expenditures on behalf of this individual in determining whether or not the individual seeks elective office. Such committee shall terminate no later than December thirty-first of the year prior to the general election for the possible office.

(15) "Fund-raising event", an event such as a dinner, luncheon, reception, coffee, testimonial, rally, auction or similar affair through which contributions are solicited or received by such means as the purchase of tickets, payment of attendance fees, donations for prizes or through the purchase of goods, services or political merchandise.

(16) "In-kind contribution" or "in-kind expenditure", a contribution or expenditure in a form other than money.

(17) "Labor organization", any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(18) "Loan", a transfer of money, property or anything of ascertainable monetary value in exchange for an obligation, conditional or not, to repay in whole or in part and which was contracted, used, or intended for use in an election campaign, or which was made or received by a committee or which was contracted, used, or intended to pay previously incurred campaign debts or obligations of a candidate or the debts or obligations of a committee.

(19) "Person", an individual, group of individuals, corporation, partnership, committee, proprietorship, joint venture, any department, agency, board, institution or other entity of the state or any of its political subdivisions, union, labor organization, trade or professional or business association, association, political party or any executive committee thereof, or any other club or organization however constituted or any officer or employee of such entity acting in the person's official capacity.

(20) "Political action committee", a committee of continuing existence which is not formed, controlled or directed by a candidate, and is a committee other than a candidate committee, political party committee, campaign committee, exploratory committee, or debt service committee, whose primary or incidental purpose is to receive contributions or make expenditures to influence or attempt to influence the action of voters whether or not a particular candidate or candidates or a particular ballot measure or measures to be supported or opposed has been determined at the time the committee is required to file any statement or report pursuant to the provisions of this chapter. Such a committee includes, but is not limited to, any committee organized or sponsored by a business entity, a labor organization, a professional association, a trade or business association, a club or other organization and whose primary purpose is to solicit, accept and use contributions from the members, employees or stockholders of such entity and any individual or group of individuals who accept and use contributions to influence or attempt to influence the action of voters. Such committee shall be formed no later than sixty days prior to the election for which the committee receives contributions or makes expenditures.

(21) "Political merchandise", goods such as bumper stickers, pins, hats, ties, jewelry, literature, or other items sold or distributed at a fund-raising event or to the general public for publicity or for the purpose of raising funds to be used in supporting or opposing a candidate for nomination or election or in supporting or opposing the qualification, passage or defeat of a ballot measure.

(22) "Political party", a political party which has the right under law to have the names of its candidates listed on the ballot in a general election.

(23) "Political party committee", a state, district, county, city, or area committee of a political party, as defined in section 115.603, RSMo, as amended from time to time, which may be organized as a not-for-profit corporation under Missouri law, and which committee is of continuing existence, and has the primary or incidental purpose of receiving contributions and making expenditures to influence or attempt to influence the action of voters on behalf of the political party.

(24) "Public office" or "office", any state, judicial, county, municipal, school or other district, ward, township, or other political subdivision office or any political party office which is filled by a vote of registered voters.

(25) "Write-in candidate", an individual whose name is not printed on the ballot but who otherwise meets the definition of candidate in subdivision (2) of this section.

8. The provisions of this section are self-executing. All of the provisions of this section are severable. If any provision of this section is found by a court of competent jurisdiction to be unconstitutional or unconstitutionally enacted, the remaining provisions of this section shall be and remain valid.

[Proposed by Initiative Petition]

Official Ballot Title:

Constitutional Amendment 3

Shall Missouri law be amended to:

- ! increase taxes on cigarettes each year through 2020, at which point this additional tax will total 60 cents per pack of 20;
- ! create a fee paid by cigarette wholesalers of 67 cents per pack of 20 on certain cigarettes, which fee shall increase annually; and
- ! deposit funds generated by these taxes and fees into a newly established Early Childhood Health and Education Trust Fund?

When cigarette tax increases are fully implemented, estimated additional revenue to state government is \$263 million to \$374 million annually, with limited estimated implementation costs. The revenue will fund only programs and services allowed by the proposal. The fiscal impact to local governmental entities is unknown.

Fair Ballot Language:

A "yes" vote will amend the Missouri Constitution to increase taxes on cigarettes each year through 2020, at which point this additional tax will total 60 cents per pack of 20. This amendment also creates a fee paid by cigarette wholesalers of 67 cents per pack of 20 on certain cigarettes. This amendment further provides that the funds generated by these taxes and fees shall be deposited into a newly established Early Childhood Health and Education Trust Fund.

A “no” vote will not amend the Missouri Constitution relating to taxes and fees on cigarettes.

If passed, this measure will increase taxes on cigarettes.

NOTICE: You are advised that the proposed amendment to the constitution changes, repeals, or modifies by implication, or may be construed to change, repeal or modify by implication, Article IV of the Missouri Constitution and the following provisions of the Missouri Revised Statutes-Sections 33.080, 66.340, 66.350, 149.015, 149.021, 149.065, 149.160, 196.1003, 210.102, and 210.320. The proposed amendment enacts four new sections in Article IV of the Missouri Constitution, to be known as Sections 54, 54(a), 54(b), and 54(c).

Constitutional Amendment 3

Missouri Constitution Article IV

Be it resolved by the people of the state of Missouri that the Constitution be amended:

Article IV is amended by adopting four new sections to be known as Sections 54, 54(a), 54(b), and 54(c).

Section 54. The provisions of Sections 54 through 54(c) shall be known as the Early Childhood Health and Education Amendment. It shall be the public policy of this state to improve the health and education of children, from birth through age five, and to improve accountability for early childhood health and education funding.

Section 54(a). 1. There is hereby created the Early Childhood Health and Education Trust Fund. The fund shall consist of all moneys collected as provided in Section 54(c) and shall also include the balance of the Coordinating Board for Early Childhood Fund, which shall cease to exist as a discrete fund after its proceeds are transferred into the Early Childhood Health and Education Trust Fund upon the effective date of this section. Interest and moneys earned on the fund shall be deposited in the fund. Moneys in the fund may be invested by the state treasurer, and any income therefrom shall be credited to the fund. Any moneys credited to and deposited in the fund shall be used only for purposes which are authorized by this section, shall not be diverted to any other purpose, and shall not be subject to the provisions of section 33.080, or other similar law. The net proceeds from the moneys collected as provided in Section 54(c) shall constitute new and additional funding for the activities, initiatives, and programs and shall not be used to replace existing funding as of July 1, 2016, for the same or similar activities, initiatives, and programs. The funds deposited in the fund and available for distribution to public and private entities shall be distributed as follows:

a. At least seventy-five percent (75%) of funds shall be disbursed in grants for improving the quality of and increasing access to Missouri early childhood education programs, including preschool, home visitation, parent and family support and education, professional development and training for early childhood development providers, and increasing coordination of and public information about the importance of early childhood development;

b. No less than ten percent (10%) and no more than fifteen percent (15%) of funds shall be disbursed in grants to Missouri hospitals or other health care facilities to improve access to quality early childhood health and development programs, including preventative health care,

obesity prevention, infant mortality prevention, health and developmental screenings for Missouri children ages birth through five; and

c. No less than five percent (5%) and no more than ten percent (10%) of funds shall be disbursed in grants to provide evidenced-based smoking cessation and prevention programs for Missouri pregnant mothers and youth to be used solely for the purpose of establishing, maintaining, and enhancing activities, programs, and initiatives to promote tobacco use quit assistance and prevention, including a comprehensive statewide tobacco control program that incorporates the use of nicotine replacement therapy products regulated as drugs or devices by the United States food and drug administration under Chapter V of the Federal Food, Drug, and Cosmetic Act, and public health for tobacco-related diseases. The comprehensive statewide tobacco control program shall be consistent with the United States Centers for Disease Control and Prevention's, or its successor agency's, best practices and guidelines for tobacco control programs, if any, and shall be designed to be effective to prevent and reduce tobacco use, reduce the public's exposure to secondhand smoke, and identify and eliminate disparities related to tobacco use and its effects among different population groups. The components of the comprehensive statewide tobacco control program shall include, but not be limited to: state and community based interventions, health communication interventions, cessation interventions, surveillance and evaluation, and administration and management.

2. Unless modified by law, eligible administrative expenses shall include only those reasonable and necessary for: (1) Salaries, fringe benefits, expenses, and equipment of staff employed by the Early Childhood Commission, as defined in Section 54(b); (2) Expenses associated with cost sharing of salaries, fringe benefits, expenses, and equipment of staff employed or contracted by the Early Childhood Commission from any other state department or agency of the state; (3) Expenses of the Early Childhood Commission associated with contracting with not-for-profit entities; and (4) Expenses of the Early Childhood Commission associated with audits and outcome evaluations of programs and activities funded under this section. Unless modified by law, no more than three percent (3%) of the moneys deposited in the Early Childhood Health and Education Trust Fund shall be used for administrative expenses. The Commission shall establish guidelines and controls concerning grantees' administrative expenses associated with meeting requirements of grants.

Section 54(b). 1. As of the effective date of this section, the Coordinating Board for Early Childhood shall be reformed and shall be renamed the Early Childhood Commission. On the effective date of this section any of the Coordinating Board's programs, duties, obligations, powers, assets, and liabilities not assumed by the Early Childhood Commission under the express terms of this Section shall, unless otherwise provided by law, be taken up by the Early Childhood Commission. Any employees of the Coordinating Board for Early Childhood shall retain the same status with the Commission on the effective date of this section, and the executive director of the board shall be the first Administrator of the Commission, unless such employees or director are lawfully terminated.

2. In addition to the duties already provided under the laws establishing and governing the Coordinating Board for Early Childhood, the Commission shall also have the duty to administer and make grants from the Early Childhood Health and Education Trust Fund as provided in section 54(a) of this article, as may be provided by law. Only Missouri residents who are also legal residents of the United States are authorized to receive services or benefits from any funds generated by this Amendment, unless otherwise prohibited by state or federal law. All services or programs that derive from funds generated by this Amendment shall be performed in the state of Missouri. Only hospitals and health care facilities operating in the state of Missouri that maintain a license in good standing pursuant to Missouri's hospital or

health care facility licensing laws shall be eligible to receive grants from the Early Childhood Health and Education Trust Fund pursuant to Section 54(a)(1)(b). The Commission shall have the power to hire an Administrator and staff; promulgate rules and regulations; apply for and receive public or private gifts, grants, or appropriations; buy, sell, or lease real and personal property; make disbursements and grants; and any other powers necessary or appropriate to carry out the purposes and duties set out in this Amendment. None of the funds collected, distributed, or allocated from the Early Childhood Health and Education Trust Fund shall be expended, paid or granted to or on behalf of existing or proposed activities, programs, or initiatives that involve abortion services including performing, inducing, or assisting with abortions, as defined in law, or encouraging patients to have abortions, referring patients for abortions not necessary to save the life of the mother, or development of drugs, chemicals, or devices intended to be used to induce an abortion. None of the funds collected, distributed, or allocated from the Early Childhood Health and Education Trust Fund shall be expended, paid or granted to or on behalf of any abortion clinic, abortion clinic operator, or outpatient health care facility that provides abortion services, unless such services are limited to medical emergencies. No funds from the Early Childhood Health and Education Trust Fund shall be used for human cloning or research, clinical trials, or therapies or cures using human embryonic stem cells, as defined in Article III, section 38(d). No funds from the Early Childhood Health and Education Trust Fund shall be used for tobacco related research of any kind. Distributions of funds under this amendment shall not be limited or prohibited by the provisions of Article IX, section 8.

3. The Commission shall establish and maintain a conflict of interest policy for its members and staff. The Commission shall ensure a fair and equitable distribution of funds distributed as grants based on the established residency population of children ages birth through five. The Commission shall establish accountability and audit requirements for all grant recipients, including requirements that success be measured by outcomes for Missouri children and families. Unless modified by law, Commission members shall include: (1) the director or the director's designee from each of the following departments: health and senior services, mental health, and social services; (2) the commissioner or the commissioner's designee from the department of elementary and secondary education; (3) two members of the Missouri general assembly. One member shall be the chairman of the joint committee on education. One member shall be a member of the joint committee on education, shall be from a different party and different legislative chamber than the chairman of the joint committee on education, and shall be appointed by the elected leader, either the speaker of the house of representatives or the president pro tempore of the senate, of the member's legislative chamber; (4) The director of the Missouri head start-state collaborative office; (5) six citizens, representing each of the following areas: early childhood education and development providers, local head start agencies, higher education, business, faith, and medicine. The Governor shall appoint, with the advice and consent of the senate, the three citizens representing the areas of medicine, business, and higher education. The state board of education shall appoint the citizens representing the areas of early childhood education and development providers, local head start agencies, and faith. Commission members shall serve a term of three years. Such citizens shall be eligible to serve two terms. Such citizens that serve a partial term of less than eighteen months shall be eligible to serve the partial term and two full terms. Such citizens that serve a partial term of more than eighteen months shall be eligible to serve the partial term and one full term. No Commissioners shall receive any compensation for their service as a Commissioner.

Section 54(c). 1. In addition to any tax levied upon the sale of cigarettes in this state, a tax shall be levied upon the sale of cigarettes in an amount equal to thirty mills per cigarette (or sixty cents per pack of twenty cigarettes), phased in, in four equal annual increments of seven

and one-half mills (or fifteen cents per pack of twenty cigarettes) on January 1, 2017, January 1, 2018, January 1, 2019 and January 1, 2020. The tax shall be evidenced by stamps which shall be furnished by and purchased from the director or by an impression of the tax by the use of a metering machine when authorized by the director as provided by statute, and the stamps or impression shall be securely affixed to one end of each package in which cigarettes are contained. All cigarettes must be stamped before being sold in this state. For the purpose of allowing compensation for the costs necessarily incurred in affixing the proper tax stamps to each package of cigarettes before making a sale of the cigarettes, each wholesaler purchasing stamps from the director as required by law may purchase the stamps from the director at a reduction of three percent (3%) of the face value of each lot of stamps so purchased, provided that all statutorily required reports have been made. The discount provided in this section shall be the only discount allowed to purchasers from the director. If a purchaser refuses to comply with the laws of the state of Missouri, the director shall require the full face value for stamps purchased until such time as the person has complied with the provisions of the law. The director may permit the use of meter machines in lieu of stamps, for the impress of the tax stamp, and where used a three percent (3%) reduction on the total tax due shall be allowed. The director shall prescribe all rules and regulations governing the use of meter machines and may require a bond in a suitable amount to guarantee payment of the tax. The tax on any cigarettes contained in packages of twenty to be used solely for distribution as samples shall be computed on a per cigarette basis at the rate set forth in this section, and payment of the tax shall be remitted to the director of revenue at such time and in such manner as he may prescribe by rule. Stamped cigarettes in the possession of a wholesaler or retailer before each incremental tax increase under this section is imposed shall not be subject to incremental tax increase before retail sale.

2. a. In addition to the tax provided in section 54(c).1, effective January 1, 2017, an equity assessment fee is imposed upon the first to occur of the following: the purchase, storage, use, consumption, handling, distribution or wholesale sale of each package of twenty (20) cigarettes manufactured by a non-participating manufacturer. The equity assessment fee shall be paid by the wholesaler, and collected by the director of revenue at the same time cigarette tax stamps are purchased from the director of revenue, and the payment and collection of the equity assessment fee shall be subject to the rules and regulations promulgated in connection with the payment and collection of the cigarette tax. The term "Non-participating manufacturer" is defined as a manufacturer that is treated as such under the Master Settlement Agreement entered into by the State of Missouri and certain tobacco manufacturers on November 23, 1998.

b. The rate of the equity assessment fee shall be sixty-seven cents (\$0.67) per package of twenty (20) cigarettes. Beginning with equity assessment fees due in 2018, the equity assessment fee shall be adjusted each year in accordance with the Inflation Adjustment in the Master Settlement Agreement, provided that, in determining the applicable Inflation Adjustment Percentage, inflation from 1999-2017 shall not be included.

c. The fee imposed by this section does not apply to cigarettes or cigarette tobacco products that are sold into another state for resale to consumers outside of this state, provided that the sale is reported to the state into which the cigarettes are sold under 15 U.S.C. Section 376.

d. The fee imposed by this section is in addition to any other privilege, license, fee, or tax required or imposed by state law, provided however that a manufacturer shall not be required to place funds into a qualified escrow fund under Chapter 196 of the Revised Statutes of Missouri for any cigarettes that such manufacturer demonstrates in a filing with the Attorney General that the required amount of fees have been paid under this section.

3. All moneys collected as a result of the taxes and fees imposed by this section shall deposited in the Early Childhood Health and Education Trust Fund as said moneys are received, and shall be kept separate from the general revenue fund as well as any other funds or accounts in the state treasury. The additional actual costs incurred by the state in collecting and enforcing the taxes and fees imposed by this section may be paid from moneys appropriated from the Early Childhood Health and Education Trust Fund for that purpose, but shall not exceed one and one half of one percent (1.5%) of the total moneys collected in that fiscal year. Moneys from the Early Childhood Health and Education Trust Fund shall not be used to pay costs that are not additional actual costs incurred by the state in collecting and enforcing the taxes and fees imposed by this section, except that one percent (1%) of the funds deposited in the fund shall be used by the Director of Public Safety and the Director of Revenue to employ personnel for the sole purpose of criminal tobacco enforcement of existing state laws regarding tobacco products. No funds from the Early Childhood Health and Education Trust Fund shall be used for any lobbying, or for the promotion or support of any tax increase or any other state or local prohibition or limitation on tobacco products, coupons or promotions.

4. On an annual basis, the director of revenue, in consultation with the director of health and senior services, shall determine whether the taxes imposed by section 54(c) have resulted in a decrease in consumption of tobacco products and thereby directly caused a reduction in the amount of moneys collected and deposited into the fair share fund, the health initiatives fund, or the state school moneys fund, revenues generated from local tobacco taxes, or revenues generated from local sales taxes. If a reduction in the amount of moneys collected and deposited into any of those funds or revenues generated from local tobacco taxes or local sales taxes, has been directly caused by the taxes imposed by section 54(c), an amount equal to the amount of moneys that were not collected and deposited into that fund or funds or were not generated by the local tobacco taxes or local sales taxes because of the taxes imposed by this section shall be transferred from the Early Childhood Health and Education Trust Fund as follows: first, to the appropriate political subdivisions, and second to the appropriate fund or funds. The aggregate amount transferred to such political subdivisions and/or funds for any year shall not exceed four percent (4%) of the total moneys collected pursuant to this section during that same year.

[Proposed by Initiative Petition]

Official Ballot Title:

Constitutional Amendment 4

Shall the Missouri Constitution be amended to prohibit a new state or local sales/use or other similar tax on any service or transaction that was not subject to a sales/use or similar tax as of January 1, 2015?

Potential costs to state and local governmental entities are unknown, but could be significant. The proposal's passage would impact governmental entity's ability to revise their tax structures. State and local governments expect no savings from this proposal.

Fair Ballot Language:

A "yes" vote will amend the Missouri Constitution to prohibit a new state or local sales/use or other similar tax on any service or transaction. This amendment only

applies to any service or transaction that was not subject to a sales/use or similar tax as of January 1, 2015.

A “no” vote will not amend the Missouri Constitution to prohibit such state or local sales/use or other similar tax.

If passed, this measure will not increase or decrease taxes.

Constitutional Amendment 4

Missouri Constitution Article X

Be it resolved by the people of the state of Missouri that the Constitution be amended:

Article X is amended by adding one new section to be known as Section 26, to read as follows:

Section 26. In order to prohibit an increase in the tax burden on the citizens of Missouri, state and local sales and use taxes (or any similar transaction-based tax) shall not be expanded to impose taxes on any service or transaction that was not subject to sales, use or similar transaction-based tax on January 1, 2015.

PROPOSED STATUTORY INITIATIVE PETITION**[Proposed by Initiative Petition]**

Official Ballot Title:

Proposition A

Shall Missouri law be amended to:

- increase taxes on cigarettes in 2017, 2019, and 2021, at which point this additional tax will total 23 cents per pack of 20;
- increase the tax paid by sellers on other tobacco products by 5 percent of manufacturer's invoice price;
- use funds generated by these taxes exclusively to fund transportation infrastructure projects; and
- repeal these taxes if a measure to increase any tax or fee on cigarettes or other tobacco products is certified to appear on any local or statewide ballot?

State government revenue will increase by approximately \$95 million to \$103 million annually when cigarette and tobacco tax increases are fully implemented, with the new revenue earmarked for transportation infrastructure. Local government revenues could decrease approximately \$3 million annually due to decreased cigarette and tobacco sales.

Fair Ballot Language:

A “**yes**” vote will amend Missouri law to increase taxes on cigarettes in 2017, 2019, and 2021, at which point this additional tax will total 23 cents per pack of 20. This amendment also increases the tax paid by sellers on other tobacco products by 5 percent of manufacturer's invoice price. This amendment further provides that the funds generated by these taxes shall be used exclusively to fund transportation infrastructure projects. These taxes are repealed if a measure to increase any tax or fee on cigarettes or other tobacco products is certified to appear on any local or statewide ballot.

A “**no**” vote will not amend Missouri law relating to taxes on cigarettes and other tobacco products.

If passed, this measure will increase taxes on cigarettes and other tobacco products.

PROPOSITION A

Be it enacted by the people of the State of Missouri:

A new section to be known as section 149.017 is enacted to read as follows:

149.017. 1. In addition to the tax levied in subsection 1 of section 149.015, RSMo, an additional tax shall be levied upon the sale of cigarettes at an amount equal to six and one-half mills per cigarette on January 1, 2017, two and one-half mills per cigarette on January 1, 2019, and two and one-half mills per cigarette on January 1, 2021.

2. In addition to the tax levied in subsection 1 of section 149.160, RSMo, an additional tax of five percent of the manufacturer's invoice price before discounts and deals shall be levied on January 1, 2017 upon the first sale of tobacco products, other than cigarettes, within the state, and shall be paid by the person making the first sale within the state. Licensed persons making first sales within the state shall be allowed approved credit for returned merchandise provided the tax was paid on the returned merchandise and the purchaser was given a refund or credit. Such licensed person shall take such approved credit on the return for the month in which the purchaser was given the refund or credit.

3. The revenue generated in subsections 1 and 2 of this section, less any reduction allowed in section 149.021, RSMo, shall be deposited in the "Transportation Infrastructure Fund", which is hereby created in the state treasury, and used exclusively to fund transportation infrastructure. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys deposited in this fund, including any interest thereon, shall not revert to the credit of the general revenue fund at the end of the biennium. 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.

4. The additional six and one-half mills per cigarette tax levied in subsection 1 of this section and effective on January 1, 2017 shall not apply to inventories of cigarettes in the possession of the retailer and wholesaler on December 31, 2016. The additional two and one-half mills per cigarette tax levied in subsection 1 of this section and effective on January 1, 2019 shall not apply to inventories of cigarettes in the possession of the retailer and wholesaler on December 31, 2018. The additional two and one-half mills per cigarette tax levied in subsection 1 of this section and effective on January 1, 2021 shall not apply to inventories of cigarettes in the possession of the retailer and wholesaler on December 31, 2020.

5. The additional five percent tax levied in subsection 2 of this section shall not apply to inventories of tobacco products, other than cigarettes, in the possession of the retailer and wholesaler on December 31, 2016.

6. The additional taxes levied in subsections 1 and 2 of this section shall immediately, automatically and permanently be repealed and reduced to zero under any of the following events:

(1). In the event any tax or fee increase on some or all cigarettes or other tobacco products is officially certified to be placed on any local or statewide ballot by the Secretary of State or any other election official at any time; or

(2). In the event any provision of subsections 1 through 9 of this section is ruled null and void, invalid, unlawful, severable or unconstitutional for any reason by any state or federal court of law.

7. The provisions of subsection 6 of this section are specifically meant to include, but are not limited to, any tax increase on cigarettes or other tobacco products placed on any local or statewide ballot in Missouri at any time pursuant to chapters 115 and 116, RSMo, and Article III, sections 49 through 53, and Article XII of the Missouri Constitution or any local laws allowing submission of questions to the voters.

8. In the event any provision of subsections 6 and 7 of this section are triggered, the department of revenue shall automatically, immediately and permanently cease the application and collection of any of the taxes levied in subsections 1 and 2 of this section, and the department of revenue and the revisor of statutes shall automatically and immediately notify the public. The department of revenue shall authorize the state treasurer to make refunds for any erroneous payments or overpayments.

9. Notwithstanding the provisions of section 1.140, RSMo, or case law or rule to the contrary, the provisions of subsections 1 through 9 of this section are nonseverable. If any provision of subsections 1 through 9 of this section is held, in whole or in part, to be invalid, unlawful, or unconstitutional for any reason by any state or federal court of law, such decision shall invalidate and make void all of subsections 1 through 9 of this section.

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**ADOPTED AMENDMENTS TO THE
CONSTITUTION OF MISSOURI
NOVEMBER 8, 2016**

HJR 53 [SS HJR 53]

Proposes a constitutional amendment specifying that a person seeking to vote in a public election may be required by general law to provide a valid government-issued photo identification

CONSTITUTIONAL AMENDMENT NO. 6. — (Proposed by the 98th General Assembly, Second Regular Session, HJR 53)

Official Ballot Title:

Shall the Constitution of Missouri be amended to state that voters may be required by law, which may be subject to exception, to verify one's identity, citizenship, and residence by presenting identification that may include valid government-issued photo identification?

The proposed amendment will result in no costs or savings because any potential costs would be due to the enactment of a general law allowed by this proposal. If such a general law is enacted, the potential costs to state and local governments is unknown, but could exceed \$2.1 million annually.

Fair Ballot Language:

A "yes" vote will amend the Missouri Constitution to state that voters may be required by law to verify their identity, citizenship, and residence by presenting identification that may include valid government-issued photo identification. Exceptions to this identification requirement may also be provided by law.

A "no" vote will not amend the Missouri Constitution regarding elections.

If passed, this measure will have no impact on taxes.

JOINT RESOLUTION Submitting to the qualified voters of Missouri an amendment to article VIII of the Constitution of Missouri, and adopting one new section relating to elections.

SECTION

- A. Enacting clause.
 - 11. Voter identification, authorized to identify voter and verify citizenship and residency — photo identification permitted
- B. Summary statement.

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

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2014, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article I of the Constitution of the state of Missouri:

SECTION A. ENACTING CLAUSE. — Article VIII, Constitution of Missouri, is amended by adding one new section, to be known as section 11, to read as follows:

SECTION 11. VOTER IDENTIFICATION, AUTHORIZED TO IDENTIFY VOTER AND VERIFY CITIZENSHIP AND RESIDENCY—PHOTO IDENTIFICATION PERMITTED.—A person seeking to vote in person in public elections may be required by general law to identify himself or herself and verify his or her qualifications as a citizen of the United States of America and a resident of the state of Missouri by providing election officials with a form of identification, which may include valid government-issued photo identification. Exceptions to the identification requirement may also be provided for by general law.

SECTION B. SUMMARY STATEMENT. — Pursuant to Chapter 116 and other applicable constitutional provisions and laws of this state allowing the general assembly to adopt ballot language for the submission of a joint resolution to the voters of this state, the official summary statement of this legislation shall be as follows:

"Shall the Constitution of Missouri be amended to state that voters may be required by law, which may be subject to exception, to verify one's identity, citizenship, and residence by presenting identification that may include valid government-issued photo identification?"

Adopted November 8, 2016. FOR — 1,712,274; AGAINST — 1,005,234
Effective December 8, 2016.

SJR 1 [SS SJR 1]

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

Resubmits the parks and soils tax to a vote of the people starting in 2008.

CONSTITUTIONAL AMENDMENT NO. 1. — (Proposed by Article IV, Section 47(c), Missouri Constitution (SJR 1, 2005))

Official Ballot Title:

Shall Missouri continue for 10 years the one-tenth of one percent sales/use tax that is used for soil and water conservation and for state parks and historic sites, and resubmit this tax to the voters for approval in 10 years?

The measure continues and does not increase the existing sales and use tax of one-tenth of one percent for 10 years. The measure would continue to generate approximately \$90 million annually for soil and water conservation and operation of the state park system.

Fair Ballot Language:

A **“yes”** vote will continue for 10 years the one-tenth of one percent sales/use tax that is used for soil and water conservation and for state parks and historic sites. This will be resubmitted to the voters for approval in 10 years.

A “no” vote will not continue this sales/use tax.

If passed, this measure will not increase or decrease taxes.

JOINT RESOLUTION Submitting to the qualified voters of Missouri, an amendment repealing section 47(c) of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the parks and soils tax.

SECTION

- A. Enacting clause.
- 47(c). Provisions self-enforcing, exception — not part of general revenue or expense of state — effective and expiration dates.

Be it resolved by the Senate, the House of Representatives concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2006, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article IV of the Constitution of the state of Missouri:

SECTION A. ENACTING CLAUSE. — Section 47(c), article IV, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 47(c), to read as follows:

SECTION 47(C). PROVISIONS SELF-ENFORCING, EXCEPTION — NOT PART OF GENERAL REVENUE OR EXPENSE OF STATE — EFFECTIVE AND EXPIRATION DATES. — [The effective date of this amendment shall be November 8, 1998.] All laws inconsistent with this amendment shall no longer remain in full force and effect after the effective date of this section. All of the provisions of Sections 47(a), 47(b) and 47(c) shall be self-enforcing except that the General Assembly shall adjust brackets for the collection of the sales and use taxes. The additional revenue provided by Sections 47(a), 47(b) and 47(c) shall not be part of the "total state revenue" within the meaning of Sections 17 and 18 of Article X of this Constitution. The expenditure of this additional revenue shall not be an "expense of state government" under Section 20 of Article X of this Constitution. [This Section 47(a), 47(b) and 47(c) shall terminate after ten years following the effective date of this amendment.] **Upon voter approval of this measure in a general election held in 2006, or at a special election to be called by the governor for that purpose, the provisions of this section, 47(b), and 47(a) shall be reauthorized and continue until a general election is held in 2016 or at a special election to be called by the governor for that purpose. Every ten years thereafter, the issue of whether to continue to impose the sales and use tax described in this section shall be resubmitted to the voters for approval. If a majority of the voters fail to approve the continuance of such sales and use tax, Section 47(a), 47(b), and 47(c) shall terminate at the end of the second fiscal year after the last election was held.**

Adopted November 8, 2016. FOR — 2,187,773; AGAINST — 551,117
Effective December 8, 2016.

[Proposed by Initiative Petition]

Official Ballot Title:

Constitutional Amendment 2

Shall Missouri law be amended to:

- ! establish limits on campaign contributions by individuals or entities to political parties, political committees, or committees to elect candidates for state or judicial office;
- ! prohibit individuals and entities from intentionally concealing the source of such contributions;
- ! require corporations or labor organizations to meet certain requirements in order to make such contributions; and
- ! provide a complaint process and penalties for any violations of this amendment?

It is estimated this proposal will increase state government costs by at least \$118,000 annually and have an unknown change in costs for local governmental entities. Any potential impact to revenues for state and local governmental entities is unknown.

Fair Ballot Language:

A “**yes**” vote will amend the Missouri Constitution to establish limits on campaign contributions by individuals or entities to political parties, political committees, or committees to elect candidates for state or judicial office. This amendment prohibits individuals and entities from intentionally concealing the source of such contributions. This amendment also requires corporations or labor organizations to meet certain requirements in order to make such contributions. This amendment further provides a complaint process and penalties for any violations of this amendment.

A “**no**” vote will not amend the Missouri Constitution to establish limits on campaign contributions.

If passed, this measure will have no impact on taxes.

Constitutional Amendment 2**Missouri Constitution Article VIII**

Be it resolved by the people of the state of Missouri that the Constitution be amended:

One new section is adopted by adding one new section to be known as section 23 of Article VIII to read as follows:

SECTION 23. CAMPAIGN CONTRIBUTION LIMITS, ESTABLISHMENT OF — REQUIREMENTS — COMPLAINT PROCESS — PENALTIES. — 1. This section shall be known as the "Missouri Campaign Contribution Reform Initiative."

2. The people of the state of Missouri hereby find and declare that excessive campaign contributions to political candidates create the potential for corruption and the appearance of

corruption; that large campaign contributions made to influence election outcomes allow wealthy individuals, corporations and special interest groups to exercise a disproportionate level of influence over the political process; that the rising costs of campaigning for political office prevent qualified citizens from running for political office; that political contributions from corporations and labor organizations are not necessarily an indication of popular support for the corporation's or labor organization's political ideas and can unfairly influence the outcome of Missouri elections; and that the interests of the public are best served by limiting campaign contributions, providing for full and timely disclosure of campaign contributions, and strong enforcement of campaign finance requirements.

3. (1) Except as provided in subdivisions (2), (3) and (4) of this subsection, the amount of contributions made by or accepted from any person other than the candidate in any one election shall not exceed the following:

(a) To elect an individual to the office of governor, lieutenant governor, secretary of state, state treasurer, state auditor, attorney general, office of state senator, office of state representative or any other state or judicial office, two thousand six hundred dollars.

(2) (a) No political party shall accept aggregate contributions from any person that exceed twenty-five thousand dollars per election at the state, county, municipal, district, ward, and township level combined.

(b) No political party shall accept aggregate contributions from any committee that exceed twenty-five thousand dollars per election at the state, county, municipal, district, ward, and township level combined.

(3) (a) It shall be unlawful for a corporation or labor organization to make contributions to a campaign committee, candidate committee, exploratory committee, political party committee or a political party; except that a corporation or labor organization may establish a continuing committee which may accept contributions or dues from members, officers, directors, employees or security holders.

(b) The prohibition contained in subdivision (a) of this subsection shall not apply to a corporation that:

(i) Is formed for the purpose of promoting political ideas and cannot engage in business activities; and

(ii) Has no security holders or other persons with a claim on its assets or income; and

(iii) Was not established by and does not accept contributions from business corporations or labor organizations.

(4) No candidate's candidate committee shall accept contributions from, or make contributions to, another candidate committee, including any candidate committee, or equivalent entity, established under federal law.

(5) Notwithstanding any other subdivision of this subsection to the contrary, a candidate's candidate committee may receive a loan from a financial institution organized under state or federal law if the loan bears the usual and customary interest rate, is made on a basis that assures repayments, is evidenced by a written instrument, and is subject to a due date or amortization schedule. The contribution limits described in this subsection shall not apply to a loan as described in this subdivision.

(6) No campaign committee, candidate committee, continuing committee, exploratory committee, political party committee, and political party shall accept a contribution in cash exceeding one hundred dollars per election.

(7) No contribution shall be made or accepted, directly or indirectly, in a fictitious name, in the name of another person, or by or through another person in such a manner as to conceal the identity of the actual source of the contribution or the actual recipient. Any person who receives contributions for a committee shall disclose to that committee's treasurer, deputy treasurer or candidate the recipient's own name and address and the name and address of the actual source of each contribution such person has received for that committee.

(8) No anonymous contribution of more than twenty-five dollars shall be made by any person, and no anonymous contribution of more than twenty-five dollars shall be accepted by any candidate or committee. If any anonymous contribution of more than twenty-five dollars is received, it shall be returned immediately to the contributor, if the contributor's identity can be ascertained, and if the contributor's identity cannot be ascertained, the candidate, committee treasurer or deputy treasurer shall immediately transmit that portion of the contribution which exceeds twenty-five dollars to the state treasurer and it shall escheat to the state.

(9) The maximum aggregate amount of anonymous contributions which shall be accepted per election by any committee shall be the greater of five hundred dollars or one percent of the aggregate amount of all contributions received by that committee in the same election. If any anonymous contribution is received which causes the aggregate total of anonymous contributions to exceed the foregoing limitation, it shall be returned immediately to the contributor, if the contributor's identity can be ascertained, and, if the contributor's identity cannot be ascertained, the committee treasurer, deputy treasurer or candidate shall immediately transmit the anonymous contribution to the state treasurer to escheat to the state.

(10) Notwithstanding the provisions of subdivision (9) of this subsection, contributions from individuals whose names and addresses cannot be ascertained which are received from a fund-raising activity or event, such as defined in section 130.011, RSMo, as amended from time to time, shall not be deemed anonymous contributions, provided the following conditions are met:

(a) There are twenty-five or more contributing participants in the activity or event;

(b) The candidate, committee treasurer, deputy treasurer or the person responsible for conducting the activity or event makes an announcement that it is illegal for anyone to make or receive a contribution in excess of one hundred dollars unless the contribution is accompanied by the name and address of the contributor;

(c) The person responsible for conducting the activity or event does not knowingly accept payment from any single person of more than one hundred dollars unless the name and address of the person making such payment is obtained and recorded pursuant to the record-keeping requirements of section 130.036, RSMo, as amended from time to time;

(d) A statement describing the event shall be prepared by the candidate or the treasurer of the committee for whom the funds were raised or by the person responsible for conducting the activity or event and attached to the disclosure report of contributions and expenditures required by section 130.041, RSMo, as amended from time to time. The following information to be listed in the statement is in addition to, not in lieu of, the requirements elsewhere in this chapter relating to the recording and reporting of contributions and expenditures:

(i) The name and mailing address of the person or persons responsible for conducting the event or activity and the name and address of the candidate or committee for whom the funds were raised;

(ii) The date on which the event occurred;

(iii) The name and address of the location where the event occurred and the approximate number of participants in the event;

(iv) A brief description of the type of event and the fund-raising methods used;

(v) The gross receipts from the event and a listing of the expenditures incident to the event;

(vi) The total dollar amount of contributions received from the event from participants whose names and addresses were not obtained with such contributions and an explanation of why it was not possible to obtain the names and addresses of such participants;

(vii) The total dollar amount of contributions received from contributing participants in the event who are identified by name and address in the records required to be maintained pursuant to section 130.036, RSMo, as amended from time to time.

(11) No candidate or committee in this state shall accept contributions from any out-of-state committee unless the out-of-state committee from whom the contributions are received has filed a statement of organization pursuant to section 130.021, RSMo, as amended from time to time, or has filed the reports required by sections 130.049 and 130.050, RSMo, as amended from time to time, whichever is applicable to that committee.

(12) Political action committees shall only receive contributions from individuals; unions; federal political action committees; and corporations, associations, and partnerships formed under chapters 347 to 360, RSMo, as amended from time to time, and shall be prohibited from receiving contributions from other political action committees, candidate committees, political party committees, campaign committees, exploratory committees, or debt service committees. However, candidate committees, political party committees, campaign committees, exploratory committees, and debt service committees shall be allowed to return contributions to a donor political action committee that is the origin of the contribution.

(13) The prohibited committee transfers described in subdivision (12) of this subsection shall not apply to the following committees:

(a) The state house committee per political party designated by the respective majority or minority floor leader of the house of representatives or the chair of the state party if the party does not have majority or minority party status;

(b) The state senate committee per political party designated by the respective majority or minority floor leader of the senate or the chair of the state party if the party does not have majority or minority party status.

(14) No person shall transfer anything of value to any committee with the intent to conceal, from the Missouri ethics commission, the identity of the actual source. Any violation of this subdivision shall be punishable as follows:

(a) For the first violation, the Missouri ethics commission shall notify such person that the transfer to the committee is prohibited under this section within five days of determining that the transfer is prohibited, and that such person shall notify the committee to which the funds were transferred that the funds must be returned within ten days of such notification;

(b) For the second violation, the person transferring the funds shall be guilty of a class C misdemeanor;

(c) For the third and subsequent violations, the person transferring the funds shall be guilty of a class D felony.

(15) No person shall make a contribution to a campaign committee, candidate committee, continuing committee, exploratory committee, political party committee, and political party with the expectation that some or all of the amounts of such contribution will be reimbursed by another person. No person shall be reimbursed for a contribution made to any campaign committee, candidate committee, continuing committee, exploratory committee, political party committee, and political party, nor shall any person make such reimbursement except* as provided in subdivision (5) of this subsection.

(16) No campaign committee, candidate committee, continuing committee, exploratory committee, political party committee, and political party shall knowingly accept contributions from:

(a) Any natural person who is not a citizen of the United States;

(b) A foreign government; or

(c) Any foreign corporation that does not have the authority to transact business in this state pursuant to chapter 347, RSMo, as amended from time to time.

(17) Contributions from persons under fourteen years of age shall be considered made by the parents or guardians of such person and shall be attributed toward any contribution limits prescribed in this chapter. Where the contributor under fourteen years of age has two

custodial parents or guardians, fifty percent of the contribution shall be attributed to each parent or guardian, and where such contributor has one custodial parent or guardian, all such contributors shall be attributed to the custodial parent or guardian.

(18) Each limit on contributions described in subdivisions (1), (2)(a), and (2)(b) of this subsection shall be adjusted by an amount based upon the average of the percentage change over a four-year period in the United States Bureau of Labor Statistics Consumer Price Index for Kansas City, all items, all consumers, or its successor index, rounded to the nearest lowest twenty-five dollars and the percentage change over a four-year period in the United States Bureau of Labor Statistics Consumer Price Index for St. Louis, all items, all consumers, or its successor index, rounded to the nearest lowest twenty-five dollars. The first adjustment shall be done in the first quarter of 2019, and then every four years thereafter. The secretary of state shall calculate such an adjustment in each limit and specify the limits in rules promulgated in accordance with chapter 536, RSMo, as amended from time to time.

4. (1) Notwithstanding the provisions of subsection 3 of section 105.957, RSMo, as amended from time to time, any natural person may file a complaint with the Missouri ethics commission alleging a violation of the provisions of Section 3 of this Article by any candidate for elective office, within sixty days prior to the primary election at which such candidate is running for office, until after the general election. Any such complaint shall be in writing, shall state all facts known by the complainant which have given rise to the complaint, and shall be sworn to, under penalty of perjury, by the complainant.

(2) Within the first business day after receipt of a complaint pursuant to this section, the executive director shall supply a copy of the complaint to the person or entity named in the complaint. The executive director of the Missouri ethics commission shall notify the complainant and the person or entity named in the complaint of the date and time at which the commission shall audit and investigate the allegations contained in the complaint pursuant to subdivision (3) of this subsection.

(3) Within fifteen business days of receipt of a complaint pursuant to this section, the commission shall audit and investigate the allegations contained in the complaint and shall determine by a vote of at least four members of the commission that there are reasonable grounds to believe that a violation of law has occurred within the jurisdiction of the commission. The respondent may reply in writing or in person to the allegations contained in the complaint and may state justifications to dismiss the complaint. The complainant may also present evidence in support of the allegations contained in the complaint, but such evidence shall be limited in scope to the allegations contained in the original complaint, and such complaint may not be supplemented or otherwise enlarged in scope.

(4) If, after audit and investigation of the complaint and upon a vote of at least four members of the commission, the commission determines that there are reasonable grounds to believe that a violation of law has occurred within the jurisdiction of the commission, the commission shall proceed with such complaint as provided by sections 105.957 to 105.963, RSMo, as amended from time to time. If the commission does not determine that there are reasonable grounds to believe that such a violation of law has occurred, the complaint shall be dismissed. If a complaint is dismissed, the fact that such complaint was dismissed, with a statement of the nature of the complaint, shall be made public within twenty-four hours of the commission's action.

(5) Any complaint made pursuant to this section, and all proceedings and actions concerning such a complaint, shall be subject to the provisions of subsection 15 of section 105.961, RSMo, as amended from time to time.

(6) No complaint shall be accepted by the commission within fifteen days prior to the primary or general election at which such candidate is running for office.

5. Any person who knowingly and willfully accepts or makes a contribution in violation of any provision of Section 3 of this Article or who knowingly and willfully conceals a contribution by filing a false or incomplete report or by not filing a required report under

chapter 130, RSMo, as amended from time to time, shall be held liable to the state in civil penalties in an amount of at least double and up to five times the amount of any such contribution.

6. (1) Any person who purposely violates the provisions of Section 3 of this Article is guilty of a class A misdemeanor.

(2) Notwithstanding any other provision of law which bars prosecutions for any offenses other than a felony unless commenced within one year after the commission of the offense, any offense under the provisions of this section may be prosecuted if the indictment be found or prosecution be instituted within three years after the commission of the alleged offense.

(3) Any prohibition to the contrary notwithstanding, no person shall be deprived of the rights, guarantees, protections or privileges accorded by sections 130.011 to 130.026, 130.031 to 130.068, 130.072, and 130.081, RSMo, as amended from time to time, by any person, corporation, entity or political subdivision.

7. As used in this section, the following terms have the following meanings:

(1) "Appropriate officer" or "appropriate officers", the person or persons designated in section 130.026, RSMo, or any successor section, to receive certain required statements and reports;

(2) "Candidate", an individual who seeks nomination or election to public office. The term "candidate" includes an elected officeholder who is the subject of a recall election, an individual who seeks nomination by the individual's political party for election to public office, an individual standing for retention in an election to an office to which the individual was previously appointed, an individual who seeks nomination or election whether or not the specific elective public office to be sought has been finally determined by such individual at the time the individual meets the conditions described in paragraph (a) or (b) of this subdivision, and an individual who is a write-in candidate as defined in subdivision (26) of this section. A candidate shall be deemed to seek nomination or election when the person first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote the person's candidacy for office; or

(b) Knows or has reason to know that contributions are being received or expenditures are being made or space or facilities are being reserved with the intent to promote the person's candidacy for office; except that, such individual shall not be deemed a candidate if the person files a statement with the appropriate officer within five days after learning of the receipt of contributions, the making of expenditures, or the reservation of space or facilities disavowing the candidacy and stating that the person will not accept nomination or take office if elected; provided that, if the election at which such individual is supported as a candidate is to take place within five days after the person's learning of the above-specified activities, the individual shall file the statement disavowing the candidacy within one day; or

(c) Announces or files a declaration of candidacy for office.

(3) "Cash", currency, coin, United States postage stamps, or any negotiable instrument which can be transferred from one person to another person without the signature or endorsement of the transferor.

(4) "Committee", a person or any combination of persons, who accepts contributions or makes expenditures for the primary or incidental purpose of influencing or attempting to influence the action of voters for or against the nomination or election to public office of one or more candidates or the qualification, passage or defeat of any ballot measure or for the purpose of paying a previously incurred campaign debt or obligation of a candidate or the debts or obligations of a committee or for the purpose of contributing funds to another committee.

(5) "Committee", does not include:

(a) A person or combination of persons, if neither the aggregate of expenditures made nor the aggregate of contributions received during a calendar year exceeds five hundred

dollars and if no single contributor has contributed more than two hundred fifty dollars of such aggregate contributions:

(b) An individual, other than a candidate, who accepts no contributions and who deals only with the individual's own funds or property;

(c) A corporation, cooperative association, partnership, proprietorship, or joint venture organized or operated for a primary or principal purpose other than that of influencing or attempting to influence the action of voters for or against the nomination or election to public office of one or more candidates or the qualification, passage or defeat of any ballot measure, and it accepts no contributions, and all expenditures it makes are from its own funds or property obtained in the usual course of business or in any commercial or other transaction and which are not contributions as defined by subdivision (7) of this section;

(d) A labor organization organized or operated for a primary or principal purpose other than that of influencing or attempting to influence the action of voters for or against the nomination or election to public office of one or more candidates, or the qualification, passage, or defeat of any ballot measure, and it accepts no contributions, and expenditures made by the organization are from its own funds or property received from membership dues or membership fees which were given or solicited for the purpose of supporting the normal and usual activities and functions of the organization and which are not contributions as defined by subdivision (7) of this section;

(e) A person who acts as an authorized agent for a committee in soliciting or receiving contributions or in making expenditures or incurring indebtedness on behalf of the committee if such person renders to the committee treasurer or deputy treasurer or candidate, if applicable, an accurate account of each receipt or other transaction in the detail required by the treasurer to comply with all record-keeping and reporting requirements; or

(f) Any department, agency, board, institution or other entity of the state or any of its subdivisions or any officer or employee thereof, acting in the person's official capacity.

(6) The term "committee" includes, but is not limited to, each of the following committees:

campaign committee, candidate committee, continuing committee and political party committee;

(a) "Campaign committee", a committee, other than a candidate committee, which shall be formed by an individual or group of individuals to receive contributions or make expenditures and whose sole purpose is to support or oppose the qualification and passage of one or more particular ballot measures in an election or the retention of judges under the nonpartisan court plan, such committee shall be formed no later than thirty days prior to the election for which the committee receives contributions or makes expenditures, and which shall terminate the later of either thirty days after the general election or upon the satisfaction of all committee debt after the general election, except that no committee retiring debt shall engage in any other activities in support of a measure for which the committee was formed;

(b) "Candidate committee", a committee which shall be formed by a candidate to receive contributions or make expenditures in behalf of the person's candidacy and which shall continue in existence for use by an elected candidate or which shall terminate the later of either thirty days after the general election for a candidate who was not elected or upon the satisfaction of all committee debt after the election, except that no committee retiring debt shall engage in any other activities in support of the candidate for which the committee was formed. Any candidate for elective office shall have only one candidate committee for the elective office sought, which is controlled directly by the candidate for the purpose of making expenditures. A candidate committee is presumed to be under the control and direction of the candidate unless the candidate files an affidavit with the appropriate officer stating that the committee is acting without control or direction on the candidate's part;

(c) "Continuing committee", a committee of continuing existence which is not formed, controlled or directed by a candidate, and is a committee other than a candidate committee or

campaign committee, whose primary or incidental purpose is to receive contributions or make expenditures to influence or attempt to influence the action of voters whether or not a particular candidate or candidates or a particular ballot measure or measures to be supported or opposed has been determined at the time the committee is required to file any statement or report pursuant to the provisions of this chapter. "Continuing committee" includes, but is not limited to, any committee organized or sponsored by a business entity, a labor organization, a professional association, a trade or business association, a club or other organization and whose primary purpose is to solicit, accept and use contributions from the members, employees or stockholders of such entity and any individual or group of individuals who accept and use contributions to influence or attempt to influence the action of voters. Such committee shall be formed no later than sixty days prior to the election for which the committee receives contributions or makes expenditures; and

(d) "Connected organization", any organization such as a corporation, a labor organization, a membership organization, a cooperative, or trade or professional association which expends funds or provides services or facilities to establish, administer or maintain a committee or to solicit contributions to a committee from its members, officers, directors, employees or security holders. An organization shall be deemed to be the connected organization if more than fifty percent of the persons making contributions to the committee during the current calendar year are members, officers, directors, employees or security holders of such organization or their spouses.

(7) "Contribution", a payment, gift, loan, advance, deposit, or donation of money or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office or the qualification, passage or defeat of any ballot measure, or for the support of any committee supporting or opposing candidates or ballot measures or for paying debts or obligations of any candidate or committee previously incurred for the above purposes. A contribution of anything of value shall be deemed to have a money value equivalent to the fair market value. "Contribution" includes, but is not limited to:

(a) A candidate's own money or property used in support of the person's candidacy other than expense of the candidate's food, lodging, travel, and payment of any fee necessary to the filing for public office;

(b) Payment by any person, other than a candidate or committee, to compensate another person for services rendered to that candidate or committee;

(c) Receipts from the sale of goods and services, including the sale of advertising space in a brochure, booklet, program or pamphlet of a candidate or committee and the sale of tickets or political merchandise;

(d) Receipts from fund-raising events including testimonial affairs;

(e) Any loan, guarantee of a loan, cancellation or forgiveness of a loan or debt or other obligation by a third party, or payment of a loan or debt or other obligation by a third party if the loan or debt or other obligation was contracted, used, or intended, in whole or in part, for use in an election campaign or used or intended for the payment of such debts or obligations of a candidate or committee previously incurred, or which was made or received by a committee;

(f) Funds received by a committee which are transferred to such committee from another committee or other source, except funds received by a candidate committee as a transfer of funds from another candidate committee controlled by the same candidate but such transfer shall be included in the disclosure reports;

(g) Facilities, office space or equipment supplied by any person to a candidate or committee without charge or at reduced charges, except gratuitous space for meeting purposes which is made available regularly to the public, including other candidates or committees, on an equal basis for similar purposes on the same conditions; and

(h) The direct or indirect payment by any person, other than a connected organization, of the costs of establishing, administering, or maintaining a committee, including legal,

accounting and computer services, fund raising and solicitation of contributions for a committee.

(8) "Contribution" does not include:

(a) Ordinary home hospitality or services provided without compensation by individuals volunteering their time in support of or in opposition to a candidate, committee or ballot measure, nor the necessary and ordinary personal expenses of such volunteers incidental to the performance of voluntary activities, so long as no compensation is directly or indirectly asked or given;

(b) An offer or tender of a contribution which is expressly and unconditionally rejected and returned to the donor within ten business days after receipt or transmitted to the state treasurer;

(c) Interest earned on deposit of committee funds; or

(d) The costs incurred by any connected organization listed pursuant to subdivision (4) of subsection 5 of section 130.021, RSMo, as amended from time to time, for establishing, administering or maintaining a committee, or for the solicitation of contributions to a committee which solicitation is solely directed or related to the members, officers, directors, employees or security holders of the connected organization.

(9) "County", any one of the several counties of this state or the City of St. Louis.

(10) "Disclosure report", an itemized report of receipts, expenditures and incurred indebtedness which is prepared on forms approved by the Missouri ethics commission and filed at the times and places prescribed.

(11) "Election", any primary, general or special election held to nominate or elect an individual to public office, to retain or recall an elected officeholder or to submit a ballot measure to the voters, and any caucus or other meeting of a political party or a political party committee at which that party's candidate or candidates for public office are officially selected.

A primary election and the succeeding general election shall be considered separate elections.

(12) "Expenditure", a payment, advance, conveyance, deposit, donation or contribution of money or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office or the qualification or passage of any ballot measure or for the support of any committee which in turn supports or opposes any candidate or ballot measure or for the purpose of paying a previously incurred campaign debt or obligation of a candidate or the debts or obligations of a committee; a payment, or an agreement or promise to pay, money or anything of value, including a candidate's own money or property, for the purchase of goods, services, property, facilities or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office or the qualification or passage of any ballot measure or for the support of any committee which in turn supports or opposes any candidate or ballot measure or for the purpose of paying a previously incurred campaign debt or obligation of a candidate or the debts or obligations of a committee. An expenditure of anything of value shall be deemed to have a money value equivalent to the fair market value. "Expenditure" includes, but is not limited to:

(a) Payment by anyone other than a committee for services of another person rendered to such committee;

(b) The purchase of tickets, goods, services or political merchandise in connection with any testimonial affair or fund-raising event of or for candidates or committees, or the purchase of advertising in a brochure, booklet, program or pamphlet of a candidate or committee;

(c) The transfer of funds by one committee to another committee; and

(d) The direct or indirect payment by any person, other than a connected organization for a committee, of the costs of establishing, administering or maintaining a committee, including legal, accounting and computer services, fund raising and solicitation of contributions for a committee.

(13) "Expenditure" does not include:

(a) Any news story, commentary or editorial which is broadcast or published by any broadcasting station, newspaper, magazine or other periodical without charge to the candidate or to any person supporting or opposing a candidate or ballot measure;

(b) The internal dissemination by any membership organization, proprietorship, labor organization, corporation, association or other entity of information advocating the election or defeat of a candidate or candidates or the passage or defeat of a ballot measure or measures to its directors, officers, members, employees or security holders, provided that the cost incurred is reported pursuant to subsection 2 of section 130.051, RSMo, as amended from time to time;

(c) Repayment of a loan, but such repayment shall be indicated in required reports;

(d) The rendering of voluntary personal services by an individual of the sort commonly performed by volunteer campaign workers and the payment by such individual of the individual's necessary and ordinary personal expenses incidental to such volunteer activity, provided no compensation is, directly or indirectly, asked or given;

(e) The costs incurred by any connected organization listed pursuant to subdivision (4) of subsection 5 of section 130.021, RSMo, as amended from time to time, for establishing, administering or maintaining a committee, or for the solicitation of contributions to a committee which solicitation is solely directed or related to the members, officers, directors, employees or security holders of the connected organization; or

(f) The use of a candidate's own money or property for expense of the candidate's personal food, lodging, travel, and payment of any fee necessary to the filing for public office, if such expense is not reimbursed to the candidate from any source.

(14) "Exploratory committees", a committee which shall be formed by an individual to receive contributions and make expenditures on behalf of this individual in determining whether or not the individual seeks elective office. Such committee shall terminate no later than December thirty-first of the year prior to the general election for the possible office.

(15) "Fund-raising event", an event such as a dinner, luncheon, reception, coffee, testimonial, rally, auction or similar affair through which contributions are solicited or received by such means as the purchase of tickets, payment of attendance fees, donations for prizes or through the purchase of goods, services or political merchandise.

(16) "In-kind contribution" or "in-kind expenditure", a contribution or expenditure in a form other than money.

(17) "Labor organization", any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(18) "Loan", a transfer of money, property or anything of ascertainable monetary value in exchange for an obligation, conditional or not, to repay in whole or in part and which was contracted, used, or intended for use in an election campaign, or which was made or received by a committee or which was contracted, used, or intended to pay previously incurred campaign debts or obligations of a candidate or the debts or obligations of a committee.

(19) "Person", an individual, group of individuals, corporation, partnership, committee, proprietorship, joint venture, any department, agency, board, institution or other entity of the state or any of its political subdivisions, union, labor organization, trade or professional or business association, association, political party or any executive committee thereof, or any other club or organization however constituted or any officer or employee of such entity acting in the person's official capacity.

(20) "Political action committee", a committee of continuing existence which is not formed, controlled or directed by a candidate, and is a committee other than a candidate committee, political party committee, campaign committee, exploratory committee, or debt service committee, whose primary or incidental purpose is to receive contributions or make expenditures to influence or attempt to influence the action of voters whether or not a

particular candidate or candidates or a particular ballot measure or measures to be supported or opposed has been determined at the time the committee is required to file any statement or report pursuant to the provisions of this chapter. Such a committee includes, but is not limited to, any committee organized or sponsored by a business entity, a labor organization, a professional association, a trade or business association, a club or other organization and whose primary purpose is to solicit, accept and use contributions from the members, employees or stockholders of such entity and any individual or group of individuals who accept and use contributions to influence or attempt to influence the action of voters. Such committee shall be formed no later than sixty days prior to the election for which the committee receives contributions or makes expenditures.

(21) "Political merchandise", goods such as bumper stickers, pins, hats, ties, jewelry, literature, or other items sold or distributed at a fund-raising event or to the general public for publicity or for the purpose of raising funds to be used in supporting or opposing a candidate for nomination or election or in supporting or opposing the qualification, passage or defeat of a ballot measure.

(22) "Political party", a political party which has the right under law to have the names of its candidates listed on the ballot in a general election.

(23) "Political party committee", a state, district, county, city, or area committee of a political party, as defined in section 115.603, RSMo, as amended from time to time, which may be organized as a not-for-profit corporation under Missouri law, and which committee is of continuing existence, and has the primary or incidental purpose of receiving contributions and making expenditures to influence or attempt to influence the action of voters on behalf of the political party.

(24) "Public office" or "office", any state, judicial, county, municipal, school or other district, ward, township, or other political subdivision office or any political party office which is filled by a vote of registered voters.

(25) "Write-in candidate", an individual whose name is not printed on the ballot but who otherwise meets the definition of candidate in subdivision (2) of this section.

8. The provisions of this section are self-executing. All of the provisions of this section are severable. If any provision of this section is found by a court of competent jurisdiction to be unconstitutional or unconstitutionally enacted, the remaining provisions of this section shall be and remain valid.

Adopted November 8, 2016. For — 1,894,870; Against — 814,016
Effective December 8, 2016.

[Proposed by Initiative Petition]

Official Ballot Title:

Constitutional Amendment 4

Shall the Missouri Constitution be amended to prohibit a new state or local sales/use or other similar tax on any service or transaction that was not subject to a sales/use or similar tax as of January 1, 2015?

Potential costs to state and local governmental entities are unknown, but could be significant. The proposal's passage would impact governmental entity's ability to revise their tax structures. State and local governments expect no savings from this proposal.

Fair Ballot Language:

A “**yes**” vote will amend the Missouri Constitution to prohibit a new state or local sales/use or other similar tax on any service or transaction. This amendment only applies to any service or transaction that was not subject to a sales/use or similar tax as of January 1, 2015.

A “**no**” vote will not amend the Missouri Constitution to prohibit such state or local sales/use or other similar tax.

If passed, this measure will not increase or decrease taxes.

Constitutional Amendment 4

Missouri Constitution Article X

Be it resolved by the people of the state of Missouri that the Constitution be amended:

Article X is amended by adding one new section to be known as Section 26, to read as follows:

SECTION 26. PROHIBITION ON NEW OR LOCAL SALES, USE, OR OTHER SIMILAR TRANSACTION-BASED TAX NOT SUBJECT TO SUCH TAX AS OF JANUARY 1, 2015. — In order to prohibit an increase in the tax burden on the citizens of Missouri, state and local sales and use taxes (or any similar transaction-based tax) shall not be expanded to impose taxes on any service or transaction that was not subject to sales, use or similar transaction-based tax on January 1, 2015.

Adopted November 8, 2016. For — 1,533,909; Against — 1,158,291
Effective December 8, 2016.

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**DEFEATED INITIATIVE PETITION
NOVEMBER 8, 2016**

Constitutional Amendment No. 3. — (Proposed by Initiative Petition)

Official Ballot Title:

Shall Missouri law be amended to:

- ! increase taxes on cigarettes each year through 2020, at which point this additional tax will total 60 cents per pack of 20;
- ! create a fee paid by cigarette wholesalers of 67 cents per pack of 20 on certain cigarettes, which fee shall increase annually; and
- ! deposit funds generated by these taxes and fees into a newly established Early Childhood Health and Education Trust Fund?

When cigarette tax increases are fully implemented, estimated additional revenue to state government is \$263 million to \$374 million annually, with limited estimated implementation costs. The revenue will fund only programs and services allowed by the proposal. The fiscal impact to local governmental entities is unknown.

Fair Ballot Language:

A “**yes**” vote will amend the Missouri Constitution to increase taxes on cigarettes each year through 2020, at which point this additional tax will total 60 cents per pack of 20. This amendment also creates a fee paid by cigarette wholesalers of 67 cents per pack of 20 on certain cigarettes. This amendment further provides that the funds generated by these taxes and fees shall be deposited into a newly established Early Childhood Health and Education Trust Fund.

A “**no**” vote will not amend the Missouri Constitution relating to taxes and fees on cigarettes.

If passed, this measure will increase taxes on cigarettes.

NOTICE: You are advised that the proposed amendment to the constitution changes, repeals, or modifies by implication, or may be construed to change, repeal or modify by implication, Article IV of the Missouri Constitution and the following provisions of the Missouri Revised Statutes-Sections 33.080, 66.340, 66.350, 149.015, 149.021, 149.065, 149.160, 196.1003, 210.102, and 210.320. The proposed amendment enacts four new sections in Article IV of the Missouri Constitution, to be known as Sections 54, 54(a), 54(b), and 54(c).

FOR — 1,120,389; AGAINST — 1,649,723

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DEFEATED STATUTORY INITIATIVE PETITION**[Proposed by Initiative Petition]**

Official Ballot Title:

Proposition A

Shall Missouri law be amended to:

- ! increase taxes on cigarettes in 2017, 2019, and 2021, at which point this additional tax will total 23 cents per pack of 20;
- ! increase the tax paid by sellers on other tobacco products by 5 percent of manufacturer's invoice price;
- ! use funds generated by these taxes exclusively to fund transportation infrastructure projects; and
- ! repeal these taxes if a measure to increase any tax or fee on cigarettes or other tobacco products is certified to appear on any local or statewide ballot?

State government revenue will increase by approximately \$95 million to \$103 million annually when cigarette and tobacco tax increases are fully implemented, with the new revenue earmarked for transportation infrastructure. Local government revenues could decrease approximately \$3 million annually due to decreased cigarette and tobacco sales.

Fair Ballot Language:

A “**yes**” vote will amend Missouri law to increase taxes on cigarettes in 2017, 2019, and 2021, at which point this additional tax will total 23 cents per pack of 20. This amendment also increases the tax paid by sellers on other tobacco products by 5 percent of manufacturer's invoice price. This amendment further provides that the funds generated by these taxes shall be used exclusively to fund transportation infrastructure projects. These taxes are repealed if a measure to increase any tax or fee on cigarettes or other tobacco products is certified to appear on any local or statewide ballot.

A “**no**” vote will not amend Missouri law relating to taxes on cigarettes and other tobacco products.

If passed, this measure will increase taxes on cigarettes and other tobacco products.

FOR — 1,223,251; AGAINST — 1,506,644

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HOUSE CONCURRENT RESOLUTION NO. 55 [HCR 55]

BE IT RESOLVED, by the House of Representatives of the Ninety-eighth General Assembly, Second 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 20, 2016, 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, Second 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. 56 [HCR 56]

BE IT RESOLVED, by the House of Representatives of the Ninety-eighth General Assembly, Second 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 10:30 a.m., Wednesday, January 27, 2016, to receive a message from the Honorable Patricia Breckenridge, 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, Second 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. 58 [HCS HCRs 58]****AN ACT**

Relating to the disapproval of the Missouri State Tax Commission's recommendations regarding the value for each grade of agricultural and horticultural land based on productive capability.

WHEREAS, Section 137.021, RSMo, provides that on or before December thirty-first of each odd-numbered year the State Tax Commission is required to promulgate by regulation a value for each grade of agricultural and horticultural land based on productive capability; and

WHEREAS, the State Tax Commission, in accordance with Section 137.021, RSMo, did on December 29, 2015, propose a value for each of the eight grades of agricultural and horticultural land for the 2017 and 2018 assessment years, with changes to grades 1 through 4; and

WHEREAS, the members of the General Assembly believe that the proposed amendment to 12 CSR 30-4.010 increases the values of various agricultural grades beyond the level which the General Assembly considers to be fair and reasonable; and

WHEREAS, Section 137.021, RSMo, permits the General Assembly to disapprove within the first sixty days of the next Regular Session of the General Assembly the agricultural and horticultural values as proposed by the State Tax Commission:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri House of Representatives, Ninety-eighth General Assembly, Second Regular Session, the Senate concurring therein, hereby disapprove the new agricultural land productive values contained in the proposed amendment to 12 CSR 30-4.010; 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 Governor Jay Nixon and the Missouri State Tax Commission.

**SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE CONCURRENT RESOLUTION NO. 73 [SS HCS HCR 73]**

AN ACT

Relating to the designation of certain awareness months

Whereas, cystic fibrosis, commonly referred to as "CF", is a genetic disease affecting approximately 30,000 children and adults in the United States and nearly 70,000 children and adults worldwide, 717 of whom live in Missouri; and

Whereas, a defective gene causes the body to produce an abnormally thick, sticky mucus that clogs the lungs, and these secretions produce life-threatening lung infections and obstruct the pancreas, preventing digestive enzymes from reaching the intestines to help break down and absorb food; and

Whereas, more than 10 million Americans are symptomless carriers of the defective CF gene, and CF occurs in approximately one of every 3,500 live births in the United States; and

Whereas, the median age of survival for a person with CF is 39.3 years; and

Whereas, with advances in the treatment of CF, the number of adults with CF has steadily grown, and approximately 900 new cases of CF are diagnosed each year; and

Whereas, fifty percent of the CF population is 18 years of age and older, and people with CF have a variety of symptoms attributed to the more than 1,800 mutations of the CF gene; and

Whereas, infant blood screening to detect genetic defects is the most reliable and least costly method to identify persons likely to have CF; and

Whereas, early diagnosis of CF permits early treatment and enhances quality of life and longevity and the treatment of CF depends on the stage of the disease and the organs involved; and

Whereas, clearing mucus from the lungs is an important part of the daily CF treatment regimen, and other types of treatments include inhaled antibiotics and pancreatic enzymes, among others; and

Whereas, there are 8 world-class treatment centers in Missouri which specialize in the diagnosis of CF and the care of persons with CF; and

Whereas, a critical component of treating patients with CF includes access to innovative treatments, which can play a crucial role in the lives of patients with CF; and

Whereas, improving the length and quality of life for people with CF starts with awareness; and

Whereas, the brachial plexus is a network of nerves that conducts signals from the spine to the shoulder, arm, and hand; and

Whereas, injury to these nerves can result in lack of muscle control or feeling in the arm or hand, including Erb's palsy:

Now Therefore Be It Resolved that the members of the House of Representatives of the Ninety-eighth General Assembly, Second Regular Session, the Senate concurring therein, hereby designate the month of May of each year as "Cystic Fibrosis Awareness Month" and the month of October of each year as "Brachial Plexus Awareness Month" in Missouri.

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to send a properly inscribed copy of this resolution to the Governor for his approval or rejection pursuant to the Missouri Constitution.

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SENATE CONCURRENT RESOLUTION NO. 42 [SCR 42]

Whereas, neuroblastoma is a type of cancer that forms in the sympathetic nervous system of infants and young children; and

Whereas, neuroblastoma is a very serious childhood disease which is responsible for 12% of all cancer deaths in children under 15 years of age, accounts for about 7% of all cancers in children, and is the most common type of cancer among infants; and

Whereas, there are roughly 650 new cases of neuroblastoma each year in the United States causing a child to die every 16 hours from the disease; and

Whereas, the National Cancer Institute spends less than 3% of its budget and the American Cancer Society directs less than 2% of its research dollars towards pediatric cancer; and

Whereas, pediatric AIDS research receives four times more funding than childhood cancer even though childhood cancer is 20 times more prevalent; and

Whereas, physicians frequently face major challenges in diagnosing neuroblastoma because the symptoms are very similar to more common and less serious childhood illnesses, which results in delayed diagnosis; and

Whereas, by the time neuroblastoma is diagnosed, in roughly two out of three cases the disease has already spread to other parts of the body; and

Whereas, the children suffering from neuroblastoma often undergo treatment involving chemotherapy as well as surgery, and experience prolonged painful symptoms; and

Whereas, the families of children with neuroblastoma must deal with the potential of losing their child while at the same time face out of pocket expenses to treat childhood cancer of roughly \$40,000 a year, even with insurance coverage; and

Whereas, those suffering from neuroblastoma deserve recognition and support in their battle against this painful and deadly disease:

Now Therefore Be It Resolved that the members of the Missouri Senate, Ninety-eighth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby declare November 14, 2016, as Neuroblastoma Cancer Awareness Day.

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE CONCURRENT RESOLUTION NO. 43 [SCS SCR 43]**

Whereas, the Missouri State Capitol is the people's building; and

Whereas, the Constitution of the state of Missouri affirms the right of the people to petition their elected officials; and

Whereas, the members of the General Assembly have noted the continuing need for increased space in the State Capitol building for the citizens of this state, including those with physical disabilities, to exercise fully this right and meet with their elected representatives; and

Whereas, currently, a sizeable number of legislative offices are located in physical spaces that cannot be accessed by those citizens with physical disabilities; and

Whereas, statewide elected officers and other entities currently occupy physical space in the State Capitol building for job duties that could be performed in other state-owned buildings; and

Whereas, in order to ensure accessibility to the State Capitol building for all citizens of this state and accommodate the needs of the public, it is necessary to reallocate, for use by the

General Assembly, physical space currently utilized by certain statewide elected officers and other entities listed in this resolution; and

Whereas, section 8.010, RSMo, establishes the Board of Public Buildings and grants it general supervision and charge of the public property of the state at the seat of government; and

Whereas, subsection 1 of section 8.460, RSMo, states "The board of public buildings may build an office building in the City of Jefferson to house state offices which are presently located in rented quarters within the county of Cole, and they shall remove as many offices from the State Capitol building as the General Assembly deems necessary to provide adequate space for its members"; and

Whereas, the General Assembly is duty bound to investigate the appropriate space needs of the members of the General Assembly in the State Capitol building in order to demand the Board of Public Buildings to remove the appropriate number of offices from the State Capitol building:

Now Therefore Be It Resolved by the members of the Missouri Senate, Ninety-eighth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby establish the "Joint Committee on Capitol Improvements" to examine the appropriate space needs of the General Assembly, certain statewide elected officers, and other entities within the State Capitol building; and

Be it further resolved that the Joint Committee on Capitol Improvements shall be composed of the President Pro Tempore of the Senate, the Speaker of the House of the Representatives, two members of the Senate appointed by the President Pro Tempore of the Senate, two members of the House of Representatives appointed by the Speaker of the House; two members of the Senate appointed by the Senate Minority Leader, and two members of the House of Representatives appointed by the House Minority Leader. The President Pro Tempore and the Speaker of the House shall be co-chairpersons of the Committee. A majority of the members shall constitute a quorum. Meetings of the Joint Committee may be called at such time and place as one or both of the 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; and

Be it further resolved that the Joint Committee may prepare a final report, together with its recommendations for any demands for reallocation of space within the State Capitol building to the Board of Public Buildings pursuant to subsection 1 of section 8.460, RSMo, 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 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 acknowledged by State v. Atterbury, 300 S.W.2d 806 (Mo. 1957).

SENATE CONCURRENT RESOLUTION NO. 46 [SCR 46]

An act by concurrent resolution and pursuant to Article IV, Section 8, to disapprove the final order of rulemaking for the proposed rule 19 CSR 15-8.410 Personal Care Attendant Wage Range.

Whereas, the Department of Health and Senior Services filed a proposed rule 19 CSR 15-8.410 on December 26, 2014, and filed the order of rulemaking with the Joint Committee on Administrative Rules on May 1, 2015; and

Whereas, the Joint Committee on Administrative Rules held a hearing on May 12, 2015, and has found 19 CSR 15-8.410, lacking in compliance with the provisions of Chapter 536, RSMo;

Now Therefore Be It Resolved the General Assembly finds that the Department of Health and Senior Services has violated the provisions of Chapter 536, RSMo, when it failed to comply with the provisions of sections 536.014, 536.200, 536.205, 536.300, and 536.303, RSMo; and

Be It Further Resolved that the Ninety-eighth General Assembly, Second Regular Session, upon concurrence of a majority of the members of the Senate and a majority of the members of the House of Representatives, hereby permanently disapproves and suspends the final order of rulemaking for the proposed rule 19 CSR 15-8.410 Personal Care Attendant Wage Range; and

Be It Further Resolved that a copy of the foregoing be submitted to the Secretary of State so that the Secretary of State may publish in the Missouri Register, as soon as practicable, notice of the disapproval of the final order of rulemaking for the proposed rule 19 CSR 15-8.410, upon this resolution having been signed by the Governor or having been approved by two-thirds of each house of the Ninety-eighth General Assembly, Second Regular Session, after veto by the Governor as provided in Article III, Sections 31 and 32, and Article IV, Section 8 of the Missouri Constitution; and

Be It Further Resolved that a properly inscribed copy be presented to the Governor in accordance with Article IV, Section 8 of the Missouri Constitution.

Vetoed February 26, 2016

Overridden May 3, 2016

SENATE CONCURRENT RESOLUTION NO. 50 [SCR 50]

Relating to recognition of September as Suicide
Prevention Awareness Month in Missouri

WHEREAS, in the United States, suicide is the second leading cause of death among 15 to 24-year olds and the tenth leading cause of death overall; and

WHEREAS, in the United States, one suicide occurs on average every 12.8 minutes; and

WHEREAS, in the United States, over one million people attempt suicide each year, and nearly five million people are survivors of a suicide of a loved one or friend; and

WHEREAS, in 2013, the number of suicides in Missouri more than doubled the number of homicides; and

WHEREAS, the suicide rate in Missouri outpaces the national suicide rate; and

WHEREAS, suicide prevention awareness programs have been shown to reduce the stigma associated with suicide and develop broad community support for suicide prevention; and

WHEREAS, the establishment of Suicide Prevention Awareness Month would provide an appropriate venue to communicate an important message to the public about the extent of this serious public health concern and the existence of community and mental health programs available to aid those in need:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-eighth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby recognize each year the month of September as "Suicide Prevention Awareness Month"; and

BE IT FURTHER RESOLVED that the citizens of Missouri are encouraged to participate in appropriate activities such as wearing turquoise and purple ribbons to raise awareness of suicide prevention; 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 COMMITTEE SUBSTITUTE FOR
SENATE CONCURRENT RESOLUTION NO. 58 [SCR 58]**

Whereas, the National Geospatial-Intelligence Agency West Campus Headquarters, now located in the southern area of St. Louis, is currently considering a new site in the St. Louis region to build a new facility; and

Whereas, the state of Missouri has shown its resolve to build a new facility in Missouri by authorizing an additional twelve million dollars per year to the tax increment financing cap to be used solely for projects for the retention of the National Geospatial-Intelligence Agency in Missouri; and

Whereas, the City of St. Louis and the State of Missouri have supported the National Geospatial-Intelligence Agency and its mission for the past 72 years; and

Whereas, the location of the North St. Louis building site helps meet the mission of the National Geospatial-Intelligence Agency because of its proximity to current NGA facilities, its current and future workforce, and to critical education, technology, and transportation facilities; and

Whereas, the North St. Louis building location will support the mission of the National Geospatial-Intelligence Agency by maintaining workforce morale through satisfactory commute times, nearby cultural amenities and community resources such as child care in a secure work environment; and

Whereas, the North St. Louis building location meets the future workforce recruitment needs of the National Geospatial-Intelligence Agency and best meets concerns expressed by the office of Under Secretary of Defense for Intelligence Human Capital Management by being located in a more appealing urban environment that will make NGA better able to recruit and recapitalize the future workforce, thus ensuring NGA remains at the leading edge of technology; and

Whereas, the national security mission of the National Geospatial-Intelligence Agency can best be met in the North St. Louis building location; and

Whereas, the new National Geospatial-Intelligence Agency facility would result in major benefits to the visual character of the site and other non-major benefits such as health and safety improvement, construction spending, induced employment, cleanup of existing hazardous contamination, and land use improvements; and

Whereas, the short-term and long-term economic potential of this project will leave a positive impact on the city and the state for years and generations to come; and

Whereas, the North St. Louis building site is the preferred location for the next National Geospatial Agency West facility as the state seeks to rebuild North St. Louis through jobs, safety, and more economic development opportunities; and

Whereas, the St. Louis County Executive, St. Louis County Council, Mayor of St. Louis, and City of St. Charles all agree the North St. Louis site is ideal:

Now Therefore Be It Resolved that the members of the Missouri Senate, Ninety-eighth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the National Geospatial Intelligence Agency to remain in Missouri and construct a new facility at the proposed North St. Louis building site; 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 National Geospatial-Intelligence Agency, Robert Cardillo.

SENATE CONCURRENT RESOLUTION NO. 66 [SCR 66]

Whereas, the University of Missouri System plays a crucial role in the culture and economy of the State of Missouri; and

Whereas, recent events on the University of Missouri-Columbia campus have shown a lack of leadership in the administration of the University of Missouri System:

Now Therefore Be It Resolved that the members of the Missouri Senate, Ninety-eighth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby establish the "University of Missouri System Review Commission"; and

Be It Further Resolved that the mission of the commission shall be to review the University of Missouri System, including but not limited to the System's collected rules and regulations, administrative structure, campus structure, auxiliary enterprises structure, degree programs, research activities, and diversity programs; and

Be It Further Resolved that the task force shall consist of the following members:

- (1) Four members to be appointed by the President Pro Tempore of the Senate; and
- (2) Four members to be appointed by the Speaker of the House of Representatives; and

Be It Further Resolved that the members shall collectively possess strong experience and expertise in governance, management and finance, school leadership, instruction, and law, and shall have demonstrated understanding of and commitment to the University of Missouri System and to the important role that the University has in the past, present, and future of the State of Missouri; and

Be It Further Resolved that the commission shall elect a chairperson and vice chairperson, who shall act as chairperson in his or her absence. The commission shall meet upon a call for meeting by the chairperson. The chairperson may call meetings at such times as he or she deems advisable and shall call a meeting when requested to do so by three or more members of the commission; and

Be It Further Resolved that the commission shall conduct a thorough review of the University of Missouri System and detail any recommendations for changes to the System; and

Be It Further Resolved that the commission shall prepare a report for the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the President of the University of Missouri System detailing said recommended changes by December 31, 2016; and

Be It Further Resolved that the University of Missouri System shall adopt and implement the recommendations of the commission and such adoption and implementation, or lack thereof, shall be considered by the General Assembly during the appropriations process; and

Be It Further Resolved that the commission shall be authorized to hire staff to provide such legal, research, clerical, technical, and bill drafting services as the commission may require in the performance of its duties; and

Be It Further Resolved that the commission, its members, and any staff hired by the commission shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the commission; and

Be It Further Resolved that the actual expenses of the commission, its members, and any staff hired by the commission incurred by the commission shall be paid through the appropriations provided to the Department of Higher Education; and

Be It Further Resolved that the commission is authorized to function during the legislative interim 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 acknowledged by *State v. Atterbury*, 300 S.W.2d 806 (Mo. 1957).

ADMINISTRATION, OFFICE OF

- HB 1577 Establishes the Joint Committee on Capitol Security and provides oversight of specific buildings in the seat of government to the Board of Public Buildings

ADMINISTRATIVE LAW

- SB 865 Modifies various provisions regarding palliative care, the Board of Pharmacy, pharmacists, health insurance, and pharmacy benefit managers

ADMINISTRATIVE RULES

- SB 608 Modifies provisions relating to health care (VETO OVERRIDDEN)
SB 865 Modifies various provisions regarding palliative care, the Board of Pharmacy, pharmacists, health insurance, and pharmacy benefit managers
SB 988 Modifies several provisions relating to health care providers
SCR 46 Disapproves and suspends the final order of rulemaking for the proposed rule 19 CSR 15-8.410 Personal Care Attendant Wage Range (VETO OVERRIDDEN)
HCR 58 Disapproves the regulation filed by the State Tax Commission on December 29, 2015, that establishes new values for certain agricultural and horticultural property

ADOPTION

- SB 591 Modifies provisions relating to expert witnesses (VETOED)
HB 1877 Modifies provisions relating to the Children's Division

AGRICULTURE

- SB 641 Creates an income tax deduction for payments received as part of a program that compensates agricultural producers for losses from disaster or emergency (VETO OVERRIDDEN)
SB 655 Repeals the Advisory Council to the Director of the Missouri Agriculture Experiment Station and establishes the Fertilizer Control Board
SB 664 Modifies corporate registration report requirements for authorized farm corporations and family farm corporations
SB 665 Modifies provisions relating to agriculture
SB 844 Modifies provisions relating to livestock trespass liability (VETO OVERRIDDEN)
SB 994 Modifies provisions relating to alcohol (VETO OVERRIDDEN)
HB 1414 Prohibits certain agricultural data from being subject to public disclosure laws (VETO OVERRIDDEN)
HCR 58 Disapproves the regulation filed by the State Tax Commission on December 29, 2015, that establishes new values for certain agricultural and horticultural property

AGRICULTURE DEPARTMENT

- SB 655 Repeals the Advisory Council to the Director of the Missouri Agriculture Experiment Station and establishes the Fertilizer Control Board
SB 657 Modifies provisions relating to motor vehicles
SB 665 Modifies provisions relating to agriculture
HB 1414 Prohibits certain agricultural data from being subject to public disclosure laws (VETO OVERRIDDEN)

AIRCRAFT AND AIRPORTS

- SB 861 Modifies provisions relating to transportation facilities
SB 988 Modifies several provisions relating to health care providers

ALCOHOL

- SB 994 Modifies provisions relating to alcohol (VETO OVERRIDDEN)
HB 1765 Creates regulations for commercial receiverships and powers of appointment, exempts firearms from bankruptcy, modifies provisions regarding wills, trusts, and exonerated individuals, and establishes a statute of limitations on suits against mental health professionals

AMBULANCES AND AMBULANCE DISTRICTS

- SB 607 Modifies provisions relating to public assistance programs
SB 732 Modifies numerous provisions relating to public safety
SB 988 Modifies several provisions relating to health care providers
HB 1534 Extends the sunset on certain health care provider reimbursement allowance taxes

ANIMALS

- SB 844 Modifies provisions relating to livestock trespass liability (VETO OVERRIDDEN)
HB 1414 Prohibits certain agricultural data from being subject to public disclosure laws (VETO OVERRIDDEN)

ANNEXATION

- SB 867 Contains provisions relating to fire protection, sheltered workshops, assessments of mining property, consolidation of road districts, and property managers (VETOED)
HB 1684 Allows certain cities, towns, or villages located in first, second, or third class counties to consolidate if they meet certain conditions

APPROPRIATIONS

- HB 2001 Appropriates money to the Board of Fund Commissioners
HB 2002 Appropriates money for the expenses, grants, refunds, and distributions of the State Board of Education and Department of Elementary and Secondary Education
HB 2003 Appropriates money for the expenses, grants, refunds, and distributions of the Department of Higher Education
HB 2004 Appropriates money for the expenses, grants, refunds, and distributions of the Department of Revenue and Department of Transportation
HB 2005 Appropriates money for the expenses, grants, refunds, and distributions of the Office of Administration, Department of Transportation, and Department of Public Safety
HB 2006 Appropriates money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, and Department of Conservation
HB 2007 Appropriates money for the departments of Economic Development; Insurance, Financial Institutions and Professional Registration; and Labor and Industrial Relations
HB 2008 Appropriates money for the expenses, grants, refunds, and distributions of the Department of Public Safety
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APPROPRIATIONS, CONTINUED

- HB 2009 Appropriates money for the expenses, grants, refunds, and distributions of the Department of Corrections
- HB 2010 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 2011 Appropriates money for the expenses, grants, and distributions of the Department of Social Services
- HB 2012 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 2013 Appropriates money for real property leases and related services
- HB 2014 To appropriate money for supplemental purposes for the several departments and offices of state government.
- HB 2017 To appropriate money for capital improvement and other purposes for the several departments of state government
- HB 2018 Appropriates money for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities

ARCHITECTS

- SB 732 Modifies numerous provisions relating to public safety

ATTORNEY GENERAL

- SB 732 Modifies numerous provisions relating to public safety
- SB 786 Modifies the law relating to the prosecution of election offenses

ATTORNEYS

- SB 578 Allows certain circuits to appoint an additional court marshal, authorizes an additional judge in certain circuits, excludes firearms from bankruptcy, and establishes the Missouri Commercial Receivership Act
- SB 732 Modifies numerous provisions relating to public safety
- SB 735 Modifies laws relating to the Court Automation Fund, the Basic Legal Services Fund, and public defenders

AUDITOR, STATE

- SB 1002 Allows the State Auditor to audit community improvement districts
- HB 1418 Changes the laws regarding audits of transportation development districts

BANKS AND FINANCIAL INSTITUTIONS

- SB 588 Modifies provisions relating to petitions for the expungement of criminal records
- SB 660 Modifies provisions of law relating to bidding procedures for county depositaries
- SB 833 Modifies provisions relating to financial transactions
- HB 1721 Changes the laws regarding credit union supervision so that audits are consistent with federal standards
- HB 2125 Modifies provisions of law relating to savings programs
-

BOARDS, COMMISSIONS, COMMITTEES, AND COUNCILS

- SB 579 Modifies provisions relating to infection reporting of health care facilities and telehealth services
- SB 607 Modifies provisions relating to public assistance programs
- SB 635 Modifies provisions relating to health care
- SB 655 Repeals the Advisory Council to the Director of the Missouri Agriculture Experiment Station and establishes the Fertilizer Control Board
- SB 665 Modifies provisions relating to agriculture
- SB 732 Modifies numerous provisions relating to public safety
- SB 735 Modifies laws relating to the Court Automation Fund, the Basic Legal Services Fund, and public defenders
- SB 875 Allows a pharmacist to select an interchangeable biological product when filling a biological product prescription
- SB 994 Modifies provisions relating to alcohol (VETO OVERRIDDEN)
- HB 1682 Modifies various provisions relating to health care providers
- HB 1696 Subject to appropriation, requires the Commission for the Deaf and Hard of Hearing to provide grants to certain organizations that provide services to deaf-blind children, adults, and service providers
- HB 1713 Modifies provisions relating to regulation of water systems (VETO OVERRIDDEN)
- HB 2237 Modifies provisions of law regarding University of Missouri extension councils (VETOED)
- HB 2355 Creates the Missouri State Juvenile Justice Advisory Board
- HB 2380 Modifies provisions relating to license plates

BOATS AND WATERCRAFT

- SB 861 Modifies provisions relating to transportation facilities

BUSINESS AND COMMERCE

- SB 624 Modifies the crimes of stealing and fraudulent procurement of a credit or debit device
- SB 655 Repeals the Advisory Council to the Director of the Missouri Agriculture Experiment Station and establishes the Fertilizer Control Board
- SB 665 Modifies provisions relating to agriculture
- SB 838 Allows the court to order a wireless service provider to transfer the rights of a wireless telephone number to a petitioner under certain circumstances
- SB 994 Modifies provisions relating to alcohol (VETO OVERRIDDEN)
- HB 1582 Modifies withholding tax requirements
- HB 1870 Modifies provisions relating to the collection of moneys by public entities (VETOED)
- HB 1976 Modifies provisions relating to motor vehicle services (VETO OVERRIDDEN)
- HB 2376 Modifies provisions relating to construction management

CAMPAIGN FINANCE

- HB 1474 Modifies provisions of law relating to the manner in which certain documents are filed with the Missouri ethics commission (VETOED)
- HB 2203 Modifies provisions of law relating to expenditure of campaign committee funds

CHILDREN AND MINORS

- SB 590 Modifies provisions related to first degree murder
-

CHILDREN AND MINORS, CONTINUED

- SB 591 Modifies provisions relating to expert witnesses (VETOED)
SB 905 Changes the effective date of the repeal and enactment of certain provisions of the Uniform Interstate Family Support Act
HB 1550 Modifies provisions of law relating to child custody orders
HB 1562 Modifies provisions relating to victims of crime, stalking, and sex trafficking
HB 1599 Establishes procedures for an adopted person to obtain a copy of his or her original birth certificate
HB 1649 Provides that a person who removes an unattended child from a locked car shall not be held liable for damages
HB 1877 Modifies provisions relating to the Children's Division
HB 2355 Creates the Missouri State Juvenile Justice Advisory Board

CHILDREN'S DIVISION

- HB 1877 Modifies provisions relating to the Children's Division
HB 2355 Creates the Missouri State Juvenile Justice Advisory Board

CHIROPRACTORS

- HB 1682 Modifies various provisions relating to health care providers

CITIES, TOWNS, AND VILLAGES

- SB 588 Modifies provisions relating to petitions for the expungement of criminal records
SB 732 Modifies numerous provisions relating to public safety
SB 867 Contains provisions relating to fire protection, sheltered workshops, assessments of mining property, consolidation of road districts, and property managers (VETOED)
SB 919 Modifies provisions relating to intoxicating liquor
HB 1432 Modifies the law relating to administrative leave for public employees (VETO OVERRIDDEN)
HB 1684 Allows certain cities, towns, or villages located in first, second, or third class counties to consolidate if they meet certain conditions

CIVIL PENALTIES

- SB 655 Repeals the Advisory Council to the Director of the Missouri Agriculture Experiment Station and establishes the Fertilizer Control Board
HB 1414 Prohibits certain agricultural data from being subject to public disclosure laws (VETO OVERRIDDEN)
HB 1418 Changes the laws regarding audits of transportation development districts

CIVIL PROCEDURE

- SB 578 Allows certain circuits to appoint an additional court marshal, authorizes an additional judge in certain circuits, excludes firearms from bankruptcy, and establishes the Missouri Commercial Receivership Act
SB 591 Modifies provisions relating to expert witnesses (VETOED)

CIVIL PROCEDURE, CONTINUED

- SB 847 Modifies provisions relating to the collateral source rule and provides that parties may introduce evidence of the actual cost, rather than the value, of the medical care rendered (VETOED)
- HB 1765 Creates regulations for commercial receiverships and powers of appointment, exempts firearms from bankruptcy, modifies provisions regarding wills, trusts, and exonerated individuals, and establishes a statute of limitations on suits against mental health professionals
- HB 1862 Modifies procedures in landlord and tenant cases, provides that a landlord must keep security deposits in a depository institution, and allows landlords withhold money for carpet cleaning from the security deposit pursuant to a lease agreement

CIVIL RIGHTS

- HB 1559 Designates July first as "Lucile Bluford Day" in Missouri in honor of a the civil rights activist and journalist

COMPACTS

- SB 732 Modifies numerous provisions relating to public safety
- HB 1816 Modifies provisions relating to health care professionals and prescription refills

CONSTITUTIONAL AMENDMENTS

- HJR 53 Modifies provisions of the constitution relating to suffrage and elections

CONSTRUCTION AND BUILDING CODES

- HB 1713 Modifies provisions relating to regulation of water systems (VETO OVERRIDDEN)

CONSUMER PROTECTION

- SB 655 Repeals the Advisory Council to the Director of the Missouri Agriculture Experiment Station and establishes the Fertilizer Control Board
- HB 1976 Modifies provisions relating to motor vehicle services (VETO OVERRIDDEN)

CONTRACTS AND CONTRACTORS

- SB 732 Modifies numerous provisions relating to public safety
- HB 1976 Modifies provisions relating to motor vehicle services (VETO OVERRIDDEN)
- HB 2376 Modifies provisions relating to construction management

CORPORATIONS

- SB 664 Modifies corporate registration report requirements for authorized farm corporations and family farm corporations
- HB 1717 Modifies provisions relating to water systems
- HB 2030 Creates a tax deduction for employee stock ownership plans (VETO OVERRIDDEN)
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CORRECTIONS, DEPARTMENT OF

SB 665 Modifies provisions relating to agriculture

COUNTIES

- SB 572 Modifies various provisions regarding municipalities located in St. Louis County, nuisance abatement ordinances, disincorporation procedures for various cities, and municipal courts
- SB 588 Modifies provisions relating to petitions for the expungement of criminal records
- SB 660 Modifies provisions of law relating to bidding procedures for county depositaries
- SB 732 Modifies numerous provisions relating to public safety
- SB 867 Contains provisions relating to fire protection, sheltered workshops, assessments of mining property, consolidation of road districts, and property managers (VETOED)
- SB 919 Modifies provisions relating to intoxicating liquor
- HB 1418 Changes the laws regarding audits of transportation development districts
- HB 1593 Modifies provisions relating to proceedings against defaulting collectors
- HB 1851 Designates the "German Heritage Corridor of Missouri"
- HB 1936 Allows sheriffs and deputies to assist in other counties throughout the state and modifies provisions relating to the Inmate Prisoner Detainee Security Fund, and law enforcement mobile video recordings

COUNTY GOVERNMENT

- SB 572 Modifies various provisions regarding municipalities located in St. Louis County, nuisance abatement ordinances, disincorporation procedures for various cities, and municipal courts
- SB 867 Contains provisions relating to fire protection, sheltered workshops, assessments of mining property, consolidation of road districts, and property managers (VETOED)
- HB 1432 Modifies the law relating to administrative leave for public employees (VETO OVERRIDDEN)
- HB 1480 Allows voting machines to be used for the purpose of processing absentee ballots
- HB 1593 Modifies provisions relating to proceedings against defaulting collectors
- HB 1936 Allows sheriffs and deputies to assist in other counties throughout the state and modifies provisions relating to the Inmate Prisoner Detainee Security Fund, and law enforcement mobile video recordings

COUNTY OFFICIALS

- SB 786 Modifies the law relating to the prosecution of election offenses
- HB 1593 Modifies provisions relating to proceedings against defaulting collectors
- HB 1936 Allows sheriffs and deputies to assist in other counties throughout the state and modifies provisions relating to the Inmate Prisoner Detainee Security Fund, and law enforcement mobile video recordings
- HB 2381 Modifies provisions relating to mine property

COURTS

- SB 572 Modifies various provisions regarding municipalities located in St. Louis County, nuisance abatement ordinances, disincorporation procedures for various cities, and municipal courts
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COURTS, CONTINUED

- SB 578 Allows certain circuits to appoint an additional court marshal, authorizes an additional judge in certain circuits, excludes firearms from bankruptcy, and establishes the Missouri Commercial Receivership Act
- SB 585 Divides the Thirty-Eighth Judicial Circuit and creates a new Forty-Sixth Judicial Circuit
- SB 588 Modifies provisions relating to petitions for the expungement of criminal records
- SB 590 Modifies provisions related to first degree murder
- SB 591 Modifies provisions relating to expert witnesses (VETOED)
- SB 657 Modifies provisions relating to motor vehicles
- SB 735 Modifies laws relating to the Court Automation Fund, the Basic Legal Services Fund, and public defenders
- SB 838 Allows the court to order a wireless service provider to transfer the rights of a wireless telephone number to a petitioner under certain circumstances
- SB 847 Modifies provisions relating to the collateral source rule and provides that parties may introduce evidence of the actual cost, rather than the value, of the medical care rendered (VETOED)
- HB 1550 Modifies provisions of law relating to child custody orders
- HB 1765 Creates regulations for commercial receiverships and powers of appointment, exempts firearms from bankruptcy, modifies provisions regarding wills, trusts, and exonerated individuals, and establishes a statute of limitations on suits against mental health professionals
- HB 1862 Modifies procedures in landlord and tenant cases, provides that a landlord must keep security deposits in a depository institution, and allows landlords withhold money for carpet cleaning from the security deposit pursuant to a lease agreement

COURTS, JUVENILE

- SB 585 Divides the Thirty-Eighth Judicial Circuit and creates a new Forty-Sixth Judicial Circuit
- HB 1877 Modifies provisions relating to the Children's Division
- HB 2355 Creates the Missouri State Juvenile Justice Advisory Board

CREDIT AND BANKRUPTCY

- SB 578 Allows certain circuits to appoint an additional court marshal, authorizes an additional judge in certain circuits, excludes firearms from bankruptcy, and establishes the Missouri Commercial Receivership Act
- HB 1765 Creates regulations for commercial receiverships and powers of appointment, exempts firearms from bankruptcy, modifies provisions regarding wills, trusts, and exonerated individuals, and establishes a statute of limitations on suits against mental health professionals

CREDIT UNIONS

- SB 932 Modifies provisions relating to bonded entities
- HB 1721 Changes the laws regarding credit union supervision so that audits are consistent with federal standards
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CRIMES AND PUNISHMENT

- SB 588 Modifies provisions relating to petitions for the expungement of criminal records
- SB 590 Modifies provisions related to first degree murder
- SB 624 Modifies the crimes of stealing and fraudulent procurement of a credit or debit device
- SB 657 Modifies provisions relating to motor vehicles
- SB 765 Modifies provisions relating to law enforcement officers and political subdivisions
- SB 921 Modifies provisions relating to victims of crime
- HB 1562 Modifies provisions relating to victims of crime, stalking, and sex trafficking
- HB 1733 Modifies provisions regarding the regulation of vehicles (VETOED)
- HB 1765 Creates regulations for commercial receiverships and powers of appointment, exempts firearms from bankruptcy, modifies provisions regarding wills, trusts, and exonerated individuals, and establishes a statute of limitations on suits against mental health professionals
- HB 1877 Modifies provisions relating to the Children's Division
- HB 1976 Modifies provisions relating to motor vehicle services (VETO OVERRIDDEN)
- HB 2332 Modifies various provisions of criminal law
- HB 2355 Creates the Missouri State Juvenile Justice Advisory Board

CRIMINAL PROCEDURE

- SB 588 Modifies provisions relating to petitions for the expungement of criminal records
- SB 590 Modifies provisions related to first degree murder
- SB 591 Modifies provisions relating to expert witnesses (VETOED)
- SB 847 Modifies provisions relating to the collateral source rule and provides that parties may introduce evidence of the actual cost, rather than the value, of the medical care rendered (VETOED)
- HB 1765 Creates regulations for commercial receiverships and powers of appointment, exempts firearms from bankruptcy, modifies provisions regarding wills, trusts, and exonerated individuals, and establishes a statute of limitations on suits against mental health professionals
- HB 1862 Modifies procedures in landlord and tenant cases, provides that a landlord must keep security deposits in a depository institution, and allows landlords withhold money for carpet cleaning from the security deposit pursuant to a lease agreement
- HB 2332 Modifies various provisions of criminal law

DENTISTS

- HB 1682 Modifies various provisions relating to health care providers
- HB 1713 Modifies provisions relating to regulation of water systems (VETO OVERRIDDEN)
- HB 1717 Modifies provisions relating to water systems

DISABILITIES

- HB 1565 Raises the MO HealthNet asset limits for disabled persons

DOMESTIC RELATIONS

- SB 838 Allows the court to order a wireless service provider to transfer the rights of a wireless telephone number to a petitioner under certain circumstances

DOMESTIC RELATIONS, CONTINUED

- SB 905 Changes the effective date of the repeal and enactment of certain provisions of the Uniform Interstate Family Support Act

DRUGS AND CONTROLLED SUBSTANCES

- SB 865 Modifies various provisions regarding palliative care, the Board of Pharmacy, pharmacists, health insurance, and pharmacy benefit managers
SB 875 Allows a pharmacist to select an interchangeable biological product when filling a biological product prescription
SB 973 Modifies various provisions relating to hospitals, physical therapists, and medication
HB 1568 Allows pharmacists to sell and dispense opioid antagonists
HB 1682 Modifies various provisions relating to health care providers
HB 2332 Modifies various provisions of criminal law

DRUNK DRIVING/BOATING

- HB 2332 Modifies various provisions of criminal law

ECONOMIC DEVELOPMENT

- SB 861 Modifies provisions relating to transportation facilities
SB 1002 Allows the State Auditor to audit community improvement districts
HB 1698 Establishes incentives to attract major out-of-state conventions to Missouri
HB 1870 Modifies provisions relating to the collection of moneys by public entities (VETOED)

ECONOMIC DEVELOPMENT, DEPARTMENT OF

- SB 861 Modifies provisions relating to transportation facilities
HB 1713 Modifies provisions relating to regulation of water systems (VETO OVERRIDDEN)

EDUCATION, ELEMENTARY AND SECONDARY

- SB 586 Modifies the definition of "current operating expenditures" and "state adequacy target" for the purposes of state funding and applies the definition of "average daily attendance" to charter schools (VETO OVERRIDDEN)
SB 620 Modifies composition of the Career and Technical Education Advisory Council and requires said council to establish minimum requirement for a career and technical education certificate
SB 638 Modifies several provisions relating to elementary and secondary education
SB 665 Modifies provisions relating to agriculture
SB 711 Requires thirty minutes of cardiopulmonary resuscitation instruction and training during high school
HB 1418 Changes the laws regarding audits of transportation development districts
HB 1583 Modifies several provisions relating to student safety
HB 1646 Establishes the Missouri Civics Education Initiative
HB 2379 Modifies several provisions relating to student safety
HB 2428 Changes the term "guidance counselor" to "school counselor" in the laws relating to education
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EDUCATION, HIGHER

- SB 638 Modifies several provisions relating to elementary and secondary education
SB 655 Repeals the Advisory Council to the Director of the Missouri Agriculture Experiment Station and establishes the Fertilizer Control Board
SB 968 Modifies several provisions relating to higher education financial aid for members of the military and their families
SB 997 Establishes several provisions relating to higher education
HB 1646 Establishes the Missouri Civics Education Initiative
HB 1681 Exempts yoga training courses, programs, or schools from provisions of law regulating proprietary schools
HB 2237 Modifies provisions of law regarding University of Missouri extension councils (VETOED)

EDUCATION, PROPRIETARY

- HB 1681 Exempts yoga training courses, programs, or schools from provisions of law regulating proprietary schools

ELDERLY

- SB 732 Modifies numerous provisions relating to public safety

ELECTIONS

- SB 585 Divides Thirty-Eighth Judicial Circuit and creates new Forty-Sixth Judicial Circuit
SB 786 Modifies the law relating to the prosecution of election offenses
HB 1477 Modifies provisions relating to political parties
HB 1480 Allows voting machines to be used for the purpose of processing absentee ballots
HB 1631 Modifies provisions of law relating to voter identification (VETO OVERRIDDEN)
HJR 53 Modifies provisions of the constitution relating to suffrage and elections

ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF

- SB 638 Modifies several provisions relating to elementary and secondary education
SB 997 Establishes several provisions relating to higher education

EMERGENCIES

- SB 641 Creates an income tax deduction for payments received as part of a program that compensates agricultural producers for losses from disaster or emergency (VETO OVERRIDDEN)
SB 732 Modifies numerous provisions relating to public safety
SB 988 Modifies several provisions relating to health care providers
HB 1649 Provides that a person who removes an unattended child from a locked car shall not be held liable for damages
HB 1733 Modifies provisions regarding the regulation of vehicles (VETOED)

EMPLOYEES - EMPLOYERS

- HB 1432 Modifies the law relating to administrative leave for public employees (VETO OVERRIDDEN)

EMPLOYEES - EMPLOYERS, CONTINUED

- HB 1530 Modifies the law relating to unemployment compensation benefits
HB 2030 Creates a tax deduction for employee stock ownership plans (VETO OVERRIDDEN)

ENERGY

- HB 1717 Modifies provisions relating to water systems

ENGINEERS

- SB 732 Modifies numerous provisions relating to public safety

ENTERTAINMENT, SPORTS AND AMUSEMENTS

- SB 1025 Exempts instructional classes from sales tax (VETO OVERRIDDEN)

ENVIRONMENTAL PROTECTION

- HB 1713 Modifies provisions relating to regulation of water systems (VETO OVERRIDDEN)

ESTATES, WILLS AND TRUSTS

- SB 591 Modifies provisions relating to expert witnesses (VETOED)
HB 1765 Creates regulations for commercial receiverships and powers of appointment, exempts firearms from bankruptcy, modifies provisions regarding wills, trusts, and exonerated individuals, and establishes a statute of limitations on suits against mental health professionals

ETHICS

- HB 1474 Modifies provisions of law relating to the manner in which certain documents are filed with the Missouri ethics commission (VETOED)
HB 1979 Modifies provisions of law relating to public officials becoming lobbyists
HB 1983 Creates new provisions of law relating to elected officials acting as paid political consultants
HB 2203 Modifies provisions of law relating to expenditure of campaign committee funds

EVIDENCE

- SB 847 Modifies provisions relating to the collateral source rule and provides that parties may introduce evidence of the actual cost, rather than the value, of the medical care rendered (VETOED)

FAMILY LAW

- SB 591 Modifies provisions relating to expert witnesses (VETOED)
SB 905 Changes the effective date of the repeal and enactment of certain provisions of the Uniform Interstate Family Support Act
HB 1550 Modifies provisions of law relating to child custody orders
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FAMILY LAW, CONTINUED

- HB 1599 Establishes procedures for an adopted person to obtain a copy of his or her original birth certificate
HB 1877 Modifies provisions relating to the Children's Division

FEDERAL - STATE RELATIONS

- HB 1414 Prohibits certain agricultural data from being subject to public disclosure laws (VETO OVERRIDDEN)
HB 1870 Modifies provisions relating to the collection of moneys by public entities (VETOED)

FEEES

- SB 588 Modifies provisions relating to petitions for the expungement of criminal records
SB 655 Repeals the Advisory Council to the Director of the Missouri Agriculture Experiment Station and establishes the Fertilizer Control Board
SB 656 Modifies provisions relating to county sheriffs, self defense, unlawful use of weapons, and concealed carry permits (VETO OVERRIDDEN)
SB 657 Modifies provisions relating to motor vehicles
SB 664 Modifies corporate registration report requirements for authorized farm corporations and family farm corporations
SB 665 Modifies provisions relating to agriculture
SB 735 Modifies laws relating to the Court Automation Fund, the Basic Legal Services Fund, and public defenders
HB 1418 Changes the laws regarding audits of transportation development districts
HB 2380 Modifies provisions relating to license plates

FIRE PROTECTION

- SB 732 Modifies numerous provisions relating to public safety
SB 867 Contains provisions relating to fire protection, sheltered workshops, assessments of mining property, consolidation of road districts, and property managers (VETOED)

FIREARMS

- SB 578 Allows certain circuits to appoint an additional court marshal, authorizes an additional judge in certain circuits, excludes firearms from bankruptcy, and establishes the Missouri Commercial Receivership Act
SB 656 Modifies provisions relating to county sheriffs, self defense, unlawful use of weapons, and concealed carry permits (VETO OVERRIDDEN)
HB 1765 Creates regulations for commercial receiverships and powers of appointment, exempts firearms from bankruptcy, modifies provisions regarding wills, trusts, and exonerated individuals, and establishes a statute of limitations on suits against mental health professionals

FIREWORKS

- SB 656 Modifies provisions relating to county sheriffs, self defense, unlawful use of weapons, and concealed carry permits (VETO OVERRIDDEN)
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FOOD

SB 665 Modifies provisions relating to agriculture

GAMBLING

SB 732 Modifies numerous provisions relating to public safety

HB 1941 Provides licensing and taxation for daily fantasy sports games

GENERAL ASSEMBLY

SB 921 Modifies provisions relating to victims of crime

SB 986 Authorizes the conveyance of certain state properties

SCR 46 Disapproves and suspends the final order of rulemaking for the proposed rule 19 CSR 15-8.410 Personal Care Attendant Wage Range (VETO OVERRIDDEN)

SCR 50 Designates the month of September as Suicide Prevention Awareness Month

HB 1577 Establishes the Joint Committee on Capitol Security and provides oversight of specific buildings in the seat of government to the Board of Public Buildings

HB 2380 Modifies provisions relating to license plates

HB 2453 Authorizes the conveyance of certain state properties

HCR 58 Disapproves the regulation filed by the State Tax Commission on December 29, 2015, that establishes new values for certain agricultural and horticultural property

HCR 73 Designates the month of May each year as Cystic Fibrosis Awareness Month and the month of October of each year as Brachial Plexus Awareness Month in Missouri

GOVERNOR & LT. GOVERNOR

SB 921 Modifies provisions relating to victims of crime

HCR 58 Disapproves the regulation filed by the State Tax Commission on December 29, 2015, that establishes new values for certain agricultural and horticultural property

HEALTH AND SENIOR SERVICES, DEPARTMENT OF

SB 579 Modifies provisions relating to infection reporting of health care facilities and telehealth services

SB 635 Modifies provisions relating to health care

SB 665 Modifies provisions relating to agriculture

SB 732 Modifies numerous provisions relating to public safety

SB 988 Modifies several provisions relating to health care providers

SCR 46 Disapproves and suspends the final order of rulemaking for the proposed rule 19 CSR 15-8.410 Personal Care Attendant Wage Range (VETO OVERRIDDEN)

HB 1682 Modifies various provisions relating to health care providers

HB 1713 Modifies provisions relating to regulation of water systems (VETO OVERRIDDEN)

HB 1717 Modifies provisions relating to water systems

HB 1816 Modifies provisions relating to health care professionals and prescription refills

HEALTH CARE

SB 579 Modifies provisions relating to infection reporting of health care facilities and telehealth services

SB 608 Modifies provisions relating to health care (VETO OVERRIDDEN)

SB 635 Modifies provisions relating to health care

HEALTH CARE, CONTINUED

- SB 794 Creates a sales tax exemption for parts of certain types of medical equipment
SB 847 Modifies provisions relating to the collateral source rule and provides that parties may introduce evidence of the actual cost, rather than the value, of the medical care rendered (VETOED)
SB 875 Allows a pharmacist to select an interchangeable biological product when filling a biological product prescription
SB 988 Modifies several provisions relating to health care providers
SCR 50 Designates the month of September as Suicide Prevention Awareness Month
HB 1534 Extends the sunset on certain health care provider reimbursement allowance taxes
HB 1682 Modifies various provisions relating to health care providers
HB 2029 Changes the laws regarding step therapy for prescription drugs
HCR 73 Designates the month of May each year as Cystic Fibrosis Awareness Month and the month of October of each year as Brachial Plexus Awareness Month in Missouri

HEALTH CARE PROFESSIONALS

- SB 579 Modifies provisions relating to infection reporting of health care facilities and telehealth services
SB 607 Modifies provisions relating to public assistance programs
SB 608 Modifies provisions relating to health care (VETO OVERRIDDEN)
SB 847 Modifies provisions relating to the collateral source rule and provides that parties may introduce evidence of the actual cost, rather than the value, of the medical care rendered (VETOED)
SB 875 Allows a pharmacist to select an interchangeable biological product when filling a biological product prescription
SB 973 Modifies various provisions relating to hospitals, physical therapists, and medication
HB 1534 Extends the sunset on certain health care provider reimbursement allowance taxes
HB 1568 Allows pharmacists to sell and dispense opioid antagonists
HB 1682 Modifies various provisions relating to health care providers
HB 1765 Creates regulations for commercial receiverships and powers of appointment, exempts firearms from bankruptcy, modifies provisions regarding wills, trusts, and exonerated individuals, and establishes a statute of limitations on suits against mental health professionals
HB 1816 Modifies provisions relating to health care professionals and prescription refills
HB 2029 Changes the laws regarding step therapy for prescription drugs

HEALTH, PUBLIC

- HB 1414 Prohibits certain agricultural data from being subject to public disclosure laws (VETO OVERRIDDEN)

HIGHER EDUCATION, DEPARTMENT OF

- SB 638 Modifies several provisions relating to elementary and secondary education
SB 997 Establishes several provisions relating to higher education

HIGHWAY PATROL

- SB 588 Modifies provisions relating to petitions for the expungement of criminal records
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HIGHWAY PATROL, CONTINUED

- SB 921 Modifies provisions relating to victims of crime
HB 1976 Modifies provisions relating to motor vehicle services (VETO OVERRIDDEN)
HB 2380 Modifies provisions relating to license plates

HOLIDAYS AND OBSERVANCES

- HB 1559 Designates July first as "Lucile Bluford Day" in Missouri in honor of a the civil rights activist and journalist
HCR 73 Designates the month of May each year as Cystic Fibrosis Awareness Month and the month of October of each year as Brachial Plexus Awareness Month in Missouri

HOSPITALS

- SB 579 Modifies provisions relating to infection reporting of health care facilities and telehealth services
SB 988 Modifies several provisions relating to health care providers
HB 1534 Extends the sunset on certain health care provider reimbursement allowance taxes
HB 1682 Modifies various provisions relating to health care providers

INSURANCE - AUTOMOBILE

- SB 947 Creates regulations for insurance requirements for transportation network companies and transportation network company drivers
HB 1976 Modifies provisions relating to motor vehicle services (VETO OVERRIDDEN)
HB 2194 Modifies varies provisions regarding insurance

INSURANCE - GENERAL

- HB 1763 Changes the laws regarding workers' compensation large deductible policies issued by an insurer (VETO OVERRIDDEN)

INSURANCE - HEALTH

- SB 847 Modifies provisions relating to the collateral source rule and provides that parties may introduce evidence of the actual cost, rather than the value, of the medical care rendered (VETOED)
SB 865 Modifies various provisions regarding palliative care, the Board of Pharmacy, pharmacists, health insurance, and pharmacy benefit managers
HB 1682 Modifies various provisions relating to health care providers
HB 1816 Modifies provisions relating to health care professionals and prescription refills
HB 2029 Changes the laws regarding step therapy for prescription drugs

INSURANCE - LIFE

- HB 2150 Creates regulations for the process of identifying deceased insureds and payments of life insurance death benefits for policies

INSURANCE - PROPERTY

- HB 1976 Modifies provisions relating to motor vehicle services (VETO OVERRIDDEN)
HB 2194 Modifies varies provisions regarding insurance
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**INSURANCE, FINANCIAL INSTITUTION & PROFESSIONAL REGISTRATION,
DEPARTMENT OF**

- HB 1976 Modifies provisions relating to motor vehicle services (VETO OVERRIDDEN)
HB 2029 Changes the laws regarding step therapy for prescription drugs
HB 2150 Creates regulations for the process of identifying deceased insureds and payments of life insurance death benefits for policies

INTERNET AND E-MAIL

- SB 823 Modifies provisions relating to sales tax

JACKSON COUNTY

- SB 572 Modifies various provisions regarding municipalities located in St. Louis County, nuisance abatement ordinances, disincorporation procedures for various cities, and municipal courts

JUDGES

- SB 578 Allows certain circuits to appoint an additional court marshal, authorizes an additional judge in certain circuits, excludes firearms from bankruptcy, and establishes the Missouri Commercial Receivership Act
SB 585 Divides the Thirty-Eighth Judicial Circuit and creates a new Forty-Sixth Judicial Circuit
SB 591 Modifies provisions relating to expert witnesses (VETOED)

JURIES

- SB 591 Modifies provisions relating to expert witnesses (VETOED)

KANSAS CITY

- SB 572 Modifies various provisions regarding municipalities located in St. Louis County, nuisance abatement ordinances, disincorporation procedures for various cities, and municipal courts
SB 867 Contains provisions relating to fire protection, sheltered workshops, assessments of mining property, consolidation of road districts, and property managers (VETOED)
HB 2591 Designates certain transportation infrastructure

LABOR AND MANAGEMENT

- HB 1891 Creates new provisions of law relating to labor organizations (VETOED)

LAKES, RIVERS AND WATERWAYS

- SB 861 Modifies provisions relating to transportation facilities
SB 994 Modifies provisions relating to alcohol (VETO OVERRIDDEN)
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LANDLORDS AND TENANTS

- HB 1862 Modifies procedures in landlord and tenant cases, provides that a landlord must keep security deposits in a depository institution, and allows landlords withhold money for carpet cleaning from the security deposit pursuant to a lease agreement

LAW ENFORCEMENT OFFICERS AND AGENCIES

- SB 572 Modifies various provisions regarding municipalities located in St. Louis County, nuisance abatement ordinances, disincorporation procedures for various cities, and municipal courts
- SB 588 Modifies provisions relating to petitions for the expungement of criminal records
- SB 656 Modifies provisions relating to county sheriffs, self defense, unlawful use of weapons, and concealed carry permits (VETO OVERRIDDEN)
- SB 765 Modifies provisions relating to law enforcement officers and political subdivisions
- SB 921 Modifies provisions relating to victims of crime
- HB 1432 Modifies the law relating to administrative leave for public employees (VETO OVERRIDDEN)
- HB 1577 Establishes the Joint Committee on Capitol Security and provides oversight of specific buildings in the seat of government to the Board of Public Buildings
- HB 1936 Allows sheriffs and deputies to assist in other counties throughout the state and modifies provisions relating to the Inmate Prisoner Detainee Security Fund, and law enforcement mobile video recordings
- HB 1976 Modifies provisions relating to motor vehicle services (VETO OVERRIDDEN)
- HB 2355 Creates the Missouri State Juvenile Justice Advisory Board

LIABILITY

- SB 572 Modifies various provisions regarding municipalities located in St. Louis County, nuisance abatement ordinances, disincorporation procedures for various cities, and municipal courts
- SB 657 Modifies provisions relating to motor vehicles
- SB 838 Allows the court to order a wireless service provider to transfer the rights of a wireless telephone number to a petitioner under certain circumstances
- SB 844 Modifies provisions relating to livestock trespass liability (VETO OVERRIDDEN)
- SB 847 Modifies provisions relating to the collateral source rule and provides that parties may introduce evidence of the actual cost, rather than the value, of the medical care rendered (VETOED)
- HB 1568 Allows pharmacists to sell and dispense opioid antagonists
- HB 1649 Provides that a person who removes an unattended child from a locked car shall not be held liable for damages
- HB 1765 Creates regulations for commercial receiverships and powers of appointment, exempts firearms from bankruptcy, modifies provisions regarding wills, trusts, and exonerated individuals, and establishes a statute of limitations on suits against mental health professionals
- HB 1862 Modifies procedures in landlord and tenant cases, provides that a landlord must keep security deposits in a depository institution, and allows landlords withhold money for carpet cleaning from the security deposit pursuant to a lease agreement
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LIBRARIES AND ARCHIVES

HB 1561 Modifies provisions relating to local sales taxes

LICENSES - LIQUOR AND BEER

SB 919 Modifies provisions relating to intoxicating liquor

LICENSES - MOTOR VEHICLE

HB 2380 Modifies provisions relating to license plates

MARRIAGE AND DIVORCE

SB 591 Modifies provisions relating to expert witnesses (VETOED)

HB 1550 Modifies provisions of law relating to child custody orders

MEDICAID/MO HEALTHNET

SB 579 Modifies provisions relating to infection reporting of health care facilities and telehealth services

SB 607 Modifies provisions relating to public assistance programs

SB 608 Modifies provisions relating to health care (VETO OVERRIDDEN)

SB 732 Modifies numerous provisions relating to public safety

HB 1534 Extends the sunset on certain health care provider reimbursement allowance taxes

HB 1682 Modifies various provisions relating to health care providers

MEDICAL PROCEDURES AND PERSONNEL

SB 579 Modifies provisions relating to infection reporting of health care facilities and telehealth services

HB 1568 Allows pharmacists to sell and dispense opioid antagonists

MENTAL HEALTH

SCR 50 Designates the month of September as Suicide Prevention Awareness Month

HB 1765 Creates regulations for commercial receiverships and powers of appointment, exempts firearms from bankruptcy, modifies provisions regarding wills, trusts, and exonerated individuals, and establishes a statute of limitations on suits against mental health professionals

MENTAL HEALTH, DEPARTMENT OF

HB 1816 Modifies provisions relating to health care professionals and prescription refills

MILITARY AFFAIRS

SB 656 Modifies provisions relating to county sheriffs, self defense, unlawful use of weapons, and concealed carry permits (VETO OVERRIDDEN)

SB 665 Modifies provisions relating to agriculture

SB 814 Allows an individual to deduct income earned through active military duty from their Missouri adjusted gross income

MINING AND OIL AND GAS PRODUCTION

- SB 867 Contains provisions relating to fire protection, sheltered workshops, assessments of mining property, consolidation of road districts, and property managers (VETOED)
HB 2381 Modifies provisions relating to mine property

MOTELS AND HOTELS

- HB 1698 Establishes incentives to attract major out-of-state conventions to Missouri

MOTOR FUEL

- SB 657 Modifies provisions relating to motor vehicles

MOTOR VEHICLES

- SB 657 Modifies provisions relating to motor vehicles
SB 947 Creates regulations for insurance requirements for transportation network companies and transportation network company drivers
HB 1733 Modifies provisions regarding the regulation of vehicles (VETOED)
HB 1976 Modifies provisions relating to motor vehicle services (VETO OVERRIDDEN)
HB 2140 Creates the "Missouri Task Force on Fair, Nondiscriminatory Local Taxation Concerning Motor Vehicles, Trailers, Boats, and Outboard Motors."
HB 2380 Modifies provisions relating to license plates

NATIONAL GUARD

- HB 1733 Modifies provisions regarding the regulation of vehicles (VETOED)

NATURAL RESOURCES, DEPARTMENT OF

- HB 1414 Prohibits certain agricultural data from being subject to public disclosure laws (VETO OVERRIDDEN)
HB 1713 Modifies provisions relating to regulation of water systems (VETO OVERRIDDEN)
HB 1717 Modifies provisions relating to water systems
HB 2381 Modifies provisions relating to mine property

NEWSPAPERS AND PUBLICATIONS

- SB 732 Modifies numerous provisions relating to public safety
HB 1559 Designates July first as "Lucile Bluford Day" in Missouri in honor of a the civil rights activist and journalist
HB 1717 Modifies provisions relating to water systems

NOTARY PUBLIC

- SB 932 Modifies provisions relating to bonded entities

NURSES

- SB 579 Modifies provisions relating to infection reporting of health care facilities and telehealth services
SB 973 Modifies various provisions relating to hospitals, physical therapists, and medication
HB 1816 Modifies provisions relating to health care professionals and prescription refills
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NURSING HOMES AND LONG-TERM CARE FACILITIES

- SB 665 Modifies provisions relating to agriculture
HB 1534 Extends the sunset on certain health care provider reimbursement allowance taxes

OPTOMETRY

- HB 1682 Modifies various provisions relating to health care providers
HB 1816 Modifies provisions relating to health care professionals and prescription refills

PHARMACY

- SB 865 Modifies various provisions regarding palliative care, the Board of Pharmacy, pharmacists, health insurance, and pharmacy benefit managers

PHARMACY, CONTINUED

- SB 875 Allows a pharmacist to select an interchangeable biological product when filling a biological product prescription
SB 973 Modifies various provisions relating to hospitals, physical therapists, and medication
HB 1534 Extends the sunset on certain health care provider reimbursement allowance taxes
HB 1682 Modifies various provisions relating to health care providers
HB 1816 Modifies provisions relating to health care professionals and prescription refills
HB 2029 Changes the laws regarding step therapy for prescription drugs

PHYSICAL THERAPISTS

- HB 1816 Modifies provisions relating to health care professionals and prescription refills

PHYSICIANS

- SB 579 Modifies provisions relating to infection reporting of health care facilities and telehealth services
SB 875 Allows a pharmacist to select an interchangeable biological product when filling a biological product prescription
SB 973 Modifies various provisions relating to hospitals, physical therapists, and medication
HB 1682 Modifies various provisions relating to health care providers
HB 1816 Modifies provisions relating to health care professionals and prescription refills
HB 2029 Changes the laws regarding step therapy for prescription drugs

POLITICAL PARTIES

- HB 1477 Modifies provisions relating to political parties

POLITICAL SUBDIVISIONS

- SB 572 Modifies various provisions regarding municipalities located in St. Louis County, nuisance abatement ordinances, disincorporation procedures for various cities, and municipal courts
SB 765 Modifies provisions relating to law enforcement officers and political subdivisions
SB 867 Contains provisions relating to fire protection, sheltered workshops, assessments of mining property, consolidation of road districts, and property managers (VETOED)
SB 1002 Allows the State Auditor to audit community improvement districts
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POLITICAL SUBDIVISIONS, CONTINUED

- HB 1432 Modifies the law relating to administrative leave for public employees (VETO OVERRIDDEN)
HB 1434 Modifies provisions relating to tax increment financing commission
HB 1443 Allows political subdivisions to assign operation of a retirement plan to the Missouri Local Government Employees' Retirement System
HB 1713 Modifies provisions relating to regulation of water systems (VETO OVERRIDDEN)
HB 2376 Modifies provisions relating to construction management

PROBATION AND PAROLE

- HB 1765 Creates regulations for commercial receiverships and powers of appointment, exempts firearms from bankruptcy, modifies provisions regarding wills, trusts, and exonerated individuals, and establishes a statute of limitations on suits against mental health professionals

PROFESSIONAL REGISTRATION AND LICENSING

- SB 865 Modifies various provisions regarding palliative care, the Board of Pharmacy, pharmacists, health insurance, and pharmacy benefit managers
HB 1568 Allows pharmacists to sell and dispense opioid antagonists
HB 1682 Modifies various provisions relating to health care providers
HB 1816 Modifies provisions relating to health care professionals and prescription refills

PROPERTY, REAL AND PERSONAL

- SB 578 Allows certain circuits to appoint an additional court marshal, authorizes an additional judge in certain circuits, excludes firearms from bankruptcy, and establishes the Missouri Commercial Receivership Act
SB 591 Modifies provisions relating to expert witnesses (VETOED)
SB 867 Contains provisions relating to fire protection, sheltered workshops, assessments of mining property, consolidation of road districts, and property managers (VETOED)
HB 1765 Creates regulations for commercial receiverships and powers of appointment, exempts firearms from bankruptcy, modifies provisions regarding wills, trusts, and exonerated individuals, and establishes a statute of limitations on suits against mental health professionals
HB 1976 Modifies provisions relating to motor vehicle services (VETO OVERRIDDEN)
HB 2381 Modifies provisions relating to mine property
HCR 58 Disapproves the regulation filed by the State Tax Commission on December 29, 2015, that establishes new values for certain agricultural and horticultural property

PSYCHOLOGISTS

- SB 607 Modifies provisions relating to public assistance programs

PUBLIC ASSISTANCE

- SB 579 Modifies provisions relating to infection reporting of health care facilities and telehealth services
SB 607 Modifies provisions relating to public assistance programs
HB 1565 Raises the MO HealthNet asset limits for disabled persons
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PUBLIC BUILDINGS

- SB 986 Authorizes the conveyance of certain state properties
HB 2453 Authorizes the conveyance of certain state properties

PUBLIC OFFICERS

- SB 765 Modifies provisions relating to law enforcement officers and political subdivisions

PUBLIC RECORDS, PUBLIC MEETINGS

- SB 588 Modifies provisions relating to petitions for the expungement of criminal records
HB 1414 Prohibits certain agricultural data from being subject to public disclosure laws
(VETO OVERRIDDEN)
HB 1713 Modifies provisions relating to regulation of water systems (VETO OVERRIDDEN)
HB 1717 Modifies provisions relating to water systems
HB 1936 Allows sheriffs and deputies to assist in other counties throughout the state and
modifies provisions relating to the Inmate Prisoner Detainee Security Fund, and law
enforcement mobile video recordings

PUBLIC SAFETY, DEPARTMENT OF

- SB 732 Modifies numerous provisions relating to public safety
SB 919 Modifies provisions relating to intoxicating liquor
SB 921 Modifies provisions relating to victims of crime

PUBLIC SERVICE COMMISSION

- HB 1717 Modifies provisions relating to water systems

RETIREMENT - LOCAL GOVERNMENT

- HB 1443 Allows political subdivisions to assign operation of a retirement plan to the Missouri
Local Government Employees' Retirement System

RETIREMENT - STATE

- SB 585 Divides the Thirty-Eighth Judicial Circuit and creates a new Forty-Sixth Judicial
Circuit

RETIREMENT SYSTEMS AND BENEFITS - GENERAL

- HB 1443 Allows political subdivisions to assign operation of a retirement plan to the Missouri
Local Government Employees' Retirement System

REVENUE, DEPARTMENT OF

- SB 578 Allows certain circuits to appoint an additional court marshal, authorizes an
additional judge in certain circuits, excludes firearms from bankruptcy, and
establishes the Missouri Commercial Receivership Act
SB 919 Modifies provisions relating to intoxicating liquor
HB 1418 Changes the laws regarding audits of transportation development districts

REVENUE, DEPARTMENT OF, CONTINUED

- HB 1434 Modifies provisions relating to tax increment financing commission
- HB 1435 Provides that limitations for sales tax refunds apply only to a final assessment
- HB 1582 Modifies withholding tax requirements
- HB 2030 Creates a tax deduction for employee stock ownership plans (VETO OVERRIDDEN)
- HB 2140 Creates the "Missouri Task Force on Fair, Nondiscriminatory Local Taxation Concerning Motor Vehicles, Trailers, Boats, and Outboard Motors."
- HB 2380 Modifies provisions relating to license plates

ROADS AND HIGHWAYS

- SB 625 Designates certain state highways and creates a process for the naming of additional highways and bridges
- SB 765 Modifies provisions relating to law enforcement officers and political subdivisions
- SB 852 Designates certain memorial infrastructure
- SB 867 Contains provisions relating to fire protection, sheltered workshops, assessments of mining property, consolidation of road districts, and property managers (VETOED)
- SB 915 Designates two memorial highways in Boone County
- SB 1009 Designates the "Trooper James M. Bava Memorial Highway"
- HB 1733 Modifies provisions regarding the regulation of vehicles (VETOED)
- HB 1851 Designates the "German Heritage Corridor of Missouri"
- HB 2335 Designates certain memorial transportation infrastructure
- HB 2591 Designates certain transportation infrastructure

SAINT LOUIS CITY

- HB 1851 Designates the "German Heritage Corridor of Missouri"

SAINT LOUIS COUNTY

- SB 572 Modifies various provisions regarding municipalities located in St. Louis County, nuisance abatement ordinances, disincorporation procedures for various cities, and municipal courts
- HB 1434 Modifies provisions relating to tax increment financing commission
- HB 1561 Modifies provisions relating to local sales taxes
- HB 1851 Designates the "German Heritage Corridor of Missouri"
- HB 2591 Designates certain transportation infrastructure

SAVINGS AND LOAN

- SB 833 Modifies provisions relating to financial transactions
- HB 2125 Modifies provisions of law relating to savings programs

SCIENCE AND TECHNOLOGY

- SB 947 Creates regulations for insurance requirements for transportation network companies and transportation network company drivers
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SECRETARY OF STATE

- SB 664 Modifies corporate registration report requirements for authorized farm corporations and family farm corporations
SB 786 Modifies the law relating to the prosecution of election offenses
SB 932 Modifies provisions relating to bonded entities
HB 1562 Modifies provisions relating to victims of crime, stalking, and sex trafficking

SECURITIES

- HB 2030 Creates a tax deduction for employee stock ownership plans (VETO OVERRIDDEN)

SEWERS AND SEWER DISTRICTS

- HB 1713 Modifies provisions relating to regulation of water systems (VETO OVERRIDDEN)
HB 1717 Modifies provisions relating to water systems

SEXUAL OFFENSES

- HB 1562 Modifies provisions relating to victims of crime, stalking, and sex trafficking

SOCIAL SERVICES, DEPARTMENT OF

- SB 579 Modifies provisions relating to infection reporting of health care facilities and telehealth services
SB 607 Modifies provisions relating to public assistance programs
SB 608 Modifies provisions relating to health care (VETO OVERRIDDEN)
SB 905 Changes the effective date of the repeal and enactment of certain provisions of the Uniform Interstate Family Support Act
HB 1877 Modifies provisions relating to the Children's Division

SOIL CONSERVATION

- SB 655 Repeals the Advisory Council to the Director of the Missouri Agriculture Experiment Station and establishes the Fertilizer Control Board

STATE DEPARTMENTS

- HB 1414 Prohibits certain agricultural data from being subject to public disclosure laws (VETO OVERRIDDEN)
HB 1870 Modifies provisions relating to the collection of moneys by public entities (VETOED)

STATE EMPLOYEES

- SB 585 Divides the Thirty-Eighth Judicial Circuit and creates a new Forty-Sixth Judicial Circuit
HB 1432 Modifies the law relating to administrative leave for public employees (VETO OVERRIDDEN)
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STATE TAX COMMISSION

HB 2381 Modifies provisions relating to mine property

SUICIDE

SCR 50 Designates the month of September as Suicide Prevention Awareness Month

SUNSHINE LAW

HB 1414 Prohibits certain agricultural data from being subject to public disclosure laws
(VETO OVERRIDDEN)

TAX CREDITS

SB 665 Modifies provisions relating to agriculture
SB 861 Modifies provisions relating to transportation facilities

TAX INCENTIVES

SB 861 Modifies provisions relating to transportation facilities
HB 1870 Modifies provisions relating to the collection of moneys by public entities (Vetoed)

TAXATION AND REVENUE - GENERAL

SB 814 Allows an individual to deduct income earned through active military duty from their Missouri adjusted gross income
HB 1434 Modifies provisions relating to tax increment financing commission
HB 1435 Provides that limitations for sales tax refunds apply only to a final assessment
HB 1593 Modifies provisions relating to proceedings against defaulting collectors
HB 1941 Provides licensing and taxation for daily fantasy sports games
HB 2030 Creates a tax deduction for employee stock ownership plans (VETO OVERRIDDEN)

TAXATION AND REVENUE - INCOME

SB 641 Creates an income tax deduction for payments received as part of a program that compensates agricultural producers for losses from disaster or emergency
(VETO OVERRIDDEN)
SB 814 Allows an individual to deduct income earned through active military duty from their Missouri adjusted gross income
HB 1582 Modifies withholding tax requirements
HB 1870 Modifies provisions relating to the collection of moneys by public entities
(VETOED)

TAXATION AND REVENUE - PROPERTY

HB 1593 Modifies provisions relating to proceedings against defaulting collectors
HB 2381 Modifies provisions relating to mine property
HCR 58 Disapproves the regulation filed by the State Tax Commission on December 29, 2015, that establishes new values for certain agricultural and horticultural property

TAXATION AND REVENUE - SALES AND USE

- SB 794 Creates a sales tax exemption for parts of certain types of medical equipment
SB 823 Modifies provisions relating to sales tax
SB 867 Contains provisions relating to fire protection, sheltered workshops, assessments of mining property, consolidation of road districts, and property managers (VETOED)
SB 1025 Exempts instructional classes from sales tax (VETO OVERRIDDEN)
HB 1418 Changes the laws regarding audits of transportation development districts
HB 1435 Provides that limitations for sales tax refunds apply only to a final assessment
HB 1561 Modifies provisions relating to local sales taxes
HB 2140 Creates the "Missouri Task Force on Fair, Nondiscriminatory Local Taxation Concerning Motor Vehicles, Trailers, Boats, and Outboard Motors."

TEACHERS

- HB 1432 Modifies the law relating to administrative leave for public employees (VETO OVERRIDDEN)

TELECOMMUNICATIONS

- SB 823 Modifies provisions relating to sales tax
SB 838 Allows the court to order a wireless service provider to transfer the rights of a wireless telephone number to a petitioner under certain circumstances

TOURISM

- HB 1698 Establishes incentives to attract major out-of-state conventions to Missouri

TRANSPORTATION

- SB 947 Creates regulations for insurance requirements for transportation network companies and transportation network company drivers
HB 1418 Changes the laws regarding audits of transportation development districts
HB 1976 Modifies provisions relating to motor vehicle services (VETO OVERRIDDEN)

TRANSPORTATION, DEPARTMENT OF

- SB 625 Designates certain state highways and creates a process for the naming of additional highways and bridges
SB 852 Designates certain memorial infrastructure
SB 915 Designates two memorial highways in Boone County
SB 1009 Designates the "Trooper James M. Bava Memorial Highway"
HB 1851 Designates the "German Heritage Corridor of Missouri"
HB 2335 Designates certain memorial transportation infrastructure
HB 2376 Modifies provisions relating to construction management
HB 2591 Designates certain transportation infrastructure

TREASURER, STATE

- HB 2150 Creates regulations for the process of identifying deceased insureds and payments of life insurance death benefits for policies

UNEMPLOYMENT COMPENSATION

SB 702 Modifies the law relating to unemployment compensation benefits

HB 1530 Modifies the law relating to unemployment compensation benefits

UNIFORM LAWS

HB 1765 Creates regulations for commercial receiverships and powers of appointment, exempts firearms from bankruptcy, modifies provisions regarding wills, trusts, and exonerated individuals, and establishes a statute of limitations on suits against mental health professionals

URBAN REDEVELOPMENT

SB 861 Modifies provisions relating to transportation facilities

HB 1434 Modifies provisions relating to tax increment financing commission

UTILITIES

HB 1713 Modifies provisions relating to regulation of water systems (VETO OVERRIDDEN)

UTILITIES, CONTINUED

HB 1717 Modifies provisions relating to water systems

VETERANS

SB 968 Modifies several provisions relating to higher education financial aid for members of the military and their families

HB 2591 Designates certain transportation infrastructure

VETERINARIANS

HB 1414 Prohibits certain agricultural data from being subject to public disclosure laws (VETO OVERRIDDEN)

VICTIMS OF CRIME

HB 1562 Modifies provisions relating to victims of crime, stalking, and sex trafficking

VITAL STATISTICS

HB 1599 Establishes procedures for an adopted person to obtain a copy of his or her original birth certificate

WASTE - SOLID

HB 1713 Modifies provisions relating to regulation of water systems (VETO OVERRIDDEN)

WATER RESOURCES AND WATER DISTRICTS

HB 1713 Modifies provisions relating to regulation of water systems (VETO OVERRIDDEN)

HB 1717 Modifies provisions relating to water systems

WEAPONS

- SB 656 Modifies provisions relating to county sheriffs, self defense, unlawful use of weapons, and concealed carry permits (VETO OVERRIDDEN)
HB 2332 Modifies various provisions of criminal law

WORKERS COMPENSATION

- SB 613 Enacts new provisions of law relating to the workers' compensation insurance premiums of volunteer fire departments
SB 700 Modifies the law relating to workers' compensation premium rates
HB 1763 Changes the laws regarding workers' compensation large deductible policies issued by an insurer (VETO OVERRIDDEN)

YOUTH SERVICES, DIVISION OF

- HB 2355 Creates the Missouri State Juvenile Justice Advisory Board
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